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AFTERMATH

INJUSTICE, TORTURE AND DEATH IN DETENTION IN
NORTH-EAST SYRIA

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Children, women, and men arbitrarily detained by the autonomous authorities in north-east Syria. Illustration by Colin Foo © Amnesty International

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GLOSSARY

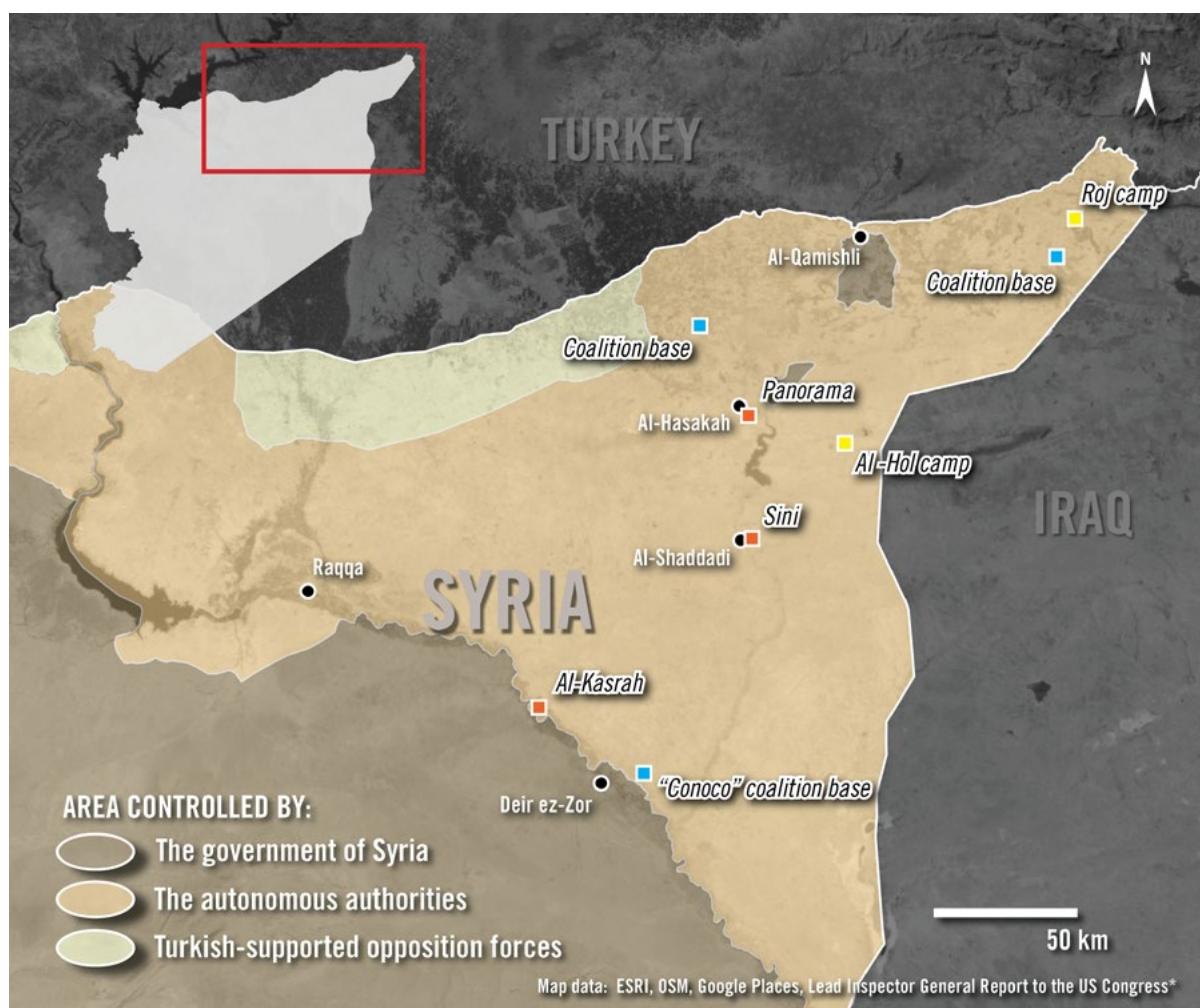
TERMS, ABBREVIATIONS AND ACRONYMS

AUTONOMOUS AUTHORITIES	The SDF, affiliated security forces, and the SDF's civilian wing, the DAANES
CTEF	Counter-ISIS Train and Equip Fund
DAANES	Democratic Autonomous Administration of North and East Syria. Prior to December 2023, referred to as 'AANES'
DAESH	Arabic acronym for ISIS
DOD	United States Department of Defense
<i>FALAQA</i>	Beatings on the soles of the feet
GBV	Gender-based violence
HISBA	Islamic State armed group's religious police
ICJ	International Court of Justice

IDP	Internally Displaced Person
IHL	International humanitarian law
IHRL	International human rights law
IS	The Islamic State armed group
ISF	Internal Security Forces
ISIS/ISIL	Alternative names for Islamic State armed group
MADAFÄ	Women's 'guesthouse' run by Islamic State in areas under their control where unmarried or widowed women were effectively detained
MAHRAM	Male guardian
NDAA	US National Defense Authorization Act
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner for Human Rights
PKK	Kurdistan Workers Party
PYD	Democratic Union Party (the Partiya Yekîtiya Demokrat)
SDC	Syrian Democratic Council
SDF	Syrian Democratic Forces
SDF AND AFFILIATED SECURITY FORCES	The forces of the SDF, including the Yekîneyên Anti-Terror Forces (YAT) and SDF Commandos, as well as factions of the region's Internal Security Forces (ISF), including General Security, and the Hêzên Anti-Terror Forces (HAT)
SHABEH	A stress position in which a detainee's wrists are tied or hand-cuffed from the ceiling or from a nail in the wall, with their feet barely touching the floor
STEF	Syria Train and Equip Fund

UNHCR	UN High Commissioner For Refugees
UNHRC	UN Human Rights Council
UNICEF	UN Children’s Fund
UNITAD	UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL
UNOCT	UN Office of Counter-Terrorism
US-LED COALITION	The Combined Joint Task Force – Operation Inherent Resolve, the military mission of the Global Coalition against Daesh
YAT	Yekîneyên Anti-Terror Forces
YPG	People’s Protection Units (Yekîneyên Parastina Gel)
YPJ	Women’s Protection Units (Yekîneyên Parastina Jinê)

MAP



Map showing the main detention camps (yellow squares), detention facilities (orange squares) and US-led coalition bases (blue squares) in north-east Syria documented in this report.

*Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2023, 9 February 2024.

EXECUTIVE SUMMARY

The principal partner of the US government in north-east Syria is engaged in the large-scale and systematic violation of the rights of more than 56,000 people in its custody.

These people include Syrians, Iraqis and other foreign nationals from an estimated 74 countries. The majority came into the custody of the Syrian Democratic Forces (SDF) in late 2018 and early 2019 during the final battles with the Islamic State (IS) armed group. They are now being held in a vast network of at least 27 detention facilities and two detention camps.

This system of detention is run by the Autonomous Authorities of the North and East Syria Region (referred to in this report as the autonomous authorities), which are comprised of the SDF, a non-state armed group; other security forces affiliated with the SDF, including the Internal Security Forces (ISF); and the SDF's civilian wing, the Democratic Autonomous Administration of North and East Syria (DAANES).

Men, women and children in the detention facilities run by the SDF and affiliated security forces are being arbitrarily and indefinitely detained and forcibly disappeared. Many of these detainees are held in inhumane conditions and have been subjected to torture or other ill-treatment, including severe beating, stress positions, electric shocks and gender-based violence. In one of these facilities, Sini, detainees face unrelenting brutality: routine physical abuse; humiliation; and the deprivation of food, water, medical care and other basic needs. This has led to the death of hundreds of people. In another facility, Panorama, men and boys are suffering from a virulent, untreated outbreak of tuberculosis, which in 2023 was causing the death, on average, of one or two detainees each week.

People held in the two detention camps run by the autonomous authorities, Al-Hol and Roj, are being arbitrarily and indefinitely detained in inhumane and life-threatening conditions. Women and their children are being forcibly separated from each other. Foreign national boys are being removed from the camps when they reach adolescence and transferred to detention facilities, including youth “rehabilitation” centres, which they have little prospect of leaving. Women transferred from the camps to detention facilities for alleged crimes or misconduct are often forced to leave their children behind, without time to make arrangements for them.

This detention system, created in the aftermath of IS's crimes under international law, is violating the rights of tens of thousands of people. It is also providing no justice for IS's atrocities. Among those held

in the detention system are IS victims. Scores if not hundreds of Yezidi victims of IS atrocities are among those detained. A large proportion of other detained women and girls are victims of forced marriage to IS members, and many detained boys and young men are victims of child recruitment by IS. The detention system has also failed to deliver justice and accountability for the victims and survivors of IS's crimes, including war crimes, crimes against humanity and acts against the Yezidi community in Iraq the UN concluded amounted to genocide. Not a single person held in this detention system has been held accountable for these atrocity crimes.

The US government and other members of the military coalition established to defeat IS have played a critical role in establishing and supporting this detention system, but have failed to ensure that this system complies with globally accepted human rights standards. The UN plays a limited role in north-east Syria, including in the detention camps and facilities, in part because its presence and activities in the region depend on highly restricted consent from the Syrian government. As a result, the responsibility for managing this system has fallen primarily on the autonomous authorities – a non-state actor with limited resources, operating in a context of ongoing conflict.

Amnesty International investigated the situation of people with perceived or alleged affiliation with IS in detention camps and facilities in north-east Syria for nearly two years, from March 2022 to February 2024. The organization interviewed a total of 314 people for this report. Researchers travelled to north-east Syria on three occasions, from 24 September to 8 October 2022, 25 February to 11 March 2023, and 27 July to 6 August 2023.

Amnesty International appreciates the autonomous authorities' cooperation in granting the organization's extensive requests to conduct confidential interviews in 10 detention facilities and in both detention camps, as well as their willingness to engage in constructive dialogue to address long-standing violations.

During in-person interviews conducted in north-east Syria, as well as remote interviews, the organization spoke with a total of 126 people accused of IS affiliation who are now or have been previously held in detention facilities or camps. To preserve the anonymity of these witnesses, Amnesty International has changed all of their names to pseudonyms and, in many cases, has omitted their ages as well as their nationalities or places of origin.

Amnesty International also interviewed 39 representatives of the autonomous authorities, 53 staff members of national and international NGOs and 23 representatives of United Nations agencies. Amnesty International also had discussions with 17 US government officials on a confidential basis, and therefore these discussions are not referenced in the report.

Based on this research, Amnesty International concludes that the autonomous authorities have committed serious violations of human rights and international humanitarian law, some of which amount to war crimes. These include, but are not limited to, enforced disappearance, arbitrary arrest and detention,

arbitrary deprivation of life and gender-based violence, as well as the war crimes of torture, cruel treatment, and outrages on personal dignity. The autonomous authorities have also likely committed the war crime of murder in Sini detention facility.

For nearly a decade, the US government has worked in partnership with many other states to support the SDF in its battle against IS. In 2014, the US Department of Defense established the Combined Joint Task Force – Operation Inherent Resolve (referred to in this report as the US-led coalition) to “degrade and destroy” IS in Iraq and Syria. While this coalition is technically made up of 29 troop-contributing states, an expert on Syria told Amnesty International that the forces of only three states are present in north-east Syria, of which at least 90% are US forces. The US government is by far the coalition’s most influential member, leading on strategy as well as the planning, resourcing, decision-making and implementation of its mission.

Amnesty International concludes the US government has likely violated its obligations under Common Article 1 of the Geneva Conventions to ensure the autonomous authorities’ respect for international humanitarian law. The US likely breached these obligations where they participated in joint operations or provided intelligence to the SDF and affiliated security forces that led to the detention of people for perceived IS affiliation. In these situations, the US would have been aware that individuals detained by the security forces would be subjected to violations documented in this report.

The US and some other coalition members, including the UK, likely also breached their obligations under Common Article 1 of the Geneva Conventions because of their financial and material support to the detention facilities and camps. While the US and others may have sought to improve prison conditions or mitigate violations, their support also helped to establish and expand the detention system, in which violations were rife.

Finally, the US may have failed to use the full extent of its influence to bring the autonomous authorities into compliance with international humanitarian law. The US has taken some steps, in coordination with the broader coalition, that appear to try to address some of the ongoing violations. These steps include providing financial assistance and technical support to improve conditions in the detention facilities and camps, giving trainings to the forces securing the detention facilities and camps, and facilitating the repatriations of foreign nationals from north-east Syria. However, when set against the scale and the gravity of the violations described in this report and the strength of influence and means of the US in north-east Syria, such steps have not been sufficient.

Amnesty International also concludes that the US government has likely violated the human rights of many of those who have been within its effective control – including their rights to life as well as to freedom from torture or other ill-treatment and other serious violations – and likely violated the international law principle of non-refoulement. Amnesty International found that the US government likely violated these rights, as well as the principle of non-refoulement, in three situations: where they detained people at their

military bases for interrogation and then transferred them to the SDF; where they facilitated the transfer of Iraqi men to the Iraqi authorities; and where they facilitated the transfer of Saudi men to the authorities in Saudi Arabia.

On 8 March 2024, Amnesty International communicated the key findings detailed in this report in letters to the autonomous authorities as well as to the US Department of State and the US National Security Council. Additional letters were sent to the US Department of Defense on 11 March, the UK Foreign, Commonwealth and Development Office on 12 March, and to the Iraqi Prime Minister on 21 March 2024. Amnesty International also undertook virtual and in-person briefings with officials from the US government and the autonomous authorities on the findings and provided those officials with an opportunity to ask questions and to respond to the findings during those meetings. Written responses were received from the autonomous authorities as well as the governments of the US, UK, and Iraq. Their responses are referenced throughout this report and included in full in four annexes at the end of the report.

The autonomous authorities' response highlighted difficult conditions they face, including ongoing armed conflicts. They criticized the "international community and global partners" for failing to "fulfil their legal and moral obligations", and stated that countries with nationals in the detention system and the international community had left them "alone in dealing with the consequences" of the fight against IS.

The US State Department's response identified US efforts to address the "dire humanitarian and security challenges" in north-east Syria. It urged all actors in Syria, including the SDF, to "uphold human rights", and said it works with groups and individuals in the SDF who are "appropriately vetted". The US said the only solution is the "repatriation and return of displaced persons and detainees to their countries of origin", so that perpetrators can "be held responsible for their crimes by competent rights respecting judicial processes".

The US government partnered with the SDF to defeat IS. Nearly five years on, the US government is supporting a detention system in which the SDF is committing serious violations of international law. In some cases, the US is committing violations itself. These violations must end.

Most urgently, the SDF and affiliated forces must stop subjecting people in their custody to torture and must address the inhumane conditions that have led to mass death as well as severe pain and suffering. For its part, the US-led coalition must do all in its power to stop the autonomous authorities from carrying out these and other violations. Until such violations are addressed, the US-led coalition must also halt the transfer of any individuals into the detention system in north-east Syria. The autonomous authorities and US-led coalition should also stop the transfer of Iraqi and Saudi men to their home countries, until the authorities can demonstrate the men are not at risk of violations and there is adequate monitoring in place to track the fate of the men repatriated.

After these immediate steps, the US government must not abandon the autonomous authorities in addressing the violations occurring in the system the US has supported and enabled these authorities to create. Instead, the US government, the US-led coalition and the autonomous authorities must develop a comprehensive strategy to address and prevent the serious violations being committed against the men, women and children in the detention facilities and camps in north-east Syria.

WHO IS IN THE DETENTION SYSTEM

The autonomous authorities are holding more than 56,000 people in at least 27 detention facilities and two detention camps. The term “detention facility” is used in this report to refer to buildings in which people with perceived IS affiliation are detained, and the term “detention camp” is used to refer to Al-Hol and Roj camps.

As of August 2023, the autonomous authorities were holding roughly 10,000 people in at least 27 detention facilities, including two youth “rehabilitation” centres. The vast majority of these people are men, but the total also includes around 1,000 boys and young men initially detained as boys and more than 100 women. As of December 2023, the autonomous authorities were holding roughly 46,600 people in two detention camps. The vast majority of these people are women and children. The 29,000 children in the camps represent the highest concentration of children arbitrarily deprived of their liberty anywhere in the world.

This detention system holds people with widely varying degrees of affiliation or no affiliation to IS. An unknown number of people in detention committed crimes under international law or held positions of power in the so-called caliphate. However, a large number of people held in the system of detention were victims of IS atrocity crimes or trafficking in persons, including women who were subjected to forced marriage by IS members and boys who were forced to fight by the armed group. Many of the people held in the detention camps and facilities have no connection to IS. This includes thousands of Syrians and Iraqis who were in Al-Hol camp prior to the final battles with IS, who had fled the conflict and expansion of IS.

ROLE OF THE US GOVERNMENT AND CONTEXT IN NORTH-EAST SYRIA

The US government is involved in most aspects of the detention system for people with perceived IS affiliation in north-east Syria. Over nearly a decade, the US government has provided hundreds of millions of dollars to the SDF. With this funding and the military support, the US and other coalition members contributed significantly to the SDF’s 2019 territorial defeat of IS. When tens of thousands of people left the last IS-held territories through humanitarian corridors and were taken into the SDF’s custody, the US-led coalition assisted in the screening process by collecting people’s names and biometric data and, in some

cases, separating groups of people based on age, nationality and gender to be held in detention facilities or detention camps.

After the territorial defeat of IS, the US-led coalition continued to conduct military operations with the SDF, which have resulted in hundreds of new people entering the system of detention. The US-led coalition has interrogated many detainees held by the SDF, particularly foreign nationals, and, according to the SDF, possesses the biometric data of every man, woman and child in the system. The US-led coalition, with specifically appropriated funding from the US Congress, has refurbished existing detention facilities, constructed new ones, and conducted frequent visits to them. The US Department of Defense has provided stipends for security forces at the detention facilities and camps, which have allowed the recruitment of hundreds if not thousands of new guards. The US State Department funds the organization managing the two detention camps, including the camps' infrastructure as well as the provision of services and the NGOs working in them. Regarding the transfer of detainees within this system to third states, the SDF told Amnesty International that the US-led coalition has been involved in all agreements made with third states and provides logistical support for repatriations, including air transport when needed. The US government has also taken a public role in encouraging repatriations.

While the US government and other coalition members have played a key role in the detention system in north-east Syria, they, along with the international community more generally, have failed to sufficiently support the autonomous authorities to address the rights and needs of the tens of thousands of people with perceived IS affiliation in their custody. The autonomous authorities have limited resources and face several ongoing conflicts, which has created further challenges for them in managing the detention system. While it is clear the autonomous authorities have not received sufficient support, they are still responsible for the serious violations of human rights and international humanitarian law they have committed.

TORTURE AND DEATH IN SINI AND PANORAMA DETENTION FACILITIES

SINI DETENTION FACILITY

The SDF holds thousands of men and boys with perceived IS affiliation in north-east Syria in two main detention facilities. The first is Sini detention facility, which is located in the outskirts of Al-Shaddadi city, in Al-Hasakah governorate. Former detainees reported that at the height of its capacity, prior to 2022, Sini held around 3,000 to 4,000 detainees, including a small number of children. As of 2023, the SDF reported that roughly 800 detainees remained.

Amnesty International interviewed eight men who had been detained at Sini between 2019 and 2023. Their testimonies reveal unrelenting and systematic brutality: routine physical abuse, humiliation, and the deprivation of adequate food, water, medical care and other basic needs. The most recent testimonies show that war crimes and other violations were still being committed at Sini as of mid-2023.

According to these former detainees, the SDF subjected detainees to routine physical abuse. Former detainees said they were subjected to torture or other ill-treatment primarily in the form of beating with various implements, but also including whipping with electrical cables, suspension from the wrists in what is known as the shabeh stress position, sexual violence and electric shocks. Yusuf described:

There was no specific day or specific hour, or a way of torture... The worst was when they came inside the room. We were all in the corner, facing the wall. [They were] carrying plastic pipes, cables, steel pipes, and they beat us everywhere – on the shoulders, heads, backs, there was no part of your body that was not beaten...

Every 15 days, they would take us out, in the yard, all naked... [The guard] would take the broomstick, put soap on it, and put that into our bodies. They were raping people with that stick... Once they took me [out of the cell] with another guy... They brought an electrical cable from the generator, and they kept torturing us by electricity... I think the guy next to me died. He stopped moving and screaming... I reached a point where I could not scream any more.

All former detainees who spoke with Amnesty International said the SDF deprived them of food and water at Sini, which led to starvation and constant thirst. Detainees recounted fainting from hunger, being so hungry they did not have the energy to walk to the toilet, and losing almost half their body weight. One detainee said that he and his cellmates were regularly forced to go for two to three days without water, and recalled how one of his cellmates was so thirsty he tried to drink the urine from the toilet in his cell.

All former detainees said they had faced harsh and inhumane conditions in their cells, including extreme overcrowding, lack of ventilation and extreme temperatures. Several detainees said they were unable to shower or bathe. Detainees also spoke about certain “rules” imposed at Sini, including being prohibited to speak to their cellmates or to look in the direction of the guards, which, if broken, meant that detainees were subjected to torture or other ill-treatment in some cases, as punishment.

According to former detainees interviewed by Amnesty International, the inhumane conditions and deprivation of food and water led to an outbreak of disease and other health conditions, including skin diseases such as scabies; respiratory diseases; kidney problems; tuberculosis; and a lethal condition referred to as “the blue”, which a medical expert consulted by Amnesty International said was the likely result of a severe vitamin B12 deficiency caused by poor nutrition. This condition has widespread effects in the body including blood clotting in the peripheral nerves, the brain, the heart and the stomach. Former detainees described either inadequate or complete lack of access to medical care, stating there was no clinic or healthcare team present in Sini. One former detainee said it seemed that any form of medical care was “forbidden”; two others said medical treatment was limited to painkillers, which were available infrequently.

Former detainees said the combination of the physical abuse, inhumane conditions and lack of medical care led to the deaths of at least many hundreds of people, if not more. Former detainees recounted

witnessing friends and other cellmates dying in front of them, sometimes in large numbers. One detainee said that when the prison authorities turned off an exhaust fan, 17 people in his cell died of suffocation in one day in 2020. According to three former detainees, the corpses of detainees are deposited in a mass grave referred to as a “ditch” within the complex of Sini detention facility.

One former detainee, Abbas, said that in December 2021, people he identified by their military uniforms as US soldiers came to take the detainees’ biometric data and check on the state of the prison. He said:

We know the Americans, they come with their weapons and their dogs... [T]hey checked on the prison, and they searched us, and all of our rooms... [W]e were going outside to the courtyard. It was the same courtyard where we were tortured. They were able to see the blood on the wall. They could see the people who were injured from torture.

PANORAMA DETENTION FACILITY

The second main SDF-run facility detaining men and boys is Panorama detention facility, which is located in Al-Hasakah city. Often referred to as “Al-Sina’a”, this prison complex was the site of a large-scale IS attack in January 2022. The buildings in this complex were purpose-built in a large-scale construction project led by the US-led coalition, which was finalized soon after the attack. According to the SDF, Panorama held nearly 4,000 people in August 2023, including around 600 boys and young men detained as boys. Detainees who had been held at Panorama said that, like in Sini, they had not been provided with adequate food. According to a one man, “After the attack [by IS on the facility in 2022], there was one piece of bread a day for two and a half months. Then they gave us two [pieces of] bread a day... I went down from 65 to 45kg. Everyone was like this.”

Detainees in Panorama, as in Sini, have been denied access to adequate medical care, which has led to the spread of illnesses and diseases, including a severe outbreak of tuberculosis that has been ongoing for years. In August 2023, the SDF estimated that an extremely high percentage of men and boys were currently infected and said that one or two men or boys held in Panorama were dying from tuberculosis each week. In their written response to Amnesty International in March 2024, the autonomous authorities said that “nearly 600 male detainees” had died as a result of tuberculosis and other diseases since the detention facility was established.

If left untreated, tuberculosis, a highly contagious disease, causes death in 50% of cases. Poor nutrition during disease can also significantly increase the risk of death. An SDF representative confirmed they were not treating active cases or isolating sick detainees. “Many people have died, and thousands are sick,” he said. “The numbers [of deaths] are increasing.” One detainee shared his experience: “On my back, I had a huge sore, full of pus... Twelve out of 25 [men] in my cell have tuberculosis... Some people are not able to speak anymore... Six people died in my room.”

In their written response to Amnesty International, the autonomous authorities stated that people infected with tuberculosis had received medical care “in accordance with the available resources and capabilities” but noted that they had a “shortage” of medical supplies, including medicines, to treat tuberculosis. The US government, for its part, told Amnesty International it was “working with partners to address medical needs such as tuberculosis”. Amnesty International was informed that as of October 2023, a nutrition program had started in Panorama. However, according to the information available to Amnesty International, adult men infected with tuberculosis at Panorama received only limited medical treatment, if any, in the past, and were not receiving medical treatment for tuberculosis at the time this report was finalized.

SYSTEMATIC TORTURE IN OTHER SECURITY FORCE DETENTION FACILITIES

The majority of the men, women and children held in security force detention facilities other than Sini and Panorama are Syrians. Some were arrested before the territorial defeat of IS, for example when leaving IS-controlled areas. Others were arrested in ongoing military operations, some of which were conducted jointly with the US-led coalition. These detainees described facing systematic torture or other ill-treatment. In the course of its research, Amnesty International conducted interviews with 46 people who described facing some form of torture or other ill-treatment in these facilities. This included 18 men, 15 women and 13 people who were subjected to torture or other ill-treatment as children.

Of this group, about two-thirds said they had been tortured to extract forced confessions for trials in the People’s Defence Courts, which deal with “terrorism” crimes and other crimes related to national security in north-east Syria. In many cases, people described being coached by the interrogator on what to say for “confession” videos made by the security forces, and either had to memorize their testimony or loudly repeat the words the interrogator whispered to them.

Detainees described being beaten with a variety of instruments, including pipes, pieces of wood and electrical cables; being put into stress positions for extended periods of time; being drowned; and being subjected to electric shocks. Men, women, and children described facing similar methods of torture and levels of violence. One woman who was arrested in 2022 described: “I could feel two of them standing on my knees... There was a man with a huge body, and he ran very fast toward me, and jumped on me. He broke my shoulder.” A teenager who was held in solitary confinement in 2022 told Amnesty International: “The size of the cell was 2m by 1m wide. There was nothing. No light. I slept on the floor... [I]t was cold. I was in complete darkness. I stayed there for 18 days... I was terrified. No one talked to me.”

Amnesty International also documented instances where interrogators threatened the detainee’s family members to coerce confessions – including threatening three women with either preventing them from seeing their children or taking their children away – and instances where children were in the vicinity during the torture of their parents. One woman told Amnesty International: “They brought my husband

and put a gun [to] his head. They told me, ‘If you don’t confess, [we] will shoot him.’” She said she “confessed” to stop the torture, which she said also included electric shocks, stress positions, beatings, and being held in a cold solitary confinement cell with her young child.

Eight women described being subjected to acts of gender-based violence, mostly by male security force members. Three of these women said they were beaten or subjected to electric shocks while pregnant. One explained: “During my interrogation, I was given electric shocks. I was pregnant at the time. The [interrogator] knew, he told me: ‘I am going to force you to have a miscarriage’, and that’s what he did.” Three men said they were subjected to sexual violence during interrogation. One man said his interrogator asked him whether he had children and, when he said he had one, the interrogator responded, “one is enough”, and beat him hard on his penis.

Amnesty International interviewed a whistleblower who worked at a security force detention facility called Al-Kasrah, in Deir ez-Zor governorate. He described similar patterns of torture or other ill-treatment at that facility as were described by former detainees:

Until they gave the confession, we beat them... If some people resisted, we would make two sessions a day... [The prison staff would] allow the prisoners to use only one toilet. They would put seven in the room, to all use the toilet together. Six would stand and close their eyes while one was going and then someone would just start shitting outside of the toilet. Each person counted for five to seven seconds, and if you don’t leave, you would be beaten. So they would be shitting and peeing everywhere in the bathroom... We were humiliating them in all ways, all the time.

Regarding Amnesty International’s findings on torture or other ill-treatment, the autonomous authorities said they would act on evidence of such violations, but stated: “We have not received any information or complaints in this regard, and if this happened, they are individual actions.”

Amnesty International interviewed six people who said they were first interrogated by members of the US-led coalition and were then transferred into the custody of the SDF and affiliated security forces. Two of these people were subjected to torture or other ill-treatment by the SDF and affiliated security forces immediately after their transfer. A former local official of the DAANES, who was arrested in a joint raid by the security forces and the US-led coalition, said he was interrogated at the coalition’s Conoco base over the course of a day. He believed his interrogators were US nationals, based on their accents and the US flags on their uniforms. He said when it became clear to these interrogators that he had no ties to IS, he was transferred to Al-Kasrah, where he was held in solitary confinement for 10 days. He said that during his interrogations by the Internal Security Forces (ISF) he received “only some slaps” but that six of the eight others in his cell were tortured, and he described their screams and wounds. Another individual said he was arrested in a joint operation by the SDF and US-led coalition, questioned at the same Conoco base, and then transferred to Al-Kasrah. There, he said interrogators from the security forces of the

autonomous authorities beat him daily over the course of 45 days with different implements including black sticks and cables.

BOYS AND YOUNG MEN DETAINED AS BOYS IN THE DETENTION FACILITIES

Approximately 1,000 Syrian and foreign national boys and young men initially detained as boys are held in the detention facilities. They have been subjected to numerous human rights violations, including torture or other ill-treatment, as outlined above. Only a little over 10% have been charged with committing a crime and around 800 are held in adult detention facilities. Boys have been transferred to detention facilities, including “rehabilitation” centres, from the two detention camps, and detained after leaving IS-controlled areas or during ongoing military operations.

Syrian boys and young men initially detained as boys comprise about half of this prison population. The over 300 Syrian boys and young men held in Panorama have never been charged or tried, although the authorities could have prioritized their screening and, if appropriate, prosecution. At this stage, even if the autonomous authorities were to try these individuals, the maximum sentence they would face under the law of the region is seven years, and many have already served close to that time.

The SDF and affiliated security forces, at times in partnership with the US-led coalition, continue to bring Syrian boys into the system of detention through ongoing military operations. As a result of these arrests, boys are often interrogated and held with adults and subjected to torture or other ill-treatment. None of the boys who had been tried had access to a lawyer or had a parent or guardian present during trial.

The other half of the prison population of children are foreign nationals, and in the coming years, the size of this population is likely to increase drastically. The autonomous authorities are forcibly separating foreign national boys from their parents or guardians in the detention camps, starting at around age 11 or 12, and transferring them to detention facilities. The autonomous authorities claim they apply established criteria for these removals related to risks these boys are allegedly facing or could pose to others. The YPJ (Yekîneyên Parastina Jinê, or Women’s Protection Units, affiliated with the SDF) told Amnesty International that the US-led coalition has been informed of plans to remove specific boys from the camps. In their written response to Amnesty International, the US government stated that they engage the autonomous authorities to ensure that a decision to place a child in a youth “rehabilitation” centre is taken only after an assessment of the best interests of the child.

While there may be legitimate reasons for the autonomous authorities to take action in response to threats children are facing in the camps, the draft separations policy in place as of March 2024 lacks grounding in international human rights law, which ensures critical safeguards for parents and children. Moreover, in contrast to the guidance in the policy, in their written response to Amnesty International, the autonomous authorities indicated that removals were actually based on age and on criteria determined by the camp

management. Statements by high-level officials suggest the autonomous authorities are removing boys from the camps to guard against an increasing camp population of foreign national teenagers and young men, whom they believe could pose a future threat.

Amnesty International interviewed the family of a young man, Khalil, who was removed from a detention camp and taken to a youth “rehabilitation” centre. His mother told Amnesty International: “They said he had grown up and that he has to go. He kissed my head... For a mother to be separated from her son. I am speechless... He is not part of my heart, he is all of my heart.” Khalil’s sister said that after his departure their mother lost almost 25kg, and her hair turned grey. In two years, they had only had two visits and two phone calls with Khalil. Khalil has a younger brother who is approaching adolescence. Khalil’s sister told Amnesty International, “Because of this policy I keep pushing my brother’s head down, so he does not grow up... He is 10. He is so short, thank God. If he were taller, they would take him.”

The autonomous authorities told Amnesty International they plan to transfer adolescent boys from the camps to a series of at least 15 detention facilities referred to by the autonomous authorities as youth “rehabilitation” centres, as opposed to limiting such separations and the holding of children in detention facilities to measures of last resort, as required by international law.

Foreign national boys and young men detained as children are not formally charged, and they face no real prospect of release unless they are repatriated by their countries of origin. Amnesty International found that some governments are refusing to repatriate boys on the cusp of 18 or who are now young adults, as well as boys suspected of former IS affiliation. To date, few governments have repatriated boys and young men from detention facilities, including youth “rehabilitation” centres, even when they have indicated willingness to return women and girls from the camps.

WOMEN AND GIRLS IN THE DETENTION FACILITIES

In February 2023, the YPJ told Amnesty International that they typically detain around 30-50 foreign national women in Al-Hasakah Women’s Prison at any one time. Officials also confirmed they sometimes detain unaccompanied girls in the facility. Foreign national women and girls are all held incommunicado and without charge or trial, often for months or longer, in conditions that may amount to enforced disappearance. Judicial officials also said that at least 100 Syrian women and a small number of girls have been prosecuted for IS-related crimes they are accused of committing in territory run by the autonomous authorities. Many women Amnesty International interviewed who had been convicted of such crimes said they were tortured to “confess”. People interviewed reported that foreign national and Syrian women are also imprisoned in other facilities run by the security forces, including detention facilities in Al-Hol or Roj camps.

Some of the foreign national women transferred to detention facilities are suspected of being a threat to others in the camp, or to the security of the region. However, Amnesty International found that foreign national women and their children who are being transferred from Al-Hol camp to newly established areas of Roj camp are first detained in Al-Hasakah Women's Prison, in some cases for months, as part of a routine transfer process. Several of these women told Amnesty International they were forced to sign documents they had not been able to read, and were told that if they refused, they would remain in the prison indefinitely. Foreign national women and girls are also subjected to prolonged periods of detention in Al-Hasakah Women's Prison or detention facilities in the camps for having mobile phones.

While some women were permitted to keep their children with them when they were taken to detention facilities, others were not. Eleven women interviewed by Amnesty International described being forced to leave their children behind, without time for any arrangements to be made. When Rabia, a widow, was arrested in Raqqa, her three children were left on their own. She said, "The last visit was last month. Before that, it had been six months... When they come here, I hold their hands, and they are all bones and blood. What should I do?" Rabia told Amnesty International that during the last visit, only her two youngest children came, and they told her that her 12-year-old son had gone missing.

FLAWED TRIALS

People accused of IS affiliation in north-east Syria are tried in the People's Defence Courts. As of March 2024, the vast majority of those tried have been Syrians; dozens of Iraqis were also tried for a brief period in 2018-2019. The autonomous authorities shared plans in 2023 to begin trying other foreign nationals, though at the time of publication none of these trials had taken place. In their written response to Amnesty International, the autonomous authorities said the courts have prosecuted more than 9,600 Syrians allegedly connected to IS. A judicial official estimated that around 1,500-2,000 cases of Syrians are tried in the courts each year. According to information provided by the autonomous authorities, they have not yet charged or tried around 2,000 Syrians, 350 Iraqis, and 2,000 other foreign national men and boys in security force detention facilities. The majority of these people have been held for more than five years.

Trials in the People's Defence Courts are severely tainted by human rights violations, including a reliance on "confessions" extracted by torture or other ill-treatment as detailed above and the absence of lawyers at all stages of the interrogation and trial. In their written response, the autonomous authorities stated that more than 95% of people with perceived affiliation to IS are found guilty. The trials are also marred by a flawed appeals process that limits a detainee's ability to challenge their conviction and sentence. Most people interviewed said they could only appeal their judgments by completing a form provided to them after sentencing, consisting of a box on a single piece of paper, and the majority had their appeal rejected without a hearing. Three people told Amnesty International they received a longer sentence as a result of their appeal.

Due to the absence of fair trial safeguards in north-east Syria, simply the accusation that a person is affiliated with IS can condemn them to years of arbitrary detention. Amnesty International found that these accusations are being instrumentalized for at least two purposes. First, the autonomous authorities are using accusations of IS affiliation to intimidate and silence people. Second, both the general public and the autonomous authorities are using such accusations to exact revenge in personal feuds or clan disputes. Amnesty International documented 18 cases in which the detainee said they had been falsely accused of IS affiliation for one of these purposes. In some cases, the US-led coalition provided military resources and support for the arrest of individuals in cases where there are substantial grounds to believe they have been falsely accused.

Amnesty International also found widespread gender injustice in the trials, despite efforts by the autonomous authorities to include one woman on each panel of three or more judges. Amnesty International found that Syrian women and girls are at risk of being convicted when their husbands are active with IS, regardless of their own affiliation. Five women told Amnesty International they were convicted of “terrorism” crimes connected to the acts of their husbands, including for “failing to inform” on their husbands, or for collaborating with IS through collecting weapons or money for their husbands’ activities. While they described violent or other coercive relationships and being threatened, abused and deceived, the courts did not give this sufficient or consistent consideration. They each received jail sentences of four to 10 years, often for a combination of these charges.

The autonomous authorities also try children in the People’s Defence Courts, rather than in the system established for child justice. Amnesty International found that children have been subjected to the same due process violations as adults. At no time are they able to navigate the criminal proceedings with the support of a parent or guardian.

VIOLENT AND INHUMANE DETENTION CAMPS

As of August 2023, the autonomous authorities of north-east Syria were holding more than 46,600 people in two detention camps, Al-Hol and Roj. Most of the adults are women, and about 29,000 of those held in the camps are children, the majority of whom are below the age of 12.

In 2022, the Lead Inspector General for Operation Inherent Resolve stated in a quarterly report to the US Congress, “The Al-Hol and Roj camps in Al-Hasakah governorate are civilian, humanitarian camps for displaced persons.” Yet the autonomous authorities maintain that the influx of people from the last battles with IS led to a changed character of the camps and necessitated that they “lock” the camps in 2019. This means that those held in the camps cannot leave without the approval of the security forces. In practice, those held in the camps leave only in very rare circumstances, such as in medical emergencies. No one in either camp has faced a judicial process or review or has been given the opportunity to challenge their

detention before an independent judicial authority. All people held in Al-Hol and Roj camps are therefore being held arbitrarily and indefinitely – the vast majority for nearly five years.

People held in Al-Hol camp told Amnesty International that they are forced to endure an unstable and often unsafe existence, rife with violence and other criminality meted out by IS affiliates and other criminal actors in the camp. Many said these conditions have created an environment of unremittent fear. Several people in Al-Hol and Roj camps told Amnesty International that it has been difficult to raise their children in the camps' violent environment. Melissa, a woman in Roj camp, said: "It takes a village to raise a child, and this is a very scary village."

People held in Al-Hol and Roj camps face grossly inhumane and life-threatening conditions, with inadequate access to food, water and healthcare. The conditions in Al-Hol and Roj camps are also unsanitary. Humanitarian actors reported that in Al-Hol camp, there is a widespread waste management problem, with overflowing latrines, open sewage that periodically floods tents and open pits and cesspools into which children have fallen to their death. People held in Roj camp are affected by the pollution of nearby oilfields, including one about 200m from the camp. Layla, a 30-year-old woman held in Roj camp, told Amnesty International: "We can't breathe. It's suffocating... We have to cover our noses and put wet cloths on our face. We just try to stay in the tent... Living here is a slow, painful death."

IS affiliates have targeted women and girls for perceived "moral" infractions in Al-Hol camp. In response to these and other IS death threats, the authorities established a so-called "safe area" within the camp. Humanitarian workers told Amnesty International this area was sectioned off around 2021, with the intention of housing at-risk Syrians and Iraqis who were being fast-tracked to return to their area of origin. In reality, humanitarian workers said, it became a high-risk area for sexual violence and enforced prostitution involving the camp security forces. Humanitarian workers told Amnesty International that, from mid or late 2023, they had not received further reports of abuse in the "safe area". However, the situation highlights the extreme risks faced by many detained in Al-Hol, particularly for women and girls. Humanitarian workers also reported gender-based violence across Al-Hol camp, including sexual exploitation connected to the provision of services. Officials interviewed by Amnesty International indicated they are not able to adequately protect women detained in the camp. A senior official within the security forces said, for example: "Because we don't have full control of the camp, it's hard for women to say they are victims of sexual violence. They do not feel secure enough to come forward."

TRAFFICKING VICTIMS IGNORED

Many people who are being treated as IS affiliates and held in the detention camps or facilities were trafficked by the armed group. While there have been important – if incomplete – efforts to repatriate Yezidi women and children, there have been no significant efforts to uphold the rights of other people trafficked by IS. Amnesty International's research indicates that there are likely to be thousands of other

trafficking victims held in the detention camps and facilities. Most of these people are women, children and young men.

Twenty-eight of the people interviewed by Amnesty International in the camps and detention facilities gave accounts indicating that they were victims of trafficking by IS. These accounts and other interviews highlight that, in addition to the well-documented trafficking and atrocity crimes IS committed against Yezidi and other ethnic and religious minority communities, IS also systematically trafficked women and children from both local Sunni communities and third countries into and within the territory under its control. This includes the trafficking of women and girls for forced marriage through IS's system of women-only guesthouses, and the trafficking of boys to train and fight.

The autonomous authorities have failed to uphold the rights of trafficking victims both when large numbers of people came out of IS-controlled territory and in the years since, as required by international law. The authorities have also received woefully inadequate support on this issue from other countries, including members of the US-led coalition, and from the UN. The result is that trafficking victims were detained alongside other people with perceived ties to IS in the detention camps and facilities, and many have remained there. Some of the women, children and young men being prosecuted in the People's Defence Courts also appear to be survivors of trafficking, yet there is no mechanism to identify trafficking victims and protect them from punishment for acts they committed as a direct result of being trafficked.

In their written response to Amnesty International, the autonomous authorities said they had investigated everyone in the system of detention to identify who were perpetrators of trafficking, and who were victims. While many of the people Amnesty International interviewed said they had been subjected to interrogations by the security forces, none of these interrogations appeared designed to identify trafficking victims or led to positive steps to ensure victims' rights. Some people whose accounts indicate they are trafficking victims described torture or other ill-treatment in their interrogations.

Where trafficking victims committed crimes under international law, they should be prosecuted for their actions, so long as they were not compelled to commit these crimes as a direct result of being trafficked. However, trafficking victims also have a range of additional rights to support, justice and remedies that are not being met. States whose nationals or permanent residents were trafficked also have a duty under international anti-trafficking and human rights law to repatriate them.

TRANSFERS TO IRAQ AND SAUDI ARABIA

The autonomous authorities and the US-led coalition have been involved in the transfer of male detainees from north-east Syria to Saudi Arabia and Iraq. In both situations, the autonomous authorities and the US government have likely violated the international law principle of non-refoulement. This principle prohibits

the transfer of individuals to states where there are reasonable grounds to believe they will face serious human rights violations such as torture and arbitrary deprivation of life.

Regarding Saudi Arabia, the autonomous authorities told Amnesty International they had transferred Saudi men from detention facilities in north-east Syria to Saudi Arabia, including a group of 18 men transferred around May 2023. The US government reported that it “facilitated” the repatriation of these 18 men. Amnesty International’s prior research shows that terrorism-related trials in Saudi Arabia are grossly unfair, and the death penalty is routinely handed down following confessions extracted through torture or other ill-treatment.

Regarding Iraq, multiple sources interviewed by Amnesty International said that the SDF, the Iraqi authorities, and the US-led coalition came to an agreement in January 2022: each month, 50 Iraqi men from detention facilities in north-east Syria would be transferred to the Iraqi authorities for prosecution or release. Many hundreds of Iraqi male detainees have subsequently been transferred from north-east Syria into the custody of the Iraqi authorities under this deal.

According to representatives of the SDF, the US-led coalition was heavily involved in the negotiations that led to the agreement, and they also have played a key role in the physical transfers of the men and boys. General Mazloum Abdi, Commander-in-Chief of the SDF, told Amnesty International: “We have an agreement with the Iraqi authorities... [The] Americans are the third party... The SDF deliver [and] the coalition gives aerial protection for the transfer. The coalition are the ones who negotiated [this].” Another SDF representative said, “They are taken in city buses to the border, and then [the Iraqi authorities] receive them. The coalition escorts the buses with drones, airplanes and armoured cars.”

In its written response to Amnesty International, the US government said “repatriations of Iraqis are conducted based on arrangements made between the SDF and Government of Iraq”. However, in their written response, the autonomous authorities said “the transfer is conducted in collaboration with the global coalition... who, in turn, oversee the implementation of the provisions and treatment”. The Iraqi government, in its written response, likewise stated that the “coordination” between the autonomous authorities and the Iraqi government was “facilitated by the US-led coalition”.

US State Department country reports on Iraq, as well as multiple human rights and media reports, have documented how Iraqi authorities use torture or other ill-treatment to extract “confessions” – particularly for people with perceived affiliation to IS – and apply the death sentence on the basis of these forced confessions. According to one media report, the conviction rate in Iraq for cases involving IS affiliation is 98%. A report from Iraq’s High Commission for Human Rights, cited in a US State Department report, said that 900 people who were accused of joining IS were tried in specialized “terrorism” courts in 2019. A total of 794 people in this group were sentenced to death, meaning that the Iraqi authorities applied the death penalty in 88% of cases.

Amnesty International documented the cases of seven Iraqi men who were transferred from north-east Syria to Iraq. Six were subjected to torture or other ill-treatment during interrogations in Iraq, including severe beatings, electric shocks and sexual violence; the seventh man confessed due to the threat of torture. Family members of all six men who had been tortured said the purpose of the torture was to extract a confession. Four of these men are now awaiting execution. Two of these four were transferred after January 2022, under the deal agreed to by the US-led coalition, the SDF and the Iraqi authorities.

One of these men was arrested by the SDF in 2021 in Al-Hol camp, along with a group of other Iraqi men. He was held at Panorama, before being transferred to Iraq in a convoy in June 2022, under the new transfers deal. His sister, Zina, said he was sent to Mosul and then to a detention facility in Baghdad. He told Zina that he was subjected to daily torture for one month, including by electric shocks with Tasers, before he finally gave a forced confession that he was affiliated with IS. Zina told Amnesty International: “In the investigation, he was... forced to say things he had no idea about... The judge made his decision, without my brother having any lawyer, and in two weeks, they gave him a death sentence, without an appeal. In one court session, they made the decision... It was less than 10 minutes.” He is now awaiting execution.

NO JUSTICE FOR VICTIMS OF CRIMES BY THE ISLAMIC STATE ARMED GROUP

This system of detention not only violates the rights of the people imprisoned within it, but also fails to provide justice, truth and reparations for victims of IS crimes. Many alleged IS members are being detained in north-east Syria. Yet five years after the territorial defeat of IS, the autonomous authorities and the international community have not held alleged perpetrators accountable for a wide range of crimes under international law.

Senior officials in the autonomous authorities said the focus of the People’s Defence Courts is on prosecutions for IS members who fought against the SDF or Syrian government forces. None of the individuals detained in north-east Syria has been investigated or prosecuted for crimes under international law, including war crimes, crimes against humanity or genocide. Prosecutions have instead mostly been for broadly worded “terrorism” offences. Many serious crimes perpetrated by IS, particularly those that were seen as less directly connected to the fighting, such as sexual enslavement and other gender-based crimes, have not been investigated at all. Victims and survivors of IS crimes have received little information and have had limited opportunity to participate in the trials. Pari Ibrahim, director of the Free Yezidi Foundation, summarized the situation: “ISIS perpetrators in north-east Syria are not being held accountable for the crimes they may actually have committed, largely because the international community has eschewed its responsibility and the local authorities lack the capacity and resources to properly conduct a high number of complex legal trials.”

ACTION REQUIRED

Nearly five years after the territorial defeat of IS, the autonomous authorities and the US-led coalition have failed to uphold the rights of those held in the detention system in north-east Syria and the rights of survivors of IS crimes – including those held in the system and the hundreds of thousands of survivors based in the region. They must act urgently to remedy this failure.

The SDF and affiliated forces must immediately put an end to all torture or other ill-treatment in the detention facilities they control, including by addressing the inhumane conditions that have led to mass death as well as severe pain and suffering. The US government and other members of the US-led coalition must do all in their power to bring these and other violations to an end.

The US government must adhere to the international law principle of non-refoulement, by stopping the transfer of people into the SDF's custody and ending the transfer of Iraqi men from north-east Syria to Iraq, as well as the transfer of Saudi men to Saudi Arabia, where they are likely to face torture and execution.

After taking these immediate steps, the autonomous authorities, the US government and other coalition members must develop a comprehensive strategy to bring the detention system in north-east Syria into compliance with international law.

Finally, the United Nations, led by the UN Secretary-General, should work with the US-led coalition and the autonomous authorities to establish a screening process to release all of those who are not reasonably suspected of having committed either a crime under international law or a serious crime under domestic law that is consistent with international human rights law. Those who should be swiftly screened and released include many people for whom there was never a basis for detention, including the thousands of people who were in Al-Hol camp before the last battles with IS, Yazidi survivors, and other victims of IS crimes. The UN should also identify and establish justice solutions to this crisis that could finally bring about accountability for the atrocity crimes committed by IS.

METHODOLOGY

A team of Amnesty International investigators carried out the research for this report over the course of nearly two years, from March 2022 to February 2024. The investigators travelled to north-east Syria on three occasions, from 24 September to 8 October 2022, 25 February to 11 March 2023, and 27 July to 6 August 2023.

This report is based on in-person and remote interviews with people currently or previously detained in north-east Syria for their perceived affiliation with IS; in-person and remote interviews carried out with other stakeholders, including representatives of the autonomous authorities in north-east Syria, the US government, and UN agencies; and the review of reports and other materials from the UN, NGOs and relevant states. Amnesty International interviewed a total of 314 people for this report.

INTERVIEWS WITH PEOPLE HELD IN DETENTION FACILITIES AND DETENTION CAMPS

In the course of its research, Amnesty International conducted in-person interviews at 10 detention facilities – including detention facilities run by the Syrian Democratic Forces (SDF), Women’s Protection Units (YPJ), and the Democratic Autonomous Administration of North and East Syria (DAANES) – either once or multiple times.¹ These included the following:

1. Alaya Central Prison (DAANES);
2. Al-Shaddadi detention facility (SDF);
3. Derek Central Prison for Women (DAANES);
4. Ghweran Central Prison (DAANES);
5. Hasakah Women’s Prison, including Halat daycare centre (YPJ);
6. Houri Juvenile “Rehabilitation” Centre (DAANES);
7. Orkesh Juvenile “Rehabilitation” Centre (DAANES);
8. Panorama (“Al-Sina’a”) detention facility (SDF);²
9. Raqqa Central Prison (DAANES); and

¹ Post-sentencing detention facilities are referred to by the DAANES as Reform and Rehabilitation Centres. Interview in person with co-chairs of the Justice and Rehabilitation Office for north-east Syria, 2 October 2022, Qamishli.

² Panorama, a detention facility purpose-built by the US-led coalition in Hasakah city, was finalized in 2022 and replaced a makeshift prison on the grounds of a former school on the same site. This prison is referred to by different parties and media outlets as Al-Sina’a, Ghweran or Hasakah detention facility. For the purposes of this report, Amnesty International refers to this prison as Panorama, as that is the name used by the autonomous authorities. When referring to the prison complex that was present at the site before 2022, the organization uses the name Panorama / Al-Sina’a. This prison was the subject of a large-scale attack by IS in January 2022.

10. Raqqa Central Prison for Women (DAANES).

In addition to conducting interviews at Panorama detention facility, Amnesty International researchers conducted a tour of the facility in August 2023, which enabled them to see the facility's clinic as well as some cells that were not in use and some of the outdoor areas accessible to detainees for a limited period during the day.

Amnesty International also conducted remote interviews with people who were detained by the autonomous authorities in north-east Syria since 2014 as a result of perceived IS affiliation and then later released.

In total, Amnesty International interviewed 78 people accused of IS affiliation who are now or have been previously held in detention facilities in north-east Syria. This includes 33 men, 21 women and 24 children or young adults who were under the age of 18 when they were first detained by the autonomous authorities. Of the total, 51 were Syrian, six were Iraqi and 21 were other foreign nationals.³ Amnesty International interviewed three family members whose relatives are currently detained by the autonomous authorities for their alleged affiliation with IS.

During Amnesty International's second research visit, in February and March 2023, the autonomous authorities gave permission to Amnesty International to review the case files of a man, woman and child charged with committing crimes related to their affiliation with IS, which the autonomous authorities said they chose to give Amnesty International a representative sample of cases. Amnesty International was not able to independently confirm whether these cases were representative. Amnesty International also observed a court hearing for a man accused of affiliation with IS.

Amnesty International visited the two detention camps in north-east Syria where people with perceived affiliation with IS are being held: Al-Hol camp and Roj camp. At Al-Hol camp, the organization interviewed six men and ten women, fourteen of whom were Syrian and two of whom were Iraqi. No other foreign nationals were interviewed in Al-Hol camp. At Roj camp, Amnesty International interviewed 32 women, two of whom were Syrian, two of whom were Iraqi, and 28 of whom were other foreign nationals. In both Al-Hol and Roj camp, Amnesty International spoke with individuals selected by the camp authorities. Amnesty International delegates also walked around Roj camp and interviewed individuals who wanted to speak to delegates.

Amnesty International interviewed six family members of Iraqi men and boys who had been transferred from detention facilities in north-east Syria to the Iraqi authorities. Amnesty International also interviewed an Iraqi official who works with the US-led coalition and is directly involved in the transfers of Iraqis from

³ Non-Syrian and non-Iraqi foreign nationals based in north-east Syria are sometimes referred to as third-country nationals. For the purposes of this report, Amnesty International uses the term foreign nationals to refer to non-Syrian nationals from Iraq as well as those from other states. In many cases this report specifies the number of Iraqis when referring to the broader group of foreign nationals in north-east Syria, as Iraqis often make up a large proportion of this group.

north-east Syria to Iraq as well as a former government official who worked on the detention of people with perceived IS affiliation in Iraq.

The majority of interviews were conducted with interpretation from Arabic or Kurmanji Kurdish to English. The remainder of the interviews were conducted in English, without interpretation. All interpreters were identified by Amnesty International.

For all interviews conducted in detention facilities and camps in north-east Syria, the autonomous authorities allowed Amnesty International to conduct private and confidential interviews. Interviewees in detention facilities were selected by the autonomous authorities based upon criteria presented by Amnesty International, such as the detainee's age or nationality. For the most part, the autonomous authorities allowed Amnesty International to conduct lengthy interviews without time constraints. For certain interviews, a representative of the autonomous authorities observed the interview at a distance, out of earshot, due to security considerations.

The autonomous authorities in north-east Syria cooperated greatly with Amnesty International's extensive requests to visit detention facilities and camps, including different detention facilities and camps during each of its three visits. The authorities also facilitated follow-up interviews at Roj camp in August 2023. Amnesty International appreciates the efforts of the autonomous authorities to ensure the organization was able to conduct interviews that were lengthy, confidential and in compliance with international human rights monitoring standards.

Amnesty International informed all interviewees about the nature and purpose of the research and about how the information would be used. Researchers obtained oral consent from each person prior to the interview. Each person interviewed was told they could end the interview at any time and could choose not to answer specific questions. No incentives were provided to interviewees in exchange for speaking.

Almost every detained person interviewed requested anonymity, out of concern for their own security or the security of their family members. As a result, in this report Amnesty International has changed all of their names to pseudonyms. To preserve their anonymity, the precise dates and locations of the interviews are not specified. The names of most representatives of the autonomous authorities have also been omitted, due to specific risks they face, including from IS and Türkiye. The names of several staff members of international and national NGOs have also been omitted at their request to preserve their anonymity and ability to work in north-east Syria. In most cases, the dates of interviews with representatives of the autonomous authorities, NGO staff members, UN officials and other experts have been included.

For all relevant interviews, Amnesty International took precautions to try to avoid re-traumatizing the individuals being interviewed. For children, face-to-face interviews were conducted in settings that were secure and private. No children below the age of 14 were interviewed. Amnesty International allowed and encouraged the children to guide the discussion and, when there were signs of discomfort or distress,

focused questions on less sensitive issues. Amnesty International ensured interviews ended on the child's current situation and on more positive topics. In addition to clarifying at the interview's outset that they could stop the interview or take a break at any time, Amnesty International also periodically asked children whether they wished to continue. For all interviews that touched on issues of sexual violence, researchers followed the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (the Murad Code).

INTERVIEWS WITH AUTONOMOUS AUTHORITIES AND GOVERNMENT OFFICIALS

Amnesty International interviewed 39 representatives of the autonomous authorities in north-east Syria, including General Mazloum Abdi, Commander-in-Chief of the SDF; General Nowruz Ahmed, Co-Chair of the SDF Forces and General Commander of the YPJ; representatives of SDF Military Intelligence; the high official of the Internal Security Forces; a representative of YPJ Military Intelligence; a representative of the YPJ public relations office; the co-chairs of the Reform and Rehabilitation Office; the co-chairs of the Social Justice Council; the co-chairs of the People's Defence Courts; the co-chairs of the Foreign Relations Department; an administrative member of the Foreign Relations Department and the head of the Humanitarian Affairs Department; other representatives of the Foreign Relations Department; the chair of the Women's Committee in the Al-Jazira Region; representatives of the Consultants Coordinating Office (CCO); the Europe and Geneva representatives of the DAANES; representatives of the Council of Martyrs' Families; and the co-chairs or administration for almost all detention facilities, youth "rehabilitation" centres and detention camps visited by Amnesty International. In addition, Amnesty International interviewed a whistleblower who worked at Al-Kasrah when the detention facility held people suspected of IS affiliation.

Amnesty International also had discussions with 17 US government officials whose work addresses the situation in north-east Syria. Since the discussions were confidential, they are not referenced in this report.

INTERVIEWS WITH OTHER STAKEHOLDERS

Amnesty International interviewed two representatives of Tribal Committees working on the reintegration of people with perceived affiliation with IS from Al-Hol camp; representatives of four Yezidi rights organizations and one other Yezidi rights activist; 53 staff members of national and international NGOs, including a leading national survivors group. Amnesty International also spoke with 25 representatives of the United Nations, including the Special Rapporteur on Trafficking in Persons, especially Women and Children, and representatives of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the UN High Commissioner for Refugees (UNHCR), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN Office of Counter-Terrorism (UNOCT), the UN Counter-Terrorism Committee Executive Directorate (CTED),

the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), the International, Impartial and Independent Mechanism for Syria (IIIM), and the Commission of Inquiry for the Syrian Arab Republic. Amnesty International also spoke with six journalists and seven independent experts covering north-east Syria.

OTHER RESEARCH

Amnesty International reviewed satellite imagery of potential mass graves for detainees held in Sini and Panorama detention facilities; videos provided by the YPJ related to crimes carried out by perceived IS affiliates; and videos sent by a representative of the People's Defence Court related to threats faced by judges. Amnesty International also reviewed videos related to the "screening" of people fleeing the last IS-held territory in late 2018 and early 2019 that were identified from a digital archive by the Syria Justice and Accountability Centre (SJAC), which were used primarily to aid researchers' contextual understanding of that process. Amnesty International also reviewed reports from the media, states, NGOs and UN bodies, such as reports from the UN Commission of Inquiry for the Syrian Arab Republic and the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, and quarterly reports to the US Congress from the Lead Inspector General on Operation Inherent Resolve from 2015 to the time of publication.

TERMINOLOGY

In this report, "child" and "children" are used to refer to anyone under the age of 18, consistent with international law. Several interviewees did not know their exact age and some Syrian children and young adults only had their year of birth formally recorded by their families. Researchers only classified interviewees as children when this was clearly indicated by the interviewees' own assessment. The referenced age of interviewees is from the time of the interview.

The military mission of the Global Coalition against Daesh, formally known as the "Combined Joint Task Force – Operation Inherent Resolve", is referred to in this report as the "US-led coalition". The coalition is described as "US-led", as it has been in prior Amnesty International publications, due to the fact that the US government is by far the coalition's most influential member, leading on strategy as well as the planning, resourcing, decision-making and implementation of its mission.⁴

"SDF and affiliated security forces" refers to the forces of the SDF, including the Yekîneyên Anti-Terror Forces (YAT) and SDF Commandos, as well as factions of the region's Internal Security Forces (ISF),

⁴ The Global Coalition against Daesh is comprised of 87 member states. The Combined Joint Task Force – Operation Inherent Resolve, comprised of 29 troop-contributing states, was established by the US Department of Defense in 2014. For more details on the Combined Joint Task Force and the US-led coalition, see section 1.2: "Context in North-East Syria Today" and Chapter 2: "Role of the US Government and Coalition Partners".

including General Security, and the Hêzên Anti-Terror Forces (HAT).⁵ As detailed below, the SDF, their female faction headed by the YPJ and the ISF control a number of detention facilities holding people with perceived IS-affiliation. The SDF and ISF appear to work alongside one another in some of these facilities.⁶

For people with perceived affiliation to IS in north-east Syria, there are two main settings in which people are deprived of their liberty: detention facilities and detention camps. The term “detention facility” is used to refer to buildings in which people with perceived affiliation are detained, which are run by the autonomous authorities in north-east Syria, including the SDF, affiliated security forces and the DAANES. The term “detention camps” is used to refer to Al-Hol and Roj camps. In the past, Al-Hol and Roj have been referred to by various actors as humanitarian camps, internally displaced persons (IDP) camps, refugee camps, “prison-like camps”, and “closed camps”. Amnesty International is using the term “detention camps” as it believes it is the best descriptive term for camps in which people are deprived of their liberty and detained arbitrarily.⁷

RIGHT TO REPLY

On 8 March 2024, Amnesty International communicated the key findings detailed in this report in letters to the autonomous authorities as well as to the US Department of State and the US National Security Council. Additional letters were sent to the US Department of Defense on 11 March, to the UK Foreign, Commonwealth and Development Office on 12 March and to the Iraqi Prime Minister on 21 March 2024. Amnesty International also undertook virtual and in-person briefings with officials from the US government and the autonomous authorities on the findings and provided those officials with an opportunity to ask questions and to respond to the findings during those meetings. Written responses were received from the autonomous authorities as well as the governments of the US, UK, and Iraq. These responses are referenced throughout this report and included in full in four annexes at the end of the report.

5 The ISF, previously known as the Asayish, fulfil a number of security roles in north-east Syria focused on internal security and policing. They are made up of six branches: traffic police, counterterrorism forces, women’s ISF, checkpoint security, general security and anti-organized crime. For more details, see European Union Agency for Asylum, “Syrian Democratic Forces and Asayish”, <https://euaa.europa.eu/country-guidance-syria-2023/33-syrian-democratic-forces-and-asayish> (accessed on 27 December 2023).

6 The Combined Joint Task Force has used the term “Provincial Internal Security Forces” (PRISF) to refer to security forces they said are largely drawn from the provinces where they are based, in contrast to the Internal Security Forces, which are drawn from the local communities and reflect the ethnic composition of the areas where they are based. According to the CJTF-OIR, the PRISF have been the primary provider of security at SDF prisons. The autonomous authorities did not use the term “PRISF” with Amnesty International and therefore it is not used in this report. For more details on the PRISF, see, for example, Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, April - June 2019, https://media.defense.gov/2019/Aug/09/2002169448/-1/-1/1/Q3FY2019_LEADIG_OIR_REPORT.PDF, p. 29 and Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, April - June 2020, <https://media.defense.gov/2020/Aug/04/2002470215/-1/-1/1/PDF>, p. 65.

7 For more details on the legal analysis of the deprivation of liberty of people held in Al-Hol and Roj camps, see Chapters 6: “Violent and Militarized Internment Camps” and 10: “Legal Analysis”.

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1 BACKGROUND AND CONTEXT

1.1 BACKGROUND ON CONFLICT INVOLVING IS

THE RISE OF IS AND CRIMES COMMITTED

The Islamic State (IS) armed group emerged from what was originally Al-Qaida in Iraq (AQI), a Sunni network led by the late Abu Mus'ab al-Zarqawi that opposed the US-led invasion of Iraq and political domination by Iraq's Shia majority.⁸

Under the leadership of Abu Bakr al-Baghdadi, during the exit of US forces from Iraq and the uprising against Syrian President Bashar al-Assad in Syria in 2011, the group absorbed the Al-Qaida-backed Al-Nusra Front in Syria and announced in April 2013 the formation of a single state – the Islamic State of Iraq and al-Sham (ISIS, also known as ISIL and Daesh, the Arabic acronym).⁹ In June 2014, al-Baghdadi declared a so-called caliphate – a state governed in accordance with sharia (Islamic law), by a supreme religious or political leader.¹⁰ At the peak of the group's territorial control, about 7.7 million people in Iraq and Syria lived under its rule.¹¹ The group imposed taxes, fees and fines that helped fund its operations.¹² Through violence and provision of services, it instilled both fear and loyalty from local populations.¹³

8 Center for Naval Analysis, *Al-Qaeda in Iraq (AQI): An Al Qaeda Affiliate Case Study*, October 2017, https://www.cna.org/archive/CNA_Files/pdf/dim-2017-u-016118-2rev.pdf, p. 3; U.S. Naval War College Digital Commons, *ISIS: The Terrorist Group that Would be a State*, December 2015, <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1010&context=ciwag-case-studies>, p. 14.

9 U.S. Naval War College Digital Commons, *ISIS: The Terrorist Group that Would be a State* (previously cited), pp.14-17; CNN, "ISIS, ISIL or the Islamic State?", October 25, 2017, <http://www.cnn.com/2014/09/09/world/meast/isis-isil-islamic-state/index.html>

10 BBC News, "The rise and fall of the Islamic State group: The long and short story", 23 March 2019, <https://www.bbc.com/news/world-middle-east-47210891>

11 CNN, "500 ISIS fighters surrender in group's last Syrian enclave", 6 March 2019, <https://www.cnn.com/2019/03/05/middleeast/syria-baghouz-isis-fighters-surrender-intl/index.html>; US Department of State, Global Public Affairs, "Joint Communique by Ministers of the Global Coalition to Defeat ISIS", 14 November 2019, <https://2017-2021-translations.state.gov/2019/11/14/joint-communique-by-ministers-of-the-global-coalition-to-defeat-isis/>

12 CNN, "ISIS has lost its final stronghold in Syria, the Syrian Democratic Forces says", 23 March 2019, <https://www.cnn.com/2019/03/23/middleeast/isis-caliphate-end-intl/index.html>; Independent International Commission of Inquiry on the Syrian Arab Republic (Commission of Inquiry on Syria), Report, 5 February 2016, UN Doc. A/HRC/28/69, para. 35.

13 Commission of Inquiry on Syria, Report, 5 February 2016 (previously cited), para. 35.

The group carried out extensive crimes under international law. In 2014, as IS expanded, Amnesty International determined that it was responsible for the ethnic cleansing of non-Arab and non-Sunni Muslim minority communities in northern Iraq, including Assyrian Christians, Turkmen Shi'a, Shabak Shi'a, Yazidis, Kakai and Sabeen Mandaeanes.¹⁴

According to a report by the UN Independent International Commission of Inquiry on the Syrian Arab Republic, published two years later, the targeting of the Yazidi population amounted to the crime of genocide, as well as multiple crimes against humanity and war crimes.¹⁵ In August 2014, IS carried out a series of systematic and widespread attacks in Yazidi-populated towns and villages in the Sinjar region of northern Iraq, where they separated many men and boys who they deemed had reached puberty (approximately age 12 and above) and summarily executed those who refused to convert to Islam, sometimes in mass groups.¹⁶

IS considered Yazidi women and children as “spoils of war” whom they owned.¹⁷ The group took roughly 80% of the Yazidi women and girls over the age of nine that they had captured and made them available to IS fighters for purchase in slave markets and holding centres.¹⁸ The remaining 20% were distributed across its military bases.¹⁹ IS fighters committed sexual violence, including daily rapes, against the women and girls in their “possession”.²⁰ They also routinely beat these individuals and refused them access to medical care if they were injured by rapes or other acts of violence.²¹ Enslaved women and girls were forced into domestic slavery, and were forced to cook, clean and do childcare.²² Consequences for trying to escape were severe and could include gang rape and denial of food.²³ Some Yazidi women and girls attempted and, in some cases, died by suicide.²⁴

Women and girls from other minority groups were also targeted for forced marriage and in some cases slavery.²⁵ The Commission of Inquiry on Syria also documented patterns of forced marriage of Sunni

14 Amnesty International, *Ethnic Cleansing on a Historic Scale: Islamic State's Systematic Targeting of Minorities in Northern Iraq* (Index: MDE 14/011/2014), August 2014, <https://www.amnesty.org/en/documents/mde14/011/2014/en>. See also Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the Human Rights Situation in Iraq in the Light of Abuses Committed by the so-called Islamic State in Iraq and the Levant and Associated Groups*, 27 March 2015, UN Doc. A/HRC/28/18, para. 16.

15 Commission of Inquiry on Syria, “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, 15 June 2016, UN Doc. A/HRC/32/CRP.2, para. 201.

16 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), paras 23-41; OHCHR, *Report on the Human Rights Situation in Iraq in the Light of Abuses Committed by the so-called Islamic State in Iraq and the Levant and Associated Groups* (previously cited), paras. 17, 35; Amnesty International, *Ethnic Cleansing on a Historic Scale* (previously cited), pp. 8-15.

17 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 76; OHCHR, *Report on the Human Rights Situation in Iraq in the Light of Abuses Committed by the so-called Islamic State in Iraq and the Levant and Associated Groups* (previously cited), para. 35.

18 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 55.

19 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 55.

20 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 64; Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq* (Index: MDE 14/021/2014), 23 December 2014, <https://www.amnesty.org/en/documents/mde14/021/2014/en/>, pp. 5-7.

21 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 66.

22 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 72.

23 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), paras 67-68, 73.

24 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 53; Amnesty International, *Escape from Hell* (previously cited), p. 8.

25 UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, <https://iraq.un.org/en/254659-report-sexual-violence-against-women-and-girls-committed-isil-iraq-unitad>

women and girls in areas under IS control, whom the group viewed as being a threat to their ideology and social order if left unmarried.²⁶

IS recruited and used children between the ages of 8 and 18 to participate in the armed conflict.²⁷ A few weeks after the Yazidi villages and towns were attacked and women and children were transferred to holding sites, IS began to remove boys ages seven and above from their mothers and siblings.²⁸ Younger Yazidi boys who were initially kept with their mothers were also removed when they reached the age of seven.²⁹ These boys were sent to training centres or military camps, where they were registered, given Islamic names, and forced to attend indoctrination and military training.³⁰

IS also used, conscripted and enlisted Sunni Muslim boys and boys from other groups through elaborate propaganda videos, public outreach, and promises of economic support.³¹ Some boys also joined because of peer or family pressure.³² After training, boys would become fighters, guard IS bases, or perform other duties for IS commanders.³³

IS imposed a brutal rule over people who resided in areas under its control.³⁴ In an effort to consolidate their power and instil fear in the local population, IS summarily executed individuals it suspected of sharing information with opposition forces and sometimes executed people who tried to escape the area.³⁵

IS also subjected residents that they believed were violating their rules to beatings and other mistreatment, including for acts like smoking cigarettes or not following the prescribed IS policy of Islamic dress.³⁶ In the case of women, this also included acts such as being outside the home without a *mahram* (male

26 Commission of Inquiry on Syria, “*I Lost my Dignity*”: *Sexual and Gender-based Violence in the Syrian Arab Republic*, 8 March 2018, UN Doc. A/HRC/37/CRP.3, para. 83.

27 OHCHR, *Report on the Human Rights Situation in Iraq in the Light of Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups* (previously cited), para. 44; UN Secretary-General, *Children and Armed Conflict in Iraq*, 23 December 2019, UN Doc. S/2019/984, paras 28-29, 31; Commission of Inquiry on Syria, “*They Have Erased the Dreams of My Children*”: *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, UN Doc. A/HRC/43/CRP.6, para. 41.

28 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 90.

29 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 82.

30 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), paras 94-95; UN Secretary-General, *Children and armed Conflict in Iraq*, December 23, 2019 (previously cited), para. 29.

31 UN Secretary-General, *Children and Armed Conflict in Iraq*, December 23, 2019 (previously cited), paras. 29-30; Human Rights Watch, “*Everyone Must Confess*”: *Abuses Against Children Suspected of ISIS Affiliation in Iraq*, March 2019, https://www.hrw.org/sites/default/files/report_pdf/iraq0319_web_1.pdf, p. 3; The Center for Justice and Accountability, *Cubs of the Caliphate*, August 2023, https://cja.org/wp-content/uploads/2023/09/Hamming_Amarasingam_cubsofthecaliphate-1.pdf, pp. 10-12.

32 Human Rights Watch, “*Everyone Must Confess*” (previously cited), p. 3.

33 Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited), para. 97; UN Secretary-General, *Children and Armed Conflict in Iraq*, 23 December 2019 (previously cited), paras 31-32.

34 Human Rights Watch, “Iraq: ISIS rule marked by executions, cruelty”, 10 July 2016, <https://www.hrw.org/news/2016/07/10/iraq-isis-rule-marked-executions-cruelty>

35 Human Rights Watch, “Iraq: ISIS rule marked by executions, cruelty” (previously cited); Commission of Inquiry on Syria, “*I Lost my Dignity*” (previously cited), para. 76.

36 Human Rights Watch, “Iraq: ISIS rule marked by executions, cruelty” (previously cited); Commission of Inquiry on Syria, Report, 5 February 2016 (previously cited), para. 37; Commission of Inquiry on Syria, “*I Lost my Dignity*” (previously cited), paras 78-79; Atlantic Council, “ISIS’s malice for the people of Deir Ezzor”, 4 November 2015, <https://www.atlanticcouncil.org/blogs/syriasource/isis-s-malice-for-the-people-of-deir-ezzor>

guardian).³⁷ IS executed people for their perceived sexual orientation or gender identity.³⁸ In so-called sharia courts established by the group, they sentenced men, women, and children to cruel and inhuman punishments, including amputation and execution by stoning.³⁹ Some individuals held in IS-controlled prisons described being subjected to torture or other ill-treatment.⁴⁰ In December 2021 the head of the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) said they had found that IS fighters had systematically killed at least 1,000 mostly Shia Muslim prisoners in Badush Central Prison in Mosul, Iraq, in June 2014.⁴¹ These acts amount to war crimes and crimes against humanity.

The rise of IS not only led to mass atrocities, but also prompted a crisis in parts of Iraq and Syria, displacing millions of civilians and leaving them with little access to basic services.⁴²

THE FORMATION OF THE SDF AND US-LED COALITION

During the Syrian conflict, which began in 2011, ethnic Kurds, Syria's largest non-Arab minority group, created popular armed committees to defend Kurdish-majority cities.⁴³ Together with deserters from the Syrian army and members of the Kurdistan Workers Party (the PKK), they formed the People's Protection Units (Yekîneyên Parastina Gel, YPG) and its female counterpart, the Women's Protection Units (Yekîneyên Parastina Jinê, YPJ).⁴⁴ The YPG has close ties to the Kurdish-controlled Democratic Union Party (the Partiya Yekîtiya Demokrat, PYD), a group formed in 2003 as an offshoot of the PKK.⁴⁵

37 See, for example, Devorah Margolin and Joana Cook, *The Agency and Roles of Foreign Women in ISIS*, August 2023, https://cja.org/wp-content/uploads/2023/09/Margolin_Cook_agencyandrolesofwomen.pdf, p. 17; and UNITAD, *Report on Sexual Violence against Women and Girls committed by ISIL in Iraq*, 3 December 2023, para. 76.

38 Human Rights Watch, "Islamic State's war on gays", 8 June 2015, <https://www.hrw.org/news/2015/06/08/islamic-states-war-gays>

39 Commission of Inquiry on Syria, "*I Lost my Dignity*" (previously cited), para. 75; Commission of Inquiry on Syria, Report, 5 February 2016 (previously cited), para. 37; New York Times, "The ISIS files", 4 April 2018, <https://www.nytimes.com/interactive/2018/04/04/world/middleeast/isis-documents-mosul-iraq.html>; Rudaw, "UN: ISIS sharia courts meting out 'cruel and inhuman' punishments", 21 January 2015, <https://www.rudaw.net/english/middleeast/iraq/200120151>; OHCHR, *Report of OHCHR on the Human Rights Situation in Iraq in the Light of Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups* (previously cited), para. 49.

40 Human Rights Watch, "Iraq: ISIS rule marked by executions, cruelty" (previously cited).

41 Al Jazeera, "ISIL committed war crimes at Mosul prison, UN investigation finds", 3 December 2021, <https://www.aljazeera.com/news/2021/12/3/isil-committed-war-crimes-at-mosul-prison-un-investigation-finds>; UN, "'Turning point' reached for survivors of ISIL crimes in Iraq, Security Council hears", 2 December 2021, <https://news.un.org/en/story/2021/12/1107022>

42 Guardian, "Fight against ISIS in Iraq could displace millions more people, UN says", 23 June 2016, <https://www.theguardian.com/world/2016/jun/23/isis-falluja-iraq-displace-millions-more-united-nations-warns>; BBC News,

"IS conflict 'has displaced more than 5m Iraqis'", 10 October 2017, <https://www.bbc.com/news/world-middle-east-41567411>; RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria*, 2023, https://www.rand.org/pubs/research_reports/RRA471-1.html

43 Economist, "Who are the Syrian Democratic Forces?", <https://www.economist.com/the-economist-explains/2023/01/19/who-are-the-syrian-democratic-forces>; Washington Institute for Near East Policy, Fikra Forum, "When female fighters lead the charge", 20 July 2017, <https://www.washingtoninstitute.org/policy-analysis/when-female-fighters-lead-charge>

44 Economist, "Who are the Syrian Democratic Forces?" (previously cited); Washington Institute for Near East Policy, Fikra Forum, "When female fighters lead the charge" (previously cited).

45 Washington Kurdish Institute, Democratic Union Party (PYD), <https://dckurd.org/2018/07/26/democratic-union-party-pyd> (accessed on 7 April 2024).

As the Syrian government withdrew its forces to other parts of the country in 2012, the PYD/YPG established a foothold in northern areas of Syria.⁴⁶ The PYD and its allies put in place local administrations in Afrin, Kobani, and Cezire (the Al-Jazira region in Al-Hasakah governorate), collectively referred to as Rojava, and later renamed the Democratic Federation of Northern Syria (DFNS).⁴⁷ In 2014, the PYD adopted the “Social Contract of the Autonomous Regions of Afrin, Al-Jazira, and Kobani” which established separate judicial and administrative systems from the Syrian government.⁴⁸

IS began increasing its territorial presence in Syria in 2013.⁴⁹ It launched major offensives with targets including YPG-led forces, leading to the battle for Kobani in September 2014.⁵⁰ As the threat of IS grew globally, the US and 85 other states came together in September 2014 to form the Global Coalition against Daesh.⁵¹ The Global Coalition’s stated aim has been to ensure the armed group’s enduring defeat, including through its military mission, the Combined Joint Task Force – Operation Inherent Resolve (referred to in this report as the US-led coalition).⁵²

In the early initiative to contain the rise of IS in 2014, the US-led coalition sought an on-the-ground fighting force as a partner. Soon after the formation of the US-led coalition, it approved air strikes to support the YPG in defending Kobani, successfully ending IS’s siege on the town on 26 January 2015.⁵³

Although the YPG had already begun recruiting Arabs into its ranks as early as 2012, their victory in Kobani made them a more attractive partner to local Arab factions.⁵⁴ The YPG and the US-led coalition recognized that defeating IS would require successful offensives in majority-Arab areas.⁵⁵ In 2015 the US-led coalition brought together eastern Syrian Arab tribal groups under the Syrian Arab Coalition (SAC) framework.⁵⁶ SAC agreed to work in an umbrella movement with the YPG.⁵⁷ The alliance emerged around the same time the US reformulated its military funding for Syrian groups from training new forces to putting money toward already-established groups.⁵⁸

46 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies: The U.S.–Syrian Democratic Forces Partnership Against the Islamic State*, 2021 <https://www.washingtoninstitute.org/media/4640>, pp. 28-29; Rudaw, “What does Assad’s comeback mean for the Kurds of Syria?,” 1 June 2023, <https://www.rudaw.net/english/opinion/01062023>

47 International Legal Assistance Consortium, *ILAC Rule of Law Assessment Report: Syria 2021*, 2021, <http://ilacnet.org/wp-content/uploads/2021/06/ILAC-Rule-of-Law-Assessment-Syria-2021-.pdf>, pp. 114, 117.

48 International Legal Assistance Consortium, *ILAC Rule of Law Assessment Report: Syria 2021*, 2021 (previously cited), p. 116.

49 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict*, April 2021, <https://www.clingendael.org/sites/default/files/2021-05/the-ypgpyd-during-the-syrian-conflict.pdf>, p. 27.

50 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited) pp. 27-28.

51 Global Coalition, “Our Mission”, <https://theglobalcoalition.org/en/mission> (accessed on 1 April 2024).

52 Global Coalition, “Our Mission”, <https://theglobalcoalition.org/en/mission> (accessed on 1 April 2024).

53 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), pp. 44, 63-67.

54 Middle East Research and Information Project, “Arabs across Syria join the Kurdish-led Syrian Democratic Forces”, 2020, <https://merip.org/2020/08/arabs-across-syria-join-the-kurdish-led-syrian-democratic-forces-295>; Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), pp. 67-69.

55 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 83.

56 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 83.

57 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), pp. 83-84.

58 Lead Inspector General for Overseas Contingency Operations, *Operation Inherent Resolve, Quarterly Report and Biannual Report to the US Congress*, 30 September 2015, https://media.defense.gov/2017/Apr/13/2001732266/-1/-1/1/FY2015_LIG_OCO_OIR_Q4_REPORT_OCT-2015.PDF, pp. 42-43, 45.

In October 2015, the new alliance declared itself the Syrian Democratic Forces (SDF), saying it was a united, democratic, secular armed force bringing together Kurds, Arabs, Assyrians, and other groups to confront IS and build a democratic Syria.⁵⁹ The YPG has been the dominant group in the SDF since the formation of the alliance and plays a central role in its command structure.⁶⁰

The US Department of Defense equipped the SDF in its fight against IS, and the US-led coalition continued to support them with air strikes.⁶¹ The SDF also received ground support from US, French and UK special forces, emerging as their allies' primary local partner in the fight against IS.⁶²

In a book on the US-SDF partnership against IS, a US diplomat involved in vetting and working with the SDF recounted that the US exerted significant influence over the SDF. He is quoted as saying, "We wanted to mitigate the actual physical security threats originating in northeast Syria. The YPG ...did everything we told them to do, and did not do the things we told them not to do."⁶³ A US general is likewise quoted as saying, "I'm not sure we did lack control. I think we orchestrated a campaign plan pretty well, and exerted appropriate authority and control over our partners on the ground to prevent atrocities and conduct operations in a manner we could be proud of, all while maintaining a light footprint so we didn't own everything."⁶⁴

In December 2018, US President Donald Trump ordered the withdrawal of 2,000 US troops from Syria within 30 days.⁶⁵ A few days later, the SDF warned that with the US withdrawal, they may release 3,200 suspected local and foreign IS fighters in their custody.⁶⁶ By February 2019, President Trump indicated he would leave several hundred troops in the region to prevent IS from resurging; in the end, closer to 1,000 remained.⁶⁷

59 Reuters, "New Syrian rebel alliance formed, says weapons on the way", 12 October 2015, <http://www.reuters.com/article/us-mideast-crisis-syria-kurds-idUSKCN0S60BD20151012>; Washington Post, "A brief history of the Syrian Democratic Forces, the Kurdish-led alliance that helped the U.S. defeat the Islamic State", 7 October 2019, <https://www.washingtonpost.com/world/2019/10/07/brief-history-syrian-democratic-forces-kurdish-led-alliance-that-helped-us-defeat-islamic-state>

60 Lead Inspector General, *Operation Inherent Resolve and Other Overseas Contingency Operations*, 1 October 2020 - 1 December 2020, https://media.defense.gov/2021/Feb/09/2002578750/-1/-1/1/FY2019_LIG_OIRREPORT.PDF, p. 57; Global Security, "Syrian Democratic Forces", <https://www.globalsecurity.org/military/world/para/sdf.html>

61 Economist, "Who are the Syrian Democratic Forces?" (previously cited); Erica L. Gaston, *Regulating Irregular Actors, Can Due Diligence Checks Mitigate the Risks of Working with Non-State and Substate Forces?*, May 2021, https://cdn.odi.org/media/documents/CSAG_Regulating_irregular_actors_WEB.pdf, p. 41.

62 European Council on Foreign Relations, "Syrian Democratic Forces" (previously cited); Erica L. Gaston, *Regulating Irregular Actors, Can Due Diligence Checks Mitigate the Risks of Working with Non-State and Substate Forces?* (previously cited), p. 41.

63 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 242.

64 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 242.

65 New York Times, "Trump to withdraw U.S. forces From Syria, declaring 'we have won against ISIS'", 19 December 2018, <https://www.nytimes.com/2018/12/19/us/politics/trump-syria-turkey-troop-withdrawal.html>

66 Lead Inspector General, *Operation Inherent Resolve and Other Overseas Contingency Operations*, 1 October 2018 - 1 December 2018, https://media.defense.gov/2019/Feb/05/2002086500/-1/-1/1/FY2019_LIG_OIRREPORT.PDF, p. 23; New York Times, "Kurdish fighters discuss releasing almost 3,200 ISIS prisoners", 20 December 2018, <https://www.nytimes.com/2018/12/20/world/middleeast/isis-syria-prisoner-release-trump.html>

67 Voice of America (VOA) News, "Trump denies reversal of Syria troop decision", 22 February 2019, <https://voanews.com/a/trump-denies-reversal-of-syria-troop-decision/4800550.html>; New York Times, "Trump orders withdrawal of U.S. troops from northern Syria", 13 October 2019, <https://www.nytimes.com/2019/10/13/us/politics/mark-esper-syria-kurds-turkey.html>; International Crisis Group, "Steadying the new status quo in Syria's north east", 27 November 2019, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/b72-steadying-new-status-quo-syrias-north-east>

The US-led coalition and SDF achieved the territorial defeat of IS on 23 March 2019 following the weeks-long battle of Baghouz.⁶⁸ When the offensive began, the SDF estimated that about 1,500 civilians and about 500 IS fighters remained in the town.⁶⁹ As it became clear that thousands more civilians remained in Baghouz and nearby villages, the coalition-backed forces slowed their assault and established humanitarian corridors, taking into custody those who wanted to leave or surrender.⁷⁰ Women and children were transferred to Al-Hol camp and, within a few months of Baghouz falling, the camp had grown to 73,000 people.⁷¹ General Mazloum Abdi, Commander-in-Chief of the SDF, estimated that about 6,000 men and boys, including suspected IS fighters and people being held by the group, were taken into their custody from Baghouz.⁷²

In October 2019, following a call with President Recep Tayyip Erdoğan of Türkiye, President Trump ordered the withdrawal of over 50 US military personnel from a buffer zone between northern Syria and Türkiye, prompting intense criticism from members of both major US political parties.⁷³ Türkiye considers the SDF closely affiliated with the PKK – a group it has designated as “terrorist”.⁷⁴ The White House issued a statement saying Türkiye would be moving ahead with an operation in northern Syria and would be responsible for all IS fighters captured in the last two years of the conflict.⁷⁵ About a week later, President Trump ordered the withdrawal of roughly 1,000 US troops from northern Syria.⁷⁶

On 9 October 2019, Türkiye launched “Operation Peace Spring”, its third military operation targeting the SDF since 2016.⁷⁷ President Erdogan stated it was Türkiye’s “mission... to prevent the creation of a terror corridor across our southern border, and to bring peace to the area”.⁷⁸ Amnesty International found that

68 CNN “ISIS has lost its final stronghold in Syria, the Syrian Democratic Forces says” (previously cited).

69 CNN “ISIS has lost its final stronghold in Syria, the Syrian Democratic Forces says” (previously cited).

70 Al Jazeera, “ISIL fighters ‘surrender in large numbers’ in final Syria enclave”, 5 March 2023, <https://www.aljazeera.com/news/2019/3/5/isil-fighters-surrender-in-large-numbers-in-final-syria-enclave>

71 NPR, “Misery grows at Syrian camp holding ISIS family members”, 23 May 2019, <https://www.npr.org/2019/05/23/726075657/misery-grows-at-syrian-camp-holding-isis-family-members>

72 Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah.

73 New York Times, “President endorses Turkish military operation in Syria, shifting U.S. policy”, 7 October 2019, <https://www.nytimes.com/2019/10/07/us/politics/trump-turkey-syria.html>; Time, “‘My great and unmatched wisdom’: Trump ignores warnings on Syria retreat, threatens to ‘destroy’ Turkish economy”, 7 October 2019, <https://time.com/5694735/my-great-and-unmatched-wisdom-trump-ignores-warnings-on-syria-retreat-threatens-to-destroy-turkish-economy/>

74 Al Jazeera, “Who are the Syrian Democratic Forces?”, <https://www.aljazeera.com/news/2019/10/15/who-are-the-syrian-democratic-forces>; Republic of Türkiye, Ministry of Foreign Affairs, “PKK”, <https://www.mfa.gov.tr/pkk.en.mfa> (accessed on 1 April 2024).

75 US Government, “Statement from the Press Secretary”, 6 October 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-85>

76 New York Times, “Trump orders withdrawal of U.S. troops from northern Syria” (previously cited); The Washington Post, “U.S.-allied Kurds strike deal to bring Assad’s Syrian troops back into Kurdish areas”, 13 October 2019, https://www.washingtonpost.com/world/us-troops-withdraw-from-another-syrian-town-as-turkish-forces-block-supply-lines/2019/10/13/aab5fab8-ec5a-11e9-a329-7378fbfa1b63_story.html

77 International Crisis Group, “Steadying the new status quo in Syria’s north east” (previously cited).

78 President Recep Tayyip Erdoğan, Twitter post: “The Turkish Armed Forces, together with the Syrian National Army, just launched #OperationPeaceSpring against PKK/YPG and Daesh terrorists in northern Syria. Our mission is to prevent the creation of a terror corridor across our southern border, and to bring peace to the area”, 9 October 2019, <https://twitter.com/RErdogan/status/1181921311846735872>

Turkish military forces and Turkish-backed Syrian armed groups had carried out war crimes and other serious violations during the offensive.⁷⁹ The Government of Türkiye denied the allegations.⁸⁰

To limit Türkiye's assault, the SDF invited the Syrian government and allied Russian forces to move into some areas under its control.⁸¹ On 17 October 2019, the US government reached an agreement with Türkiye to halt operations against the YPG and to allow the withdrawal of the YPG from the Turkish-controlled "safe zone".⁸² Five days later, Russia reached a second agreement with Türkiye, accepted by both the YPG and the Syrian Government, which extended the time for the withdrawal and established Russia as the guarantor of the ceasefire.⁸³ On 21 October 2019, President Trump announced that the US would leave a residual force of fewer than 1,000 military personnel in eastern Syria to protect oil and gas fields from IS.⁸⁴ A few days later, the US Defense Secretary stated that the remaining troops would also carry out counterterrorism operations.⁸⁵ As of February 2024, the US-led coalition's stated mission was to enable partner forces to maintain the enduring defeat of IS in parts of Syria.⁸⁶ At the end of January 2024, the US and Iraq began their first discussions to end the presence of the US-led coalition in Iraq.⁸⁷

79 Amnesty International, "Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies", 18 October 2019, <https://www.amnesty.org/en/latest/press-release/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies>. A 2024 report by Human Rights Watch documents serious human rights violations in now Turkish-occupied areas of north-east Syria by factions of the Syrian National Army – a group allied with Türkiye, the Military Police, and members of the Turkish Armed Forces and Turkish intelligence agencies, among others. Human Rights Watch, "Everything is by the Power of the Weapon": Abuses and Impunity in Turkish-Occupied Northern Syria, February 2024, https://www.hrw.org/sites/default/files/media_2024/02/syria0224web.pdf

80 See, for example, Republic of Türkiye, Permanent Mission of Türkiye to the Organization of Islamic Cooperation (OIC), "No: 305, 20 Ekim 2019, Uluslararası Af Örgütü'nün Barış Pınarı Harekatı'na İlişkin Raporundaki İddialar Hk" [No: 305, 20 October 2019, Regarding the Allegations in Amnesty International's Report on Operation Peace Spring], 20 October 2019, <https://it-dt.mfa.gov.tr/Mission/ShowAnnouncement/363629> (in Turkish) and BBC News Türkçe, "Türkiye'nin desteklediği grupların 'savaş suçu işlediğine' yönelik iddialarla ilgili ne biliniyor?" [What is known about allegations that groups supported by Turkey 'committed war crimes'], 25 October 2019, <https://www.bbc.com/turkce/haberler-dunya-50180067> (in Turkish).

81 Al Jazeera, "Turkey's Operation Peace Spring in northern Syria: One month on", 8 November 2019, <https://www.aljazeera.com/news/2019/11/8/turkeys-operation-peace-spring-in-northern-syria-one-month-on>

82 US Government, "The United States and Turkey Agree to Ceasefire in Northeast Syria", 17 October 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/united-states-turkey-agree-ceasefire-northeast-syria>; Anadolu Agency (AA), "Türkiye-ABD anlaşmasının detayları" [Details of the Türkiye-USA agreement] 17 October 2019, <https://www.aa.com.tr/tr/baris-pinari-harekatit/turkiye-abd-anlasmasinin-detaylari/1617693> (in Turkish); Türkiye Cumhuriyeti Dışişleri Bakanlığı, "Dışişleri Bakanı Sayın Mevlüt Çavuşoğlu'nun Basına Yaptığı Açıklama, 17 Ekim 2019, Ankara" [Ministry of Foreign Affairs of the Republic of Türkiye, "Statement to the Press by the Minister of Foreign Affairs, Mr. Mevlüt Çavuşoğlu, 17 October 2019, Ankara"], 17 October 2019, https://www.mfa.gov.tr/disisleri-bakani-sayin-mevlut-cavusoglu_nun-basina-yaptigi-aciklama-17-10-2019.tr.mfa (in Turkish).

83 Al Jazeera, "Turkey's Operation Peace Spring in northern Syria: One month on" (previously cited); International Crisis Group, "Steadying the new status quo in Syria's north east" (previously cited).

84 International Crisis Group, "Steadying the new status quo in Syria's north east" (previously cited).

85 International Crisis Group, "Steadying the new status quo in Syria's north east" (previously cited).

86 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2023, https://media.defense.gov/2024/Feb/09/2003392203/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF, p. 8.

87 AP, "Iraq and US begin formal talks to end coalition mission formed to fight the Islamic State group", 27 January 2024, <https://apnews.com/article/iraq-us-talks-to-end-coalition-mission-f782db4c6550ab31ef02ef3c1793ee7b>

1.2 CONTEXT IN NORTH-EAST SYRIA TODAY

GOVERNANCE STRUCTURE

In December 2015, the SDF announced the formation of its political wing, the Syrian Democratic Council (SDC).⁸⁸ It is a confederation of multi-ethnic political parties, associations, civil society organizations and local activists in Syria, which aims “to support the struggle for democracy” in the whole of Syria.⁸⁹ The PYD is a prominent member of the SDC.⁹⁰

The war with IS led to a number of territorial shifts within Syrian’s international borders. In July 2018, the SDC created the Autonomous Administration of North and East Syria (AANES), a civilian structure that coordinates services in seven regional administrations, including areas under the former DFNS as well as the newly controlled regions of Manbij, Tabqa, Raqqa and Deir ez-Zor.⁹¹ In December 2023, the General Council of the AANES renamed the AANES the Democratic Autonomous Administration of North and East Syria (DAANES).⁹²

The DAANES has executive, legislative and judicial branches overseeing each of the seven regions, which also have their own local executive, legislative and judicial administrations.⁹³ The SDC is the political leader of the DAANES and SDF.⁹⁴ The SDF and affiliated security forces and DAANES governing bodies are collectively referred to as the “Autonomous Authorities of the North and East Syria Region” (referred to in this report as the autonomous authorities).

As of March 2024, the autonomous authorities control between 20 and 33% of Syria, according to different estimates.⁹⁵ That swathe is home to 80% of Syria’s natural resources, including the Al-Omar and Conoco oil and gas fields, which produced 95% of Syria’s oil and 50% of its gas extraction pre-conflict, as well as significant water and wheat resources.⁹⁶

88 Global Security, Syrian Democratic Forces, <https://www.globalsecurity.org/military/world/para/sdf.html>

89 JINHA Women’s News Agency, “SDC keeps working for democratic and free Syria”, 20 September 2023, <https://test.jinhaagency.com/en/politics/sdc-keeps-working-for-democratic-and-free-syria-33872>; Syrian Democratic Council, U.S Mission, “Fact sheet: The Syrian Democratic Council”, <https://www.syriandemocraticcouncil.us/fact-sheet/>

90 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist The YPG/PYD During the Syrian Conflict* (previously cited), p. 47.

91 Syrian Democratic Council, U.S. Mission, “Autonomous Administration of North and East Syria”, <https://www.syriandemocraticcouncil.us/1418-2>; International Legal Assistance Consortium, *ILAC Rule of Law Assessment Report: Syria 2021, 2021* (previously cited), p. 118.

92 Kurdistan 24, “New administration name adopted for local administration in northeast Syria”, 13 December 2023, <https://www.kurdistan24.net/en/story/33441-New-administration-name-adopted-for-local-administration-in-northeast-Syria>. The DAANES is also sometimes referred to as the Self Administration of north-east Syria (SANES)

93 Syrian Democratic Council, U.S. Mission, “Autonomous Administration of North and East Syria” (previously cited).

94 Syrian Democratic Council, U.S Mission, “Fact Sheet: The Syrian Democratic Council” (previously cited).

95 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited), p. 6; Jusoor for Studies, “Map of military control across Syria at the end of 2022 and the beginning of 2023”, 2 January 2023, <https://jusoor.co/en/details/map-of-military-control-across-syria-at-the-end-of-2022-and-the-beginning-of-2023>; Center for American Progress, *Northern Syria Security Dynamics and the Refugee Crisis*, 26 May 2021, <https://www.americanprogress.org/article/northern-syria-security-dynamics-refugee-crisis>; Economist, “Who are the Syrian Democratic Forces?” (previously cited).

96 International Crisis Group, *Squaring the Circles in Syria’s North East*, 31 July 2019, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/204-squaring-circles-syrias-north-east>

CHALLENGES MANAGING THE DETAINEE POPULATION

Limited resources and ongoing conflict in the region, including with Türkiye, have affected the local population and posed challenges for the autonomous authorities' management of the detainee population.

No foreign government has officially recognized the autonomous authorities. European governments have held back from providing the authorities direct material or political assistance.⁹⁷ US funding primarily focuses on security efforts (see Chapter 2). Moreover, UN humanitarian assistance to north-east Syria is dependent on highly restricted consent from the Syrian government.⁹⁸

Various militaries and armed groups operate in the areas controlled by the autonomous authorities, undermining safety and stability in the region. In addition to the US-led coalition, whose presence is concentrated near the oil fields in Rmelan and Deir ez-Zor, Russian and Turkish forces, as well as armed groups allied with Türkiye, such as the Syrian National Army, operate in Turkish-occupied areas.⁹⁹ The Syrian government maintains a presence in Al-Qamishli, Al-Hasakah and along parts of the Türkiye border.¹⁰⁰ It also controls Al-Qamishli airport.¹⁰¹ Iran maintains a presence in Al-Hasakah Governorate, reportedly seeking to win over local communities in areas where there are tensions between Arabs and the autonomous authorities and to attract new recruits to its militias in Syria.¹⁰² In addition, tribal clashes persist, triggered by longstanding disputes and revenge attacks.¹⁰³

IS still poses a threat to local populations with covert cells dotting the region.¹⁰⁴ In January 2022, the group launched an attack on the Panorama / Al-Sina'a detention facility, which holds several thousands of men and boys with perceived IS affiliation.¹⁰⁵

Since Türkiye's incursion into northern Syria, the Turkish military has carried out attacks from the air and the ground, targeting members of the SDF and others it alleges have ties to the PKK. The ongoing attacks have further destabilized the region, displaced many residents and involved war crimes and other

97 European Council on Foreign Relations, "Syrian Democratic Forces", <https://ecfr.eu/special/mena-armed-groups/syrian-democratic-forces-syria>

98 European Council on Foreign Relations, Syrian Democratic Forces (previously cited).

99 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited), p. 66; Human Rights Watch, "Everything is by the Power of the Weapon" (previously cited); Commission of Inquiry on Syria, Report, 9 February 2024, UN Doc. A/HRC/55/64, Annex II (including map showing approximate areas of influence, including by Turkish Armed Forces).

100 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited), p. 66.

101 Kurdistan Net 24, "Syrian Kurds brings military reinforcements to Qamishlo airport: SOHR", 6 June 2023, <https://www.kurdistan24.net/en/story/31600-Syrian-Kurds-brings-military-reinforcements-to-Qamishlo-airport:-SOHR>

102 Middle East Institute, "Iran's growing presence in Syria's al-Hasakah poses a direct threat to US forces", 24 March 2022, <https://www.mei.edu/publications/irans-growing-presence-syrias-al-hasakah-poses-direct-threat-us-forces>; Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited), p. 66.

103 Al-Monitor, "Tribal violence haunts northeastern Syria", 11 May 2022, <https://www.al-monitor.com/originals/2022/05/tribal-violence-haunts-northeastern-syria> <https://www.al-monitor.com/originals/2022/05/tribal-violence-haunts-northeastern-syria>

104 Clingendael Research Unit Report, *Henchman, Rebel, Democrat, Terrorist: The YPG/PYD During the Syrian Conflict* (previously cited), p. 66.

105 Washington Post, "Prison break: ISIS fighters launched a brazen attack to free their comrades", 3 February 2022, <https://www.washingtonpost.com/world/2022/02/03/syria-hasakah-isis-prison-attack>

violations.¹⁰⁶ Turkish forces have repeatedly targeted critical civilian infrastructure and, in October 2023, left hundreds of thousands with limited access to electricity, water, fuel and gas.¹⁰⁷

Human Rights Watch reported Türkiye has also failed to ensure water flow from the Euphrates River and consistent water supply from Allouk water station, located in their area of control.¹⁰⁸ Human Rights Watch and others found that this has exacerbated severe water shortages in areas under the control of the autonomous authorities.¹⁰⁹

According to local officials, in addition to targeting SDF and YPJ officials, Türkiye has targeted key members of the civilian administration, such as the former co-chairs of the Reform and Rehabilitation Office.¹¹⁰ The two officials oversaw people – including suspected members of IS – held in DAANES-run detention facilities and “rehabilitation” centres; they were reportedly killed in a Turkish drone strike that hit their car as they travelled to visit a facility.¹¹¹

Attacks by Türkiye have also reportedly hit the detention system’s infrastructure. Several detention facilities are close to the Turkish border; administration officials have said they can sometimes hear drones hovering above.¹¹² During Operation Peace Spring, in October 2019, the SDF tweeted that Türkiye had struck a detention facility holding suspected IS detainees, though this was not independently verified by Amnesty International.¹¹³ Amnesty International interviewed a 42-year-old man who described being held in Naf

106 Interview in person with representatives of the Foreign Relations Department of the DAANES, 27 September 2022, Al-Qamishli. See, for example, Amnesty International, “Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies” (previously cited), accusing the Government of Türkiye of committing war crimes. The Government of Türkiye denied Amnesty International’s allegations. See, for example, Republic of Türkiye, Permanent Mission of Türkiye to the Organization of Islamic Cooperation (OIC), “No: 305, 20 Ekim 2019, Uluslararası Af Örgütü’nün Barış Pınarı Harekatı’na İlişkin Raporundaki İddialar Hk” [No: 305, 20 October 2019, Regarding the Allegations in Amnesty International’s Report on Operation Peace Spring] (previously cited), and BBC News Türkçe, “Türkiye’nin desteklediği grupların ‘savaş suçu işlediğine’ yönelik iddialarla ilgili ne biliniyor?” [What is known about allegations that groups supported by Turkey ‘committed war crimes’] (previously cited).

107 Human Rights Watch, “Northeast Syria: Turkish strikes disrupt water, electricity”, 26 October 2023, <https://www.hrw.org/news/2023/10/26/northeast-syria-turkish-strikes-disrupt-water-electricity>; Human Rights Watch, “Türkiye’s strikes wreak havoc on northeast Syria”, 9 February 2024, <https://www.hrw.org/news/2024/02/09/turkiyes-strikes-wreak-havoc-northeast-syria> <https://www.hrw.org/news/2024/02/09/turkiyes-strikes-wreak-havoc-northeast-syria>; North-east Syria (NES) NGO Forum, *Situation Report #1, October 7, 2023: Escalation of Hostilities Targeting Critical Civilian Infrastructures in Northeast Syria*, 9 October 2023, <https://reliefweb.int/report/syrian-arab-republic/situation-report-1-october-7-2023-escalation-hostilities-targeting-critical-civilian-infrastructures-northeast-syria>; Syria INGO Regional Forum, *Aid Agencies in Syria Warn of the Grave Impact of Escalating Hostilities Across Syria*, 6 October 2023, <https://reliefweb.int/report/syrian-arab-republic/aid-agencies-syria-warn-grave-impact-escalating-hostilities-across-syria>. On 4 October 2023, the Turkish Foreign Minister alleged two attackers who detonated a bomb in front of government buildings in Ankara had come from Syria and declared that all infrastructure, superstructure and energy facilities that it believes belong to the PKK and YPG are legitimate targets. Al Jazeera, “Turkey says bombers came from Syria, threatens more cross-border strikes,” 4 October 2023, <https://www.aljazeera.com/news/2023/10/4/turkey-says-bombers-came-from-syria-threatens-more-cross-border-strikes>

108 Human Rights Watch, “Syria: Parties to conflict aggravate cholera epidemic”, 7 November 2022, <https://www.hrw.org/news/2022/11/07/syria-parties-conflict-aggravate-cholera-epidemic>

109 Human Rights Watch, “Syria: Parties to conflict aggravate cholera epidemic” (previously cited); New Lines Institute, “Dwindling fresh water compounds Syrian crisis”, <https://newlinesinstitute.org/environmental-challenges/water-resources/dwindling-fresh-water-compounds-syrian-crises>

110 Interview in person with representatives of the Foreign Relations Department of the DAANES, 27 September 2022, Al-Qamishli; North Press Agency, “Turkey targets AANES staff, facilities”, 2 October 2022, <https://npasyria.com/en/84901/>

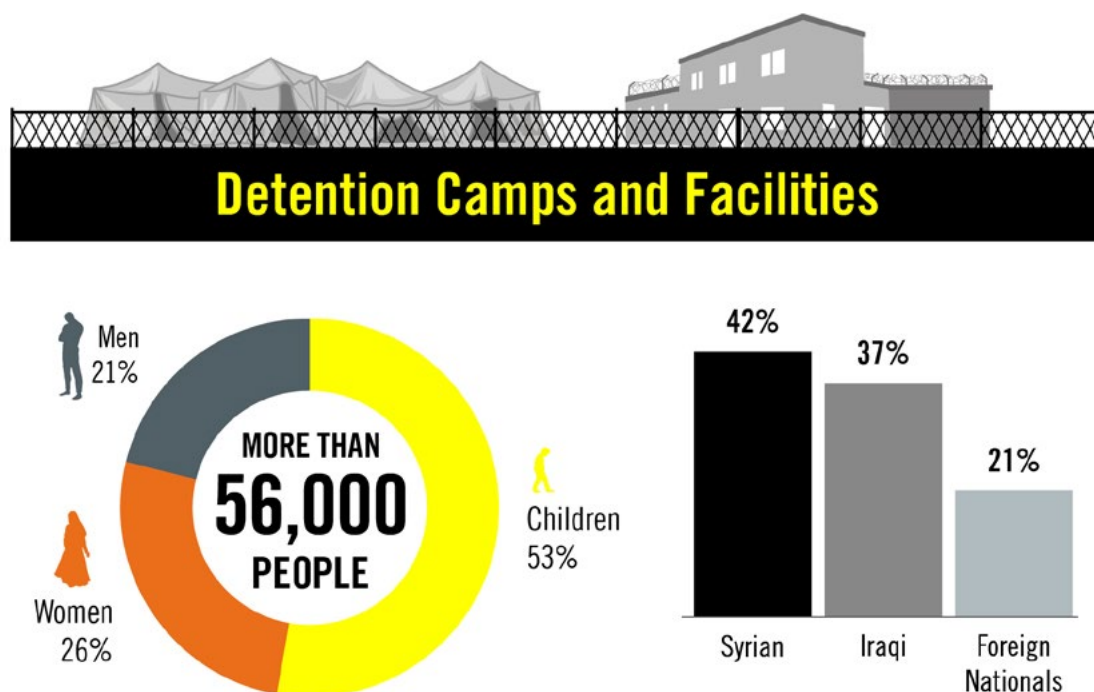
111 Interview in person with representatives of the Foreign Relations Department of the DAANES, 27 September 2022, Al-Qamishli. Amnesty International was scheduled to meet with the former co-chairs of the Justice and Reform Office (now referred to as the Reform and Rehabilitation Office), but they were killed a day before the meeting. Amnesty International did not independently verify who was responsible for the attack. North Press Agency, “Turkey targets AANES staff, facilities” (previously cited); Hawar News Agency, “Executive Council of Al-Jazira Region denounces assassination of co-chairs of Justice and Reform Office”, 28 September 2022, <https://hawarnews.com/en/166435794033062>

112 Stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre; interview with prison administration, Al-Hasakah Women’s Prison, 27 February 2023.

113 SDF, Twitter Post: “One of the prisons that ISIS detainees held in was struck by Turkish air strike. Turkey is aiming to undermine all successful efforts and achievements that we gained during our fighting against #ISIS.”, 9 October 2019, https://twitter.com/cmoc_sdf/status/1182039169884921856

Kur Central Prison at that time, and being transferred by the autonomous authorities following what he described as a Turkish air strike.¹¹⁴ International news media have also reported on alleged Turkish strikes hitting close to displacement camps.¹¹⁵

The volatile context in north-east Syria is exacerbated by geopolitical changes in Syria more broadly. The Arab League reinstated Syria's membership in May 2023 after it was suspended following the government's violent crackdown on protesters in 2011; several Arab states have re-established direct diplomatic relations with Syria.¹¹⁶ This has raised concerns about the future of north-east Syria as President al-Assad's restored standing could embolden him to re-establish control of north-east Syria, leaving the fate of thousands of people with perceived IS affiliation in the camps and detention facilities unclear.¹¹⁷



114 Interview, 2023.

115 During the October 2019 Turkish offensive, 249 women and 700 children held by the autonomous authorities in a secure annex in Ain Issa camp because of their alleged links to IS began to riot after Türkiye reportedly struck close to the camp. Guardian, "At least 750 Isis affiliates escape Syria camp after Turkish shelling", 13 October 2019, <https://www.theguardian.com/world/2019/oct/13/kurds-say-785-isis-affiliates-have-escaped-camp-after-turkish-shelling>. Hundreds are believed to have fled the camp, raising fears that the conflict with Türkiye could trigger an IS resurgence. See also CNBC, "Hundreds of ISIS prisoners are escaping from camps in northern Syria amid Turkish offensive", 14 October 2019, <https://www.cnbc.com/2019/10/14/isis-prisoners-are-escaping-from-camps-in-syria-amid-turkish-offensive.html>. A few years later, in November 2022, the Turkish military reportedly targeted members of the Internal Security Forces guarding Al-Hol camp. France 24, "Turkish strikes target Kurdish forces guarding Syrian detention camp", 23 November 2022, <https://www.france24.com/en/middle-east/20221123-turkish-strikes-target-kurdish-forces-guarding-syrian-detention-camp>.

116 Reuters "Syria's Assad boosted by return to Arab fold", 8 May 2023, <https://www.reuters.com/world/middle-east/syrias-assad-boosted-by-return-arab-fold-2023-05-08>; Brookings Institution, "Assad's normalization and the politics of erasure in Syria", 13 January 2023; <https://www.brookings.edu/articles/assads-normalization-and-the-politics-of-erasure-in-syria/>; AP, "Pariah no more? Arab League reinstates Bashar Assad's Syria", 7 May 2023, <https://apnews.com/article/syria-arab-egypt-saudi-qatar-jordan-f0298c40488470eb28274b2ffb859396>; New York Times, "After shunning Assad for years, the Arab world is returning him to the fold", 13 April 2023, <https://www.nytimes.com/2023/04/13/world/middleeast/assad-syria-middle-east.html>.

117 Rudaw, "What does Assad's comeback mean for the Kurds of Syria?," 1 June 2023, <https://www.rudaw.net/english/opinion/01062023>.

1.3 SYSTEM OF DETENTION

As of December 2023, the autonomous authorities in north-east Syria, with the support and cooperation of the US government, held more than 56,000 men, women and children with perceived affiliation to IS in detention facilities and detention camps. This total includes more than 46,600 people (mostly women and children) in two detention camps and nearly 10,000 people (mostly men and adolescent boys) in at least 27 detention facilities, including two youth “rehabilitation” centres.¹¹⁸ The number of people detained in this system increased drastically in late 2018 and early 2019, after tens of thousands of men, women and children exited the last territory held by IS and were taken into the custody of the SDF and affiliated security forces.¹¹⁹

Statistics included in this section related to detention facilities are based on estimates shared with Amnesty International by the SDF, other information shared by representatives of the DAANES and, in some cases, numbers cited by detainees during interviews. Statistics related to the detention camps are based on information provided in the Lead Inspector General’s Quarterly Report to the US Congress, from October to December 2023.¹²⁰

DETENTION FACILITIES

In north-east Syria, the DAANES run some of the detention facilities and the SDF and affiliated security forces run others. The SDF, YPJ, and ISF have established at least 15 detention facilities holding people with perceived affiliation to IS. Amnesty International estimates that as of August 2023, facilities run by the SDF and affiliated security forces hold approximately 5,700 men, women and children, including roughly 4,970 men, 40 women, 620 boys or young men detained as boys, and 70 children held with their mothers.¹²¹ Of this population, Amnesty International estimates that 2,690 are foreign nationals (about 47%), including roughly 350 Iraqi men, 2,000 other foreign men from at least 55 countries,¹²² 40 women and 300 boys and young men detained as boys.¹²³

Based on its interviews with current and former detainees, Amnesty International believes there are several undisclosed security force detention facilities in north-east Syria that currently exist or previously existed.

118 In-person interview with the co-chairs of the Reform and Rehabilitation Office, 2 October 2022, Al-Qamishli; data provided by SDF, August 2023, on file with Amnesty International; interviews with current and former detainees in north-east Syria in 2022 and 2023; and Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 34.

119 Al Jazeera, “ISIL fighters ‘surrender in large numbers’ in final Syria enclave”, 5 March 2023, <https://www.aljazeera.com/news/2019/3/5/isil-fighters-surrender-in-large-numbers-in-final-syria-enclave>

120 Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 34.

121 Amnesty International does not have an estimate for the number of children in ISF detention facilities. Amnesty International only documented boys detained and held in facilities run by the SDF and affiliated security forces, but both boys and girls are sometimes detained with their mothers. However, Amnesty International interviewed two young women detained as girls (one of whom said she was erroneously tried as an adult), who said they had previously been held in a detention facility run by the ISF.

122 Interview in person with DAANES Europe Representative, 4 July 2023, Geneva.

123 Data provided by SDF, August 2023, on file with Amnesty International.

Places of Detention Holding People with Perceived Affiliation to IS



Detention facilities holding people accused of IS affiliation in north-east Syria that are run by the SDF and affiliated security forces include:

1. Al-Hasakah detention facility (SDF)
2. Al-Hasakah Women's Prison / Halat daycare (YPJ)*
3. Al-Hol camp detention facility (ISF)*
4. Al-Hol village detention facility (ISF)*
5. Al-Shaddadi detention facility (SDF)* (located in Al-Shaddadi city, it is separate from Sini detention facility, which is located on the outskirts of Al-Shaddadi city)
6. Anbarra detention facility (ISF)
7. Ayed Tabqa detention facility (ISF)*
8. Deir ez-Zor Factories Roundabout / "Ma'amil" detention facility (ISF)*
9. Derik detention facility (SDF)*
10. Manbij detention facility (ISF)
11. Panorama / "Al-Sina'a" detention facility (SDF)*
12. Roj camp detention facility (YPJ)*
13. Sini detention facility (SDF / Military Intelligence)¹²⁴
14. Tabqa detention facility (SDF)*
15. YPJ intelligence prison (YPJ)

**Indicates detention facilities where Amnesty International has documented the presence of children at some point over the last six years, including children detained with their mothers.*

¹²⁴ Sini detention facility is run by the SDF and located in the outskirts of Al-Shaddadi city. It is treated by the SDF as an "annex" or "overflow" of the Panorama detention facility. Interview in person with SDF Military Intelligence, 29 July 2023, Al-Hasakah.

The DAANES has established at least 10 detention facilities that hold people with perceived affiliation to IS. Most detainees in these facilities have been tried and sentenced by the “People’s Defence Courts”, which deal with “terrorism” crimes and other crimes related to national security.¹²⁵ Amnesty International estimates that as of August 2023, the DAANES was holding approximately 4,100 people with perceived IS affiliation in at least eight detention facilities. Amnesty International estimates this group of detainees is made up of roughly 3,700 men, 80 women and girls, approximately 290 boys or young men detained as boys, and 30 children held with their mothers.¹²⁶ Apart from dozens of Iraqis, and a small number of foreign boys of other nationalities, the vast majority of people held in DAANES detention facilities are Syrian.¹²⁷

The total of 290 boys and young men detained as boys includes those held in the two youth “rehabilitation” facilities run by the DAANES, Houri and Orkesh. These two facilities hold roughly 200 boys, including around 10 Syrians and 190 foreign nationals.¹²⁸ Only Syrian boys in Houri have been charged and tried. The 90 other boys and young men detained as boys are held in DAANES-run facilities for adult men.

The other DAANES-run detention facilities currently holding people charged with and/or convicted of IS affiliation include:

1. Alaya Central Prison*
2. Derik Central Prison for Women*
3. Ghweran Central Prison*
4. Houri Juvenile “Rehabilitation” Centre*
5. Kobani Central Prison*
6. Manbij Central Prison*
7. Naf Kur Central Prison
8. Orkesh Juvenile “Rehabilitation” Centre*
9. Raqqa Central Prison for Women*
10. Raqqa Central Prison*

**Indicates detention facilities where Amnesty International has documented the presence of children at some point over the last six years, including children detained with their mothers.*

125 Interview in person with co-chairs of Social Justice Council, 7 March 2023, Al-Qamishli. For more on the People’s Defence Courts, see, for example, AP, “Syria’s Kurds put IS on trial with focus on reconciliation”, 7 May 2018, <https://apnews.com/article/after-the-caliphate-islamic-state-group-syria-ap-top-news-international-news-d672105754434b738c8e5823233572c9>

126 Amnesty International could not determine the exact number of boys and young men detained as boys who have been charged with IS affiliation, and the total could be higher.

127 The Iraqi men held in DAANES detention facilities are those whose trials were conducted during a brief period in 2018-2019. While some of these men have been sentenced and are currently serving out their sentences, others have finished their sentences and are still being held, and still others have never been sentenced. Interview in person with co-chairs of the Social Justice Council, 7 March 2023, Al-Qamishli, and interviews in person with Iraqi detainees held in DAANES-run detention facilities, north-east Syria, 2022-2023.

128 Data provided by SDF, August 2023, on file with Amnesty International.

DETENTION CAMPS

As of December 2023, the autonomous authorities of north-east Syria are holding more than 46,600 people with perceived IS affiliation in two detention camps, Al-Hol and Roj.¹²⁹ The majority are held in Al-Hol camp, which as of December 2023 contained around 44,000 people, of which 38% were Syrian, 46% were Iraqi, and 16% were other foreign nationals. As of the same date, 7% of the people held in Al-Hol were men, 32% were women, and 61% were children. As of June 2023, Roj camp held around 2,600 people, including 3% Syrians, 12% Iraqis and 85% other foreign nationals. Around 3% of this total are men, 30% women and 67% children.

PLANS FOR NEW DETENTION FACILITIES

At the time of publication, the autonomous authorities in north-east Syria are constructing four new detention facilities for people with perceived affiliation to IS. The facilities include a detention facility run by the ISF / General Security in Raqqa; a DAANES detention facility in Raqqa; a DAANES detention facility in Al-Suwar, a town in Deir ez-Zor governorate; and a youth “rehabilitation” centre for boys and young men initially detained as boys currently held in Panorama detention facility.¹³⁰ The last “rehabilitation” centre has received funding from the US Department of Defense.¹³¹ The autonomous authorities have also expressed a desire to build at least 15 new youth “rehabilitation” centres, to hold foreign boys removed from Al-Hol and Roj camps.¹³²

In 2022, the US Department of Defense shared its plans to build a new detention facility for people charged with IS affiliation, which would be based near Rmelan, a town 165km northeast of Al-Hasakah.¹³³ In an April 2023 solicitation announcement, the project was estimated to be worth US\$50 million.¹³⁴

129 All statistics included in this paragraph are based on the data provided in the quarterly report from the Lead Inspector General, October - December 2023 (previously cited), p. 34.

130 Data provided by SDF, August 2023, on file with Amnesty International.

131 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, July - September 2022, <https://media.defense.gov/2022/Nov/21/2003119338/-1/-1/1/LEAD%20INSPECTOR%20GENERAL%20FOR%20OIR.PDF>, p. 59.

132 Interview by video call with three representatives from the Foreign Relations Department of the autonomous authorities, 14 March 2022. See also written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. See also United Nations General Assembly, Commission of Inquiry on Syria, UN. Doc. A/HRC/51/45, para. 95; Human Rights Watch, “Syria: Repatriations lag for foreigners with alleged ISIS ties”, 15 December 2022, <https://www.hrw.org/news/2022/12/15/syria-repatriations-lag-foreigners-alleged-isis-ties>

133 Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah. For details, see Lead Inspector General, *Quarterly Report to the US Congress*, April - June 2022, https://media.defense.gov/2022/Aug/05/2003050428/-1/-1/1/LEAD_INSPECTOR_GENERAL_FOR_OPERATION_INHERENT_RESOLVE_APRIL_1_.PDF, p. 58; Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 59; Congressional Research Service, “Armed conflict in Syria: Overview and US response”, 8 November 2022, <https://sgp.fas.org/crs/mideast/RL33487.pdf>, p. 21.

134 Global Data, “USACE – Rumaylan Detention Facility – Aleppo”, 5 April 2023, <https://www.globaldata.com/store/report/usace-rumaylan-detention-facility-aleppo-profile-snapshot>. The solicitation was withdrawn in June 2023, but there have been no indications available to the public that the overall project has been cancelled. See Sam.gov, “Construction of the Rumaylan Detention facility, Syria”, 12 June 2023, <https://sam.gov/opp/f727319e8ea94600a3c8e76db2c02c42/view>

1.4 WHO IS IN THE DETENTION SYSTEM

Among the more than 56,000 people held in the detention camps and facilities in north-east Syria, 42% are Syrians, 37% are Iraqis, and 21% are other foreign nationals.¹³⁵ These other foreign nationals come from approximately 74 other countries.¹³⁶ Those in the detention system include roughly 30,000 children, 14,500 women and 11,500 men.¹³⁷

An unknown number committed crimes under international law, or held positions of power in the so-called caliphate. Some people in the detention camps and facilities reportedly continue to train, organize and plan for future attacks.¹³⁸ While most of IS's crimes were planned and committed by men, crimes were also committed by women and children (primarily boys).¹³⁹ Women are reportedly involved in planning further attacks.¹⁴⁰

However, there are also large numbers of IS victims caught up in the system of detention for people with perceived IS affiliation. This includes at least scores, and possibly hundreds, of Yezidi survivors, as well as people from other minority communities who were abducted by IS.¹⁴¹ Many Sunni Muslims from local communities and foreign national women and children with perceived IS affiliation are also victims of the group's crimes under international law, of trafficking in persons, and of its sanction of abusive treatment by male family members.¹⁴² Some people in the detention camps and facilities are both perpetrators and victims of IS crimes.

Some men Amnesty International interviewed said they joined IS for economic reasons. Some women referred to their economic and other forms of dependence on male relatives who made the decision to join, or said they were tricked or forced to cross into IS-held territory.¹⁴³ Some women gave accounts of efforts to frustrate their husband's work with IS.¹⁴⁴ In the case of children, almost all had no choice but to remain with their families. Once in IS-controlled territory, it was extremely difficult and dangerous to leave. Several

135 See section 1.3: "System of Detention" for more details.

136 For a list of countries with foreign nationals detained in north-east Syria, see Commission of Inquiry for Syria, *Report*, 14 August 2023, UN Doc. A/ HRC/54/58, Annex V.

137 See section 1.3: "System of Detention" for more details.

138 Interview in person with YPJ Military Intelligence, 7 March 2023, Al-Hasakah, and review of documents and videos shared. IS violence in Al-Hol is detailed in Chapter 6: "Violent and Militarized Internment Camps".

139 Women and girls committed crimes including in the al-Khansaa Brigade of the Hisba (IS's religious police), and within their homes against women and children whom IS enslaved. Boys, too, committed crimes under international law, often as part of the "cubs of the caliphate", such as killing civilians or captured soldiers. See, for example, Commission of Inquiry on Syria, *"They Came to Destroy"* (previously cited), para. 66; Commission of Inquiry on Syria, *"I Lost My Dignity"* (previously cited), para. 83; and Commission of Inquiry on Syria, *"They Have Erased the Dreams of My Children"* (previously cited), para. 41.

140 The head of the YPJ told Amnesty International that women in Al-Hol camp have also been involved in organizing and coordinating IS military operations from their phones in the camp, including, for example, the attack on Panorama detention facility in January 2022 that led to hundreds of deaths. Interview in person with General Nowruz Ahmed, 2 March 2023, Al-Hasakah.

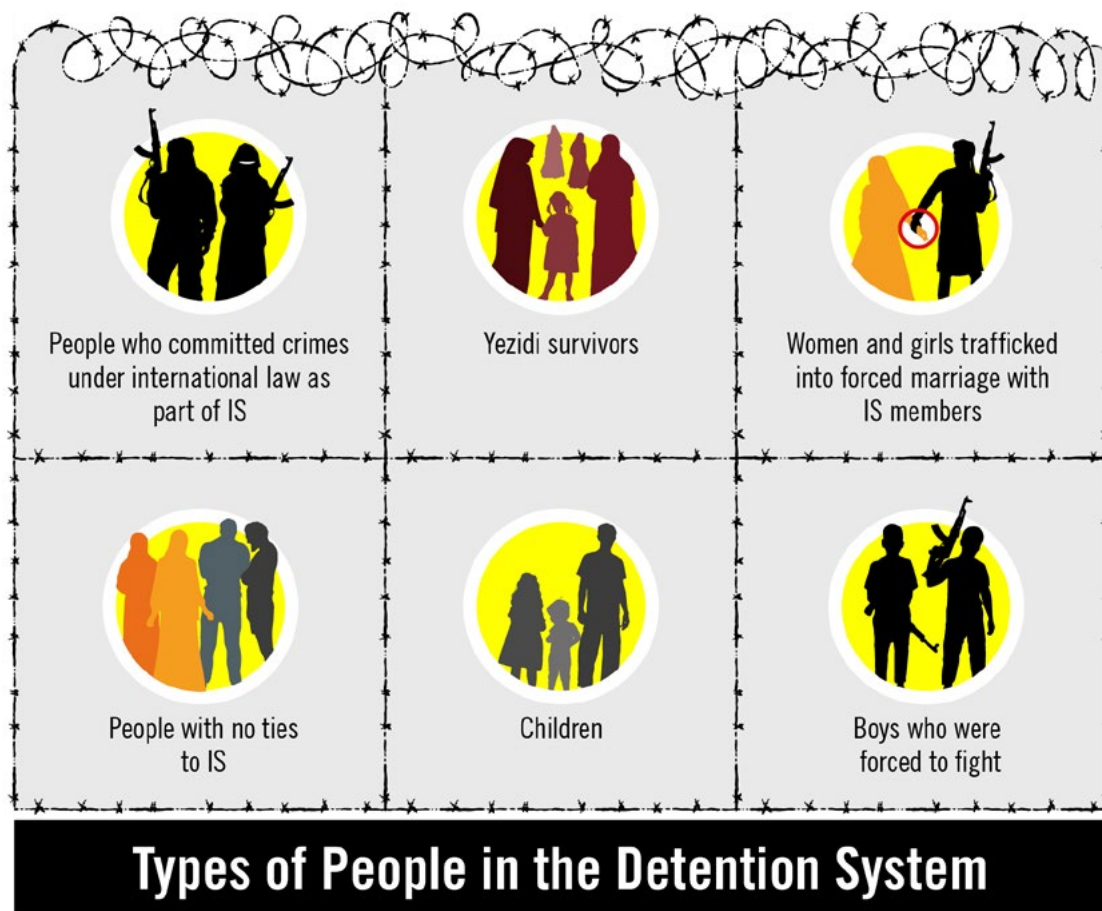
141 See Chapter 6: "Violent and Militarized Internment Camps" for more details.

142 See Chapter 7: "Trafficking Victims Ignored" for details on how many of these women and children were trafficked by IS. A large number of the women and children Amnesty International interviewed had also been subjected to domestic violence by male family members.

143 Interviews, 2022 and 2023.

144 For an overview of Syrian women's resistance to IS, see Gina Vale, *Defying Rules. Defying Gender?: Women's Resistance to Islamic State*, September 11, 2020, *Studies in Conflict & Terrorism* 46:6, 985-1008.

people Amnesty International interviewed said they were imprisoned – or said their friends or family members were killed – for trying to escape.¹⁴⁵ Escape was particularly hard for women.¹⁴⁶



Finally, many of the people who were caught up in the detention camps and facilities had no connection to the armed group. This includes, for example, thousands of Syrians and Iraqis who were in Al-Hol camp prior to the fall of Baghouz, including some who had been seeking refuge from IS expansion and violence.¹⁴⁷

¹⁴⁵ Interviews, 2022 and 2023.

¹⁴⁶ Interviews, 2022 and 2023. Reasons include the stricter movement restrictions to which women were subjected, surveillance from women's husbands, and lack of access to economic resources to pay smugglers.

¹⁴⁷ Interview, deputy co-chair of social affairs in north-east Syria, and Al-Hol camp manager, 27 September 2022, Al-Hol camp. They reported there were approximately 5,000 Iraqis and 4,000 Syrians.

2 ROLE OF THE US GOVERNMENT AND COALITION PARTNERS

“The coalition is very involved. There is a real sense that if they weren’t there, this would all collapse.”

Analyst on north-east Syria¹⁴⁸

“There was interrogation with the SDF and the coalition. We sit with the Americans, and they say our fate is in the SDF’s hands. If we sit with the SDF, they say our fate is in the Americans’ hands.”

Man held in Panorama detention facility¹⁴⁹

The US government is involved in most aspects of the system of detention for people with perceived affiliation to IS in north-east Syria. The US has been involved through various government agencies, including the Department of Defense (DoD) and the State Department. It has also led the Combined Joint Task Force – Operation Inherent Resolve, the military mission of the Global Coalition against Daesh (referred to in this report as the US-led coalition).¹⁵⁰ While this coalition is technically made up of 29 troop-contributing states in Syria and Iraq,¹⁵¹ an expert on Syria told Amnesty International that the forces of only three states are present in north-east Syria – the US, the UK and France – of which at least 90% are US forces.¹⁵² The US government is by far the coalition’s most influential member, leading on strategy as well as the planning, resourcing, decision-making and implementation of its mission.

148 Interview by video call with analyst on north-east Syria, 31 March 2023.

149 Interview, 2023.

150 See section 1.1: “Background on Conflict Involving IS” for more details.

151 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2023, https://media.defense.gov/2024/Feb/09/2003391885/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF, p. 8.

152 Interview by voice call with Syria analyst, 29 February 2024.

This chapter addresses the multiple roles of the US in the system of detention for people with perceived IS affiliation in north-east Syria, as well as its role in transferring people out of this system to third states. This chapter does not analyse whether different aspects of US involvement may or may not have violated international law, aided or assisted in the violation of international law, or contributed to the adherence of international law. Its purpose is to describe the breadth and depth of US involvement in the system of detention and in transfers out of this system. Legal analysis of this involvement is included in Chapter 10.

As detailed in section 2.1, the DoD has provided, over almost a decade, hundreds of millions of dollars to the SDF and affiliated security forces. With this funding and the military support of coalition forces, the DoD and the US-led coalition contributed significantly to the SDF's territorial defeat of IS in 2019. As discussed in section 2.2, when tens of thousands of people fled the last IS-held territories and into SDF custody, the US-led coalition assisted in the screening process of these people by collecting their names and biodata and, in some cases, separating groups of people.

Section 2.3 shows that since 2019, the US-led coalition has continued to conduct military operations in partnership with the SDF and affiliated security forces to counter IS, which have resulted in at least hundreds of new people entering the system of detention. As discussed in section 2.4, the US-led coalition has interrogated many detainees, particularly foreign nationals, and, according to the SDF, possesses the biometric data of every man, woman and child held in the system. Section 2.5 establishes the role of the US-led coalition, with specifically-appropriated funding from the US Congress, as well as support from other coalition partners, in refurbishing existing detention facilities and constructing new ones, providing these facilities with equipment and supplies and conducting frequent visits to them. The US-led coalition has provided forces working at these detention facilities with "hands-on" trainings. The DoD has provided them with stipends, which has allowed the recruitment of many hundreds if not thousands of security forces to work at detention facilities in recent years.

As for the two detention camps, as set out in section 2.6, the US State Department funds the organization managing the camps, including by coordinating the camps' infrastructure as well as the provision of services and the NGOs working in them. Finally, section 2.7 shows the essential role the US and the US-led coalition have played in the transfer of people held within this system of detention to third states.

CREATION OF THE US-LED COALITION

As described in Chapter 1, the US Department of Defense established the Global Coalition's military mission, the Combined Joint Task Force – Operation Inherent Resolve, in 2014 (referred to in this report as the US-led coalition). The US has around 900 military personnel in north-east Syria, and, as of late 2022, at least 7,908 contractors based in Syria and Iraq.¹⁵³ The US-led coalition also maintains at least

153 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 9.

three military bases in territory in Syria controlled by the autonomous authorities.¹⁵⁴

In its campaign to defeat IS, the US military took the operational approach of “by, with and through”, which meant the US relied on local partners to undertake major ground fighting with US support.¹⁵⁵ As of February 2024, the stated goal of the US-led coalition in Syria was to “advise, assist, and enable partner forces until they can independently maintain the enduring defeat of ISIS in... designated areas of Syria, in order to set conditions for long-term security cooperation frameworks”.¹⁵⁶ The primary partner forces of the US-led coalition in north-east Syria are the SDF and affiliated security forces as well as the Syrian Free Army (formerly known the Mughawir al-Thawra).¹⁵⁷

2.1 US GOVERNMENT FUNDING

Since 2015, the US Department of Defense and other US government agencies have provided hundreds of millions of dollars to the autonomous authorities in north-east Syria. Between 2017 and 2021, US train and equip funding for Syria totalled US\$2.63 billion dollars.¹⁵⁸ In 2022 and 2023, the DoD provided an additional cumulative US\$337 million for Syria.¹⁵⁹ While a small portion of this funding was provided to the Syrian Free Army, the vast majority has been directed to the SDF and affiliated security forces. This funding first supported and enabled the SDF and affiliated security forces to defeat IS territorially, and thereafter to continue to counter IS, including by maintaining and securing the system of detention for people with perceived IS affiliation in detention facilities and camps in north-east Syria. The US government has also provided millions of dollars to the autonomous authorities through other streams of funding, including the US State Department and USAID. Along with the DoD, the US State Department and USAID have provided significant financial resources for the two detention camps in north-east Syria.¹⁶⁰

In 2014, in response to IS’s rapid gains in territory and its declaration of a “caliphate” across Syria and Iraq, the US Congress authorized US\$500 million for the Syria Train and Equip Fund (STEF), which allowed the DoD to fund Syrian opposition forces to fight IS.¹⁶¹ This funding was initially intended to recruit

154 Lead Inspector General, *Quarterly Report*, October - December 2022 (previously cited), p. 52.

155 RAND Corporation, *Operation Inherent Resolve: US Ground Force Contributions*, 2022, https://www.rand.org/pubs/research_reports/RRA719-1.html

156 Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 8.

157 Lead Inspector General, *Quarterly Report*, October - December 2022 (previously cited), p. 3. The Syrian Free Army (formerly known as the Mughawir al-Thawra) is a distinct armed group from the Free Syrian Army (known as the Al Jaysh al-Suri al-Hur).

158 Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 9.

159 For 2022, see Lead Inspector General, *Quarterly Report*, October - December 2021 (previously cited), p. 13. For 2023, see Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 56.

160 For details on this funding, see the Lead Inspector General reports on Operation Inherent Resolve, 2015 - 2023.

161 National Defense Authorization Act for Fiscal Year 2015, 19 December 2014, <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=251>, section 1209.

and train “moderate” fighters of the Syrian opposition at bases outside of Syria, including in Jordan and Türkiye, and then to redeploy them back into Syria as a new, US-trained force.¹⁶²

Among other requirements, the law authorizing the programme mandated that participants were committed to “promoting the respect for human rights and the rule of law”.¹⁶³ The DoD, in consultation with the US State Department, developed a “Leahy-like” process to vet and block individuals and groups



162 Erica L. Gaston, *Regulating Irregular Actors: Can Due Diligence Checks Mitigate the Risks of Working with Non-state and Substate Forces?* (previously cited).

163 National Defense Authorization Act for Fiscal Year 2015 (previously cited), section 1209(e)(1)(b).

who had committed a gross violation of human rights in the past.¹⁶⁴ The law required other oversight and monitoring, including that the DoD assess the recipients' "command and control" and overall effectiveness.¹⁶⁵ For its new programme, the DoD required all recruits "to formally sign and pledge... their commitment to the law of armed conflict [international humanitarian law], human rights, and the rule of law", including that they would "treat humanely all who surrender or are captured", "not kill or torture detained personnel", and ensure "all detainees... receive medical treatments, food, water, shelter [and] basic hygiene".¹⁶⁶ The pledge also required those in command to investigate complaints regarding violations.

By 2015, the programme had graduated only a few recruits.¹⁶⁷ Accordingly, the DoD gave up on recruiting and training a new non-state force in Syria and instead requested that Syria train and equip funding be directed to existing armed groups.¹⁶⁸ From this point on, the programme's primary beneficiary was the SDF and affiliated security forces. This support was governed by the same vetting standards and commitments set out in the original authorization for funding.¹⁶⁹

In 2017, US funding to train and equip partner forces in Iraq and Syria were consolidated into a single fund, the "Counter-ISIS Train and Equip Fund" (CTEF).¹⁷⁰ Since that time, CTEF has been the primary US government programme funding materiel and other support to vetted Syrian partner forces.¹⁷¹ CTEF provides assistance including "training, supplies, services, stipends, infrastructure repair, and construction of detainee facilities".¹⁷² CTEF's funding is appropriated by the US Congress and is governed by the same vetting standards and commitments as the Syria Train and Equip programme.¹⁷³ As discussed in detail in Chapter 10, in subsequent years the US Congress amended the CTEF authority through provisions of

164 The "Leahy law" is a US law that prohibits the supply of most types of US military aid and training to foreign security, military and police units credibly alleged to have committed "gross violations of human rights". "Leahy vetting" is applicable only for state forces, or in some cases to forces that operate under the control of a state, and has been interpreted not to apply to non-state armed groups such as the SDF. However, "Leahy-like" vetting, blocks and monitoring have been applied in some cases for non-state armed groups as a matter of policy rather than law, as they were in the case of the Syria Train and Equip Fund. For more details, see Erica L. Gaston, *Regulating Irregular Actors: Can Due Diligence Checks Mitigate the Risks of Working with Non-state and Substate Forces?* (previously cited), p. 51 and Bureau of Democracy, Human Rights and Labor, "About the Leahy Law", 20 January 2021, <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/leahy-law-fact-sheet>

165 National Defense Authorization Act for Fiscal Year 2015 (previously cited), section 1209.

166 US Department of Defense Inspector General, *Evaluation of Combined Joint Interagency Task Force – Syria Vetting Process for New Syrian Forces (Redacted)*, 15 September 2015, <https://media.defense.gov/2019/Aug/22/2002174036/-1/-1/1/DODIG-2015-175.PDF>, p. 20.

167 In September 2015, US military leadership admitted to Congress that the US \$500 million effort had resulted in only four or five individual fighters being deployed to the battlefield. Michael Knights and Wladimir van Wilgenburg, *Accidental Allies* (previously cited), p. 82.

168 Lead Inspector General for Overseas Contingency Operations, *Operation Inherent Resolve: Quarterly Report and Biannual Report to the United States Congress*, 30 September 2015, https://media.defense.gov/2017/Apr/13/2001732266/-1/-1/1/FY2015_LIG_OCO_OIR_Q4_REPORT_OCT-2015.PDF, p. 45.

169 Lead Inspector General for Overseas Contingency Operations, *Quarterly Biannual Report* (previously cited), 2015, p.43.

170 Lead Inspector General for Overseas Contingency Operation, *Operation Inherent Resolve: Quarterly Report and Biannual Report to the United States Congress*, January - March 2017, https://media.defense.gov/2017/Dec/20/2001859257/-1/-1/1/FY2017_LIG_OCO_OIR_Q2_REPORT_MAR2017_508_BLI.PDF, p. 24

171 Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 56.

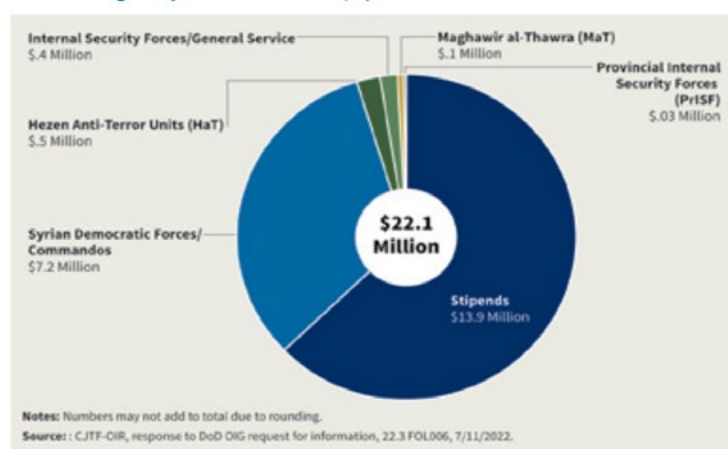
172 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, January - March 2021, <https://media.defense.gov/2021/May/11/2002638870/-1/-1/1/>, PDF, p. 20.

173 Major Christopher D. Elder, *The Fight Against ISIS Has Changed – So Should Its Funding Source*, 2020, <https://tjaglc.army.mil/mlr/the-fight-against-isis-has-changed-so-should-its-funding-source#endnote-110-backlink>

the annual National Defense Authorization Act that called for additional oversight of the detention system funded by CTEF, particularly over human rights concerns.¹⁷⁴

Based on public information, it is not possible to determine the aggregate total of funding that the US government has provided directly to the system of detention for people with perceived affiliation to IS. However, it is clear that the amount of funding devoted to this system is made up of at least many millions of dollars, and that US government funding has been allocated to support most aspects of the detention system, including its maintenance.¹⁷⁵ For instance, in 2019, the US-led coalition reported that the SDF was “entirely reliant on U.S. and Coalition support to fund ISIS detention operations”.¹⁷⁶

CTEF-funding for Syrian Partner Forces, April–June 2022



Graphic from Lead IG report, April - June 2022, p.53. See footnote 178.

Funding for specific projects and initiatives related to the detention system have been highlighted in the Lead Inspector General Reports on Operation Inherent Resolve, which are provided to Congress and the public on a quarterly basis.¹⁷⁷ Several of these initiatives are detailed below. US funding has also been earmarked for specific security forces involved in the system, including the “prison guard force”, the Asayish, the ISF / General Security, the Hêzên Anti-

Terror Forces (HAT), the Yekîneyên Anti-Terror Forces (YAT) and others, as shown in the graphic below, which depicts US funding for armed groups in Syria from April to June 2022.¹⁷⁸

Member states of the US-led coalition have contributed funding toward the system of detention for people with perceived IS links in north-east Syria, though they often have not been transparent in providing information publicly on the exact amounts of their contributions.¹⁷⁹ For instance, the UK government has said that as part of the “Global Coalition’s collective stabilisation efforts”, it has “provided technical advice and funding for the improvement of detention facilities holding Daesh fighters in North-East Syria”,

174 Congressional Research Service, “Congress and the Middle East, 2011-2020: Selected case studies”, 21 May 2021, <https://sgp.fas.org/crs/mideast/R46796.pdf>, p. 43.

175 For more details on how the US government is involved in the detention system, see the sub-sections below in this chapter. For evidence of the fact that it supported the maintenance of the detention system, see “Construction and Refurbishment of Detention System” in section 2.5.

176 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, July - October 2019, https://media.defense.gov/2019/Nov/21/2002214786/-1/-1/1/Q4FY2019_LEADIG_OIR_REPORT_.PDF, p. 8.

177 In each quarterly report of the Lead Inspector General for Operation Inherent Resolve, there is a classified appendix that is not available to the public.

178 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, April - June 2022, https://media.defense.gov/2022/Aug/05/2003050428/-1/-1/1/LEAD_INSPECTOR_GENERAL_FOR_OPERATION_INHERENT_RESOLVE_APRIL_1_.PDF, p. 53.

179 CTEF has been set up to receive financial contributions from coalition partners. The countries that have contributed to CTEF and the amount of their funding is generally not available to the public. In 2020, the DoD stipulated that any foreign contributions would be prioritized for construction. Lead Inspector General, *Quarterly Report*, January - March 2020 (previously cited), p. 59.

yet it refused to provide specific details on this funding to the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (Special Rapporteur on Counterterrorism) due to “reasons of operational security”.¹⁸⁰

2.2 SUPPORTING THE SDF IN ESTABLISHING THE DETENTION SYSTEM

Starting in 2014, the YPG and affiliated security forces in north-east Syria began detaining Syrian and other foreign nationals with perceived IS affiliation in facilities across north-east Syria, with hundreds detained by February 2018.¹⁸¹ As set out in Chapter 1, between late 2018 and early 2019, at least 70,000 fighters and civilians came into SDF custody during and soon after the fall of the last IS-held areas in north-east Syria, particularly Baghouz.¹⁸²

As these tens of thousands of people fled IS-controlled areas, women and children were generally separated and sent to Al-Hol camp, while men and some older boys were sent to detention facilities.¹⁸³ The precise role of the US-led coalition in the screening, separation and placement of people into Al-Hol camp and detention facilities is not clear based on public information.

However, several people interviewed by Amnesty International said the US-led coalition intervened in the screening process in their cases¹⁸⁴, and a representative of a humanitarian agency operating near Baghouz confirmed that forces of the US-led coalition were gathering the names and fingerprints of men removed from the trucks.¹⁸⁵ Ahmed, a 19-year-old man held in a detention facility, said that soon after he fled Baghouz, he was split from his mother by US forces. “We saw Americans with their flags,” he told Amnesty International. “They said to us to split the males and females. My mom said that I was too young [so] please don’t split me. She said to bring her child back. There were two interpreters with US [forces], a Yemeni and a Jordanian. They asked me to split from my mom. They put me in a vehicle and took me to Al-Shaddadi [detention facility].”¹⁸⁶ Ahmed was 15 years old at the time.¹⁸⁷

180 UK government, “Response from the government of the United Kingdom of Great Britain and Northern Ireland”, 27 April 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36916>

181 Lead Inspector General, *Operation Inherent Resolve Quarterly Report for the US Congress*, January - March 2018, https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF, p. 33.

182 General Mazloum Abdi estimated that around 6,000 men and boys came into detention facilities after the fall of Baghouz. Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah. The Al-Hol camp authorities said that the camp size grew from 9,000 to 73,000, a growth of 64,000 people. Interview in person with Al-Hol camp authorities, 27 September 2023, Al-Hol camp.

183 Interview by voice call with representative from a humanitarian agency, 24 October 2023; interviews with four people who left Baghouz and were detained in north-east Syria, 2023.

184 Interviews, 2022 and 2023.

185 Interview by voice call with representative from a humanitarian agency, 24 October 2023; see also Vice News, “Inside ISIS’s Final Fight: Collapse of the Caliphate”, https://www.youtube.com/watch?v=BNqNx_XK0dQ&rco=1, minute 7:25.

186 Interview, 2023.

187 Interview, 2023.

Eleven foreign national women interviewed in the camps told Amnesty International that the US-led coalition were involved in bringing them into the system of detention as or after they exited IS-controlled territory. Most of these women said they left from Baghouz and came into contact with forces of the US-led coalition at checkpoints. Five women said forces of the US-led coalition were involved in collecting their and other women's basic information including names, nationality and fingerprints, and three women specifically said coalition members present at checkpoints were screening and separating Syrian and Iraqi women from other foreign national women.¹⁸⁸

One woman interviewed said that after she exited Baghouz, the SDF and affiliated forces took her among several truckloads of perceived IS affiliates to an oil field that the US-led coalition appeared to control. She said US-led coalition forces guarded the perimeter that night, while she and others were beaten by the security forces of the autonomous authorities, and left to sleep outside in cold temperatures with inadequate blankets and little food. She said soldiers she believed were US nationals, based on their accents and the US flags on their vehicles, came to take her biodata shortly after she had been beaten, when she was too weak to stand, and that they collected everyone's phone in a black bag.¹⁸⁹ She said after several hours the SDF took her and others to detention camps.



↑ Children, women and men from the last Islamic State-held areas are taken into the custody of the Syrian Democratic Forces in 2019.
Illustration by Colin Foo © Amnesty International

188 Interviews, 2022 and 2023.

189 Interview, 2023.

2.3 JOINT OPERATIONS

Since the territorial defeat of IS in 2019, the US-led coalition has continued to conduct hundreds of raids and strikes to counter the continuing IS presence in north-east Syria. In some cases, the US-led coalition acts independently, but most often it conducts joint operations with the SDF and affiliated security forces or special forces, including the SDF commandos, the Hêzên Anti-Terror (HAT) forces and the Yekîneyên Anti-Terror (YAT) forces.¹⁹⁰ In 2022, the coalition was involved in 108 joint operations and 14 unilateral operations in north-east Syria, which reportedly resulted in the death of 466 people and the detention of 215 people with perceived links to IS.¹⁹¹ As of November 2023, the US-led coalition had been involved in 82 joint operations and six unilateral operations that year.¹⁹²

The US-led coalition has described such operations as “advising, assisting, enabling and sometimes accompanying U.S.-based partner forces as they conduct clearance operations”, noting that they also assist with security and detention of captured alleged IS members, and provide partner forces with “U.S. ground and air assets”.¹⁹³ In almost all joint operations, the US-led coalition provides support to the SDF for intelligence, surveillance and reconnaissance.¹⁹⁴

The SDF focal point for the US-led coalition described how such joint operations work in practice:

There might be a village in Deir ez-Zor, and we have information from the Military Intelligence that there is an IS sleeper cell there. [The Military Intelligence] writes up the case, and share the information with the coalition. The coalition intelligence sends more people to verify, and they send the information to the commandos or the YAT. Then there [are] the surveillance and drones, and then they all work together to do an operation on the ground.¹⁹⁵

He confirmed that the frequency of operations varies significantly: “It depends on the intelligence. It could be three times in one week, three times in a day, three times in a month. If we get the intelligence, we usually take about one day to verify [the information].”¹⁹⁶ A former representative of the ISF / General Security, who prepared case files on suspected IS affiliates, described the process for the joint operations in which he was involved: “If we heard information about a sleeper cell [then] I prepared the file... [Then] we sent it to our general command. And the general command would share it with the coalition, and do a raid. A joint decision would be taken [to conduct the raid], with the US and SDF.”¹⁹⁷ He added that he

190 Lead Inspector General, *Quarterly Report*, January - March 2021 (previously cited), p. 65.

191 Lead Inspector General, *Quarterly Report*, October - December 2022 (previously cited), p. 57.

192 Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 56, Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 30; Lead Inspector General, *Quarterly Report*, July - September 2023, p. 28.

193 Lead Inspector General, *Quarterly Report*, April - June 2019 (previously cited), p. 17.

194 Lead Inspector General, *Quarterly Report*, January - March 2022 (previously cited), p. 66.

195 Interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

196 Interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

197 Interview by voice call with former member of the General Security, 1 August 2023.

would attend meetings and workshops at coalition military bases on a weekly basis. “All nationalities were there,” he said. “Americans, French, British. For sure the Americans were the most involved.”¹⁹⁸

2.4 INTERROGATIONS

According to representatives of the SDF’s Military Intelligence, the US-led coalition has been involved in the interrogation of people with perceived affiliation to IS who were arrested in joint operations or the coalition’s unilateral operations that have been carried out in north-east Syria since 2014. In most cases, these interrogations occur at the military bases of the US-led coalition, before the suspects are transferred to SDF custody.¹⁹⁹ The SDF told Amnesty International that US officials also interrogated all US nationals captured in north-east Syria before they were repatriated to the US, as well as all “high value” IS suspects who came into SDF custody in the last battles with IS, particularly those who surrendered in the Baghouz battle. An SDF representative clarified, “The Americans are involved based on the seniority and value of the person, regardless of his nationality.”²⁰⁰ In addition, the SDF representative said that US intelligence bodies conduct ongoing interrogations with Syrians, Iraqis and other people in SDF custody, particularly when the intelligence bodies receive new information about a case.²⁰¹

According to an SDF representative, several other states have interrogated their own nationals while held in SDF custody, and France regularly interrogates its nationals as well as other “high value” suspects.²⁰² The representative said that joint interrogations between the SDF and members of the US-led coalition usually take place at five SDF Military Intelligence centres, the locations of which are known to Amnesty International.²⁰³ He also said that in some cases, the coalition takes suspects to their bases for additional interrogations, which last a maximum of 48 hours.²⁰⁴

Three women interviewed by Amnesty International said they had been interrogated by members of the US-led coalition before the SDF took them to the detention camps, after they left IS-held territory.²⁰⁵ Two of these women said members of the US-led coalition interrogated them alone; one said she was taken by coalition forces to a coalition base, along with three other foreign national women, where they were interrogated before being handed back to the ISF, who took them to Al-Hol camp.²⁰⁶ One woman

198 Interview by voice call with former member of the General Security, 1 August 2023.

199 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

200 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

201 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

202 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah; interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

203 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah; information on file with Amnesty International.

204 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

205 Interviews, 2022 and 2023.

206 Interview, 2023.

also reported that she was arrested in a joint US-led coalition–SDF operation after she tried to smuggle herself out of Baghouz, and was then interrogated by a group of coalition personnel in Al-Hasakah Women’s Prison.²⁰⁷

The YPJ told Amnesty International that the US-led coalition is still involved in identifying foreign national women for detention and interrogation.²⁰⁸ They also said that members of the US-led coalition interrogate women in Al-Hasakah Women’s Prison,²⁰⁹ and specified that the “Brits and the French will come to hold meetings, or to work on collaboration cases”.²¹⁰ The head of Al-Hasakah Women’s Prison explained that “if we cooperate with the coalition [the interrogations and detention] can take up to a year. The ones arrested in joint operations with the coalition have a lot of information on IS.”²¹¹ A foreign national woman told Amnesty International about a woman who was interrogated by coalition forces while they were both detained in the detention facility in Roj camp in 2022.²¹²

2.5 DETENTION FACILITIES

FILES AND BIOMETRIC DATA

According to the SDF, the US-led coalition has files on every man, woman and child with perceived affiliation to IS held in detention facilities in north-east Syria, including Syrians and foreign nationals.²¹³ Amnesty International was also told by another SDF representative that the US-led coalition has the biometric data of people with perceived affiliation to IS held in detention facilities in north-east Syria. He explained, “For every prisoner, we have their DNA, iris scan and their fingerprints. The Americans also have the DNA and iris scan of every prisoner.”²¹⁴ This was generally corroborated by the US-led coalition itself, which reported in 2022 that they had worked with the SDF to “biometrically enrol the IS fighters in detention” and noted that more than 90% of detainees had been bio-enrolled.²¹⁵

CONSTRUCTION AND REFURBISHMENT OF DETENTION FACILITIES

In 2022 and 2023, the US-led coalition reported that they were “working on multiple detention facility construction projects including the building of purpose-built facilities and renovation of non-purpose

207 Interview, 2023.

208 Interview in person with the YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

209 Interview in person with YPJ Military intelligence, 3 August 2023, Al-Hasakah.

210 Interview with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023, Al-Hasakah.

211 Interview with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023, Al-Hasakah.

212 Interview, 2023.

213 Interview in person with SDF focal point to the US-led coalition, 3 August 2023, Al-Hasakah.

214 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

215 Lead Inspector General, *Quarterly Report*, October - December 2022 (previously cited), p. 60.

built facilities up to standard”, and clarified that “it is a high priority of the US government to improve the infrastructure housing of ISIS fighters in SDF-managed facilities”.²¹⁶ An SDF representative confirmed that the US-led coalition had provided funding for the maintenance and refurbishment of all detention facilities overseen by the SDF.²¹⁷

The UK and the USA have both provided specific funding for the construction and refurbishment of Panorama / Al-Sina’a detention facility. After the January 2022 attack on the Panorama / Al-Sina’a detention facility compound, the US-led coalition used more than US\$3.6 million of DoD funding to, among other things, refurbish buildings within the prison complex and address the structural damage to the facility.²¹⁸ The former commander of the US-led coalition said in 2021 that the UK had also provided US\$20 million to expand Al-Hasakah Prison (also known as Panorama detention facility).²¹⁹ An SDF representative confirmed that the US-led coalition contributed funding to build the new detention buildings in the Panorama complex and said the project was led by the UK government, which provided the architect.²²⁰

In 2022, the DoD provided US\$2.4 million for the construction of the new youth “rehabilitation” centre for boys held in Panorama detention facility, as well as US\$3.1 million for the Hourri Juvenile “Rehabilitation” Centre.²²¹ Also in 2022, the DoD provided US\$388,000 for the “Sini” detention facility in Al-Shaddadi, specifically to “reinforce entry control points, replace existing damaged wall segments, and provide perimeter protection, including T-walls, concertina wire, pickets, and barbed wire”.²²² A representative of the YPJ told Amnesty International that the UK government has also provided funding to Al-Hasakah Women’s Prison.²²³

PROVISION OF EQUIPMENT, SUPPLIES AND OTHER SUPPORT

The US-led coalition, using DoD funding, has provided other support to the detention facilities in north-east Syria, including riot control gear, security cameras, closed-circuit television systems, improved doors, personal protective equipment, HESCO barriers (wire-enclosed heavy-duty bags filled with sand), concrete T-Walls, concertina wire, and restraints.²²⁴

216 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 31;

Office of the Secretary of Defense, *Department of Defense Budget FY 2023, Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF)*, https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2023/FY2023_CTEF_J-Book.pdf, p. 24.

217 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

218 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, January - March 2022, <https://media.defense.gov/2022/May/03/2002989222/-1/-1/1/PDF>, p. 69.

219 Paul Calvert, “CJTFOIR commander speaks on SDF and Global Coalition successes in defeating ISIS”, <https://www.youtube.com/watch?v=q97HwOu-2Ko>, minute 1:59.

220 Interview in person with representative of the SDF Military Intelligence, 1 August 2023, Panorama detention facility.

221 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 59.

222 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 56.

223 Interview with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023.

224 See Lead Inspector General, *Quarterly Report*, April - June 2020 (previously cited); Lead Inspector General, *Quarterly Report*, January - March 2021 (previously cited); Lead Inspector General, *Quarterly Report*, January - March 2022 (previously cited).

The US-led coalition has also provided supplies “to improve detainee living conditions” in north-east Syria, including food, water, hygiene and medical supplies; fuel, sanitation support, Covid-19 testing equipment and generators; “general furnishings” such as pillows, mattresses and detainee uniforms; and “detainee transport vehicles”.²²⁵ The UK government has supported “basic assistance and protection services for men and boys in detention facilities”.²²⁶ In addition, the UK government said that in 2022 it was planning to scale up “humanitarian assistance for minors in detention”.²²⁷

VISITS TO DETENTION FACILITIES

In addition to conducting interrogations at various detention facilities in north-east Syria, the US-led coalition appears to carry out regular visits to at least some detention facilities, including facilities run by the DAANES and the security forces. When Amnesty International visited Ghweran Central Prison on 30 July 2023, a researcher observed four armed US soldiers standing outside of the entrance, as well as a Humvee with a US flag on its hood parked near the facility’s entrance.²²⁸ According to a member of the prison administration, US forces had visited Ghweran on three occasions that month “to check on the situation”.²²⁹ The staff member said that British forces also regularly visit the prison.²³⁰ In addition, SDF representatives told Amnesty International that the US-led coalition visited Panorama detention facility every month or every other month.²³¹

Fourteen current and former detainees interviewed by Amnesty International also said the US-led coalition had visited their detention facility.²³² For instance, Zaher, a boy held in Hourri Juvenile “Rehabilitation” Centre told Amnesty International that he was visited by US-led coalition forces, and that they interviewed him and five other boys in 2022. He said he told the US-led coalition representative in detail about the torture or other ill-treatment he had faced during his interrogation by the security forces of the autonomous authorities, including prolonged denial of food and water, suffocation with water and beating with cables.²³³ At the time of the interview with Amnesty International, he said no one from the US-led coalition had returned to speak with him.

One woman who was held in Al-Kasrah detention facility in late 2018 and early 2019 described seeing personnel from the US-led coalition in the detention facility: “We would scream, call, and hit the window, but no one cared. We would ask for their [coalition members’] help, and they would not do anything.

²²⁵ Lead Inspector General, *Quarterly Report*, January - March 2021 (previously cited), p. 67; Lead Inspector General, *Quarterly Report*, April - June 2022 (previously cited), p. 58.

²²⁶ UK Government, “Response from the government of the United Kingdom of Great Britain and Northern Ireland” (previously cited).

²²⁷ UK Government, “Response from the government of the United Kingdom of Great Britain and Northern Ireland” (previously cited).

²²⁸ Visit by Amnesty International researcher to Ghweran Central Prison, 30 July 2023.

²²⁹ Interview in person with Ghweran prison administration, 30 July 2023, Al-Hasakah.

²³⁰ Interview in person with Ghweran prison administration, 30 July 2023, Al-Hasakah.

²³¹ Interview in person with SDF Military Intelligence, 1 August 2023, Panorama detention facility.

²³² Interviews with current and former detainees in north-east Syria, 2022 - 2023.

²³³ Interview, 2023.

They would look at us and leave. Within a month, they would come about four times without doing anything to us.”²³⁴

TRAININGS AND STIPENDS

The US-led coalition has provided trainings to the SDF and affiliated security forces with the stated aim of “creating a guard force that can effectively maintain security and prevent ISIS ability to reconstitute”.²³⁵ In 2021, the US-led coalition stated in two subsequent quarterly reports that it had trained the guards at “Al-Hasakah” detention facility (referred to as “Panorama” in this report) and “Al-Shaddadi” detention facility (referred to as “Sini” in this report), including on “training in the use of pepper spray, riot shields, and batons” to better “quell riots and ensure the secure detention of ISIS detainees”.²³⁶ In early March 2023, the US-led coalition reported that 154 ISF personnel had completed security guard training, and in June 2023, that the “SDF graduated 106 Asayish and 86 SDF guards from guard force training this quarter”.²³⁷ In 2023, the US-led coalition said that “training for both counterterrorism forces and detention facility guards is done through direct, hands-on instruction”.²³⁸

In its 2023 justification for funding, the DoD said it planned to increase the number of “vetted Syrian groups and individuals” by 3,500, and that the increase was “to primarily recruit and train new detention facility guard forces”.²³⁹ The DoD said they would provide US\$71.4 million for stipends for these new personnel in 2023, which would be contingent on their compliance with international humanitarian law and respect for human rights.²⁴⁰

According to a representative of the SDF Military Intelligence, the US-led coalition provided trainings for detention facility staff members based on their requests. He described the trainings: “They include guidance from A to Z, from the moment [the suspect] is arrested, and also if there is an uprising [in the prison]. Whenever we get a new member of the team, they are trained in this.”²⁴¹

234 Interview, 2023.

235 Lead Inspector General, *Quarterly Report*, April - June 2022 (previously cited), p. 31.

236 There are two detention facilities present in and near Al-Shaddadi city: Al-Shaddadi detention facility, which is located in Al-Shaddadi city, and Sini detention facility, which is located in the outskirts of Al-Shaddadi city. The US-led coalition, in the October - December 2021 Quarterly Report, refers to training they provided at Al-Hasakah and Al-Shaddadi detention facilities, which they say is “where more than half of ISIS fighters are held”. Given Amnesty International’s knowledge of the number of detainees in each facility in 2021, it strongly believes the US-led coalition is referring to the prisons referred to in this report as Panorama detention facility and Sini detention facility. For more details, see Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, April - June 2021, <https://media.defense.gov/2021/Aug/11/2002828689/-1/-1/1/.PDF>, p. 72; and Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2021, <https://media.defense.gov/2022/Feb/10/2002936936/-1/-1/1/.PDF>, p. 76.

237 Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 59; Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 31.

238 Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 59.

239 Office of the Secretary of Defense, *Department of Defense Budget FY 2023, Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF)*, April 2022, https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2023/FY2023_CTEF_J-Book.pdf

240 Office of the Secretary of Defense, *Department of Defense Budget FY 2023* (previously cited).

241 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

The SDF focal point for the US-led coalition said the trainings given to detention facility staff were focused on “security and riots”. When asked if the trainings addressed the prevention of torture or other ill-treatment by guard staff, he said, “The legal and human rights perspective is very small. It’s just a small part of the training.”²⁴² However, according to the US-led coalition, trainings at SDF detention facilities were offered in 2023 including “escalation of force; accountability protocols; proper detainee escort and transfer procedures and basic principles of the Law of Armed Conflict [international humanitarian law] focusing on humane treatment of prisoners.”²⁴³

2.6 DETENTION CAMPS

Since 2019, the US-led coalition and the US government have been involved in the operations of Al-Hol and Roj camps, and according to the YPJ and security analysts interviewed by Amnesty International, the US-led coalition has extremely high levels of awareness of day-to-day operations and overall patterns of events at both Al-Hol and Roj camps. Perhaps most importantly, the US State Department has funded a non-profit holding company to provide camp management functions at Al-Hol and Roj camps, including managing camp infrastructure; managing the provision of services, including food, water and shelter; and coordinating NGOs.²⁴⁴

The US-led coalition, though the DoD, has also provided dedicated funding and equipment to “secure the perimeter” of Al-Hol camp and to “reinforce the camp’s physical security architecture”, including “renovation materials, generators, lights and security equipment including cameras and biometric enrolment gear”.²⁴⁵ In 2022, the DoD “provided resources and funding for a variety of security improvement projects in the camp”, such as an “internal security fencing project”.²⁴⁶ In 2023, a media report stated that SDF guards at Al-Hol camp now only enter the camp in US-provided “Bearcat” armoured vehicles.²⁴⁷ In 2020, the DoD reported that it would continue to provide stipends to the SDF forces guarding Al-Hol and Roj camps, and in its 2024 CTEF budget justification, the DoD stated that stipends would be provided to “IDP camp security forces”.²⁴⁸

The US-led coalition has provided ongoing trainings for security forces at Al-Hol camp, with the overall goal to “increase the number of security forces operating in the camp, and ensure those forces are

242 Interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

243 Lead Inspector General, *Quarterly Report*, October – December 2023 (previously cited), p. 32.

244 For details on how the organization provides “camp management functions”, see Lead Inspector General, *Quarterly Report*, January - March 2023 (previously cited), p. 65. For additional details on the functions of the organization, see Lead Inspector General, *Quarterly Report*, April - June 2020 (previously cited), p. 58.

245 Lead Inspector General, *Quarterly Report*, April - June 2019 (previously cited), p. 25.

246 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 62.

247 Charles Lister, “There are 13 Guantánamos in the Syrian desert”, 30 March 2023, Politico, <https://www.politico.com/news/magazine/2023/03/27/isis-syria-iran-00088783>

248 For 2020, see Lead Inspector General, January - March 2020 (previously cited), p. 57; for 2024, see Office of the Secretary of Defense, Department of Defense Budget FY 2024 (previously cited), p. 24.

appropriately trained to provide security”.²⁴⁹ In 2022, the US-led coalition trained more than 500 “SDF personnel” in Al-Hol camp.²⁵⁰ In 2023, the US-led coalition trained more than 300 Asayish (ISF) members, which they reported brought the total number of security personnel at Al-Hol camp to 1,377.²⁵¹ The US-led coalition stated that at the current pace of training, the programme is “on track to reach the stated goal of 3,000 personnel trained in 2024”.²⁵²

The US-led coalition has provided significant training and support for the major security operations carried out by the SDF and affiliated security forces in Al-Hol to counter IS affiliates inside the camp. In advance of an operation in 2021, the coalition reported that they had “enabled” the SDF by conducting training and rehearsals, developing a logistical supply plan, and providing intelligence, surveillance and reconnaissance throughout the operation.²⁵³ The US-led coalition was also heavily involved in the 2022 security operation in Al-Hol camp,²⁵⁴ in which Amnesty International estimates about 50 boys, and possibly more, were removed from the camp and taken to detention facilities, including, eventually, a youth “rehabilitation” centre.²⁵⁵

In their written response to Amnesty International, the autonomous authorities stated “the security operation was conducted in full coordination with the international coalition, and all decisions made were joint decisions”.²⁵⁶ They also denied the removal of boys from the camp during this operation.²⁵⁷ However, about a month after the security operation took place, Amnesty International conducted an interview with the co-chairs of the Reform and Rehabilitation Office, who stated that of the boys taken during the Al-Hol security operation, 35 were being held in Ghweran Central Prison.²⁵⁸ In addition, Amnesty International interviewed one of the boys taken during the operation who said 51 boys were removed from the camp during the operation.²⁵⁹

A YPJ representative told Amnesty International that the US-led coalition provided resources and support for any arrests they conducted in Al-Hol camp. “With the coalition we share intelligence and resources on the women. Then we ambush to get the women. The coalition are involved in bringing the women for investigation. They have huge knowledge of what we do. If we do an operation on a specific target, we

249 Statement of Dana Stroul, Deputy Assistant Secretary of Defense for Middle East Policy, Testimony Before the Senate Foreign Relations Committee, “The path forward on U.S.-Syria policy: Strategy and accountability”, 8 June 2022, <https://www.congress.gov/event/117th-congress/senate-event/332564/text>

250 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 62.

251 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 36.

252 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 36.

253 Lead Inspector General, *Quarterly Report*, January - March 2021 (previously cited), p. 18.

254 US Central Command, “Statement regarding Syrian Democratic Forces security operation in Al-Hol camp”, 18 September 2022, <https://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/3161976/statement-regarding-syrian-democratic-forces-security-operation-in-al-hol-camp>

255 Interview, 2023; interview in person with co-chairs of the Reform and Rehabilitation Office, Al-Qamishli, 2 October 2022. See section 5.1: “Boys Transferred to Detention Facilities and ‘Rehabilitation’ Centres” for more details on the removal of boys from detention camps.

256 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

257 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

258 Interview in person with co-chairs of the Reform and Rehabilitation Office, 2 October 2022, Al-Qamishli. Amnesty International also received information, on background, that indicated the presence of other children detained in the operation who were held in another detention facility.

259 Interview, 2023.

bring her here [to Al-Hasakah Women's Prison], for the coalition and us."²⁶⁰ She also noted that in some cases, the US-led coalition itself conducted the operation to arrest the women.²⁶¹

The YPJ representative also said the US-led coalition had been fully aware of their decision to separate boys who reached a certain age from their mothers in the detention camps. She said:

[W]hen we decide to gather specific boys, we give their names to the coalition... before the raids... A French woman had a son of 15 years. [Other] women complained to take the boy out of the section. There was 100% coordination with the coalition [on this case]... Every single step in the camps and the prisons is done with the knowledge of the coalition. Even if we change a caravan from one place to another, they [the coalition] will ask, why are we doing this. They always have knowledge of these boys being taken, and they never criticized us... They encourage us... The coalition have a huge load of data and information... They have [the] details [on the cases].²⁶²

2.7 TRANSFERS TO THIRD STATES

As of July 2023, around 5,500 Iraqis from Al-Hol camp²⁶³ and more than 3,000 Iraqi men and boys held in detention facilities had been transferred to Iraq.²⁶⁴ In addition, 36 other states have repatriated around 3,100 of their nationals from north-east Syria.²⁶⁵ There is no single established process for the repatriation of these foreign nationals. Instead, the nature of the engagement varies depending on the state involved.²⁶⁶

The US-led coalition, and often the US specifically, is heavily involved in these repatriations. According to a representative of the SDF, before any repatriations are arranged, an agreement is made with each state. Any official meetings with that state include: the head of the SDF, a representative of the SDF Military Intelligence, a representative of the intelligence agency or consulate of the third state, and a representative of the US-led coalition.²⁶⁷ The SDF representative emphasized to Amnesty International, "The coalition is always there."²⁶⁸ As outlined in Chapter 9, the US government and the US-led coalition have been particularly involved in the transfers of Iraqis from detention facilities in north-east Syria to Iraq.

260 Interview in person with YPJ Military intelligence, 3 August 2023, Al-Hasakah.

261 Interview in person with YPJ Military intelligence, 3 August 2023, Al-Hasakah.

262 Interview in person with YPJ Military intelligence, 3 August 2023, Al-Hasakah. The Special Rapporteur on Counterterrorism also noted in relation to the forcible transfers of boys from the camp that "Some mothers reported being regularly told by the detaining authority that the authorization for such removals and separation was given by the Global Coalition Against Daesh", End of Mission Statement (previously cited).

263 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 37.

264 Rudaw, "Iraq says over 3,000 ISIS fighters repatriated from Syria", 6 July 2023, <https://www.rudaw.net/english/middleeast/iraq/080620231>

265 Rights and Security International, "Global Repatriations Tracker", <https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker> (accessed on 27 January 2024).

266 Interview with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

267 Interview with two representatives of the SDF Military intelligence, 29 July 2023, Al-Hasakah.

268 Interview with two representatives of the SDF Military intelligence, 29 July 2023, Al-Hasakah.

According to another SDF representative, the US-led coalition provides logistical support for repatriations, even providing air transport from one of its military bases in Rmelan if the nationals of a given country cannot pass through Damascus, or if there is a particularly large group of people.²⁶⁹ The US State Department has confirmed that Kuwait serves as a “critical transit hub” for US-assisted repatriations from north-east Syria.²⁷⁰ In addition to being involved in the negotiations and agreements leading to transfers and in the transfers themselves, the US has taken a public role encouraging repatriations.²⁷¹

269 Interview with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

270 US State Department, “Deputy Coordinator for Counterterrorism Ian Moss fireside chat with Matthew Levitt”, 19 April 2023, <https://www.state.gov/deputy-coordinator-for-counterterrorism-ian-moss-fireside-chat-with-matthew-levitt>; see also US State Department, “Secretary Antony J. Blinken and Saudi foreign minister Prince Faisal bin Farhan Al Saud at the global coalition to defeat ISIS ministerial opening session,” 8 June 2023, <https://www.state.gov/secretary-antony-j-blinken-at-the-global-coalition-to-defeat-isis-ministerial-opening-session>

271 See, for example, “Ian Moss fireside chat with Matthew Levitt” (previously cited).

3 STANDARDS OF LAW

3.1 LEGAL STANDARDS APPLICABLE TO THE AUTONOMOUS AUTHORITIES

The hostilities between the Syrian Democratic Forces (SDF) and the US-led coalition, on one side, and the Islamic State (IS) armed group, on the other, amount to a non-international armed conflict.²⁷²

International humanitarian law (IHL) of non-international armed conflict therefore applies to all parties to the conflict. This includes Common Article 3 of the Geneva Conventions and customary international humanitarian law. Among their IHL obligations, parties must ensure that all persons who are not taking active part in the hostilities, including people who are “*hors de combat* by sickness, wounds, detention, or any other cause”, are treated humanely.²⁷³ Torture and degrading treatment²⁷⁴ and arbitrary deprivation of liberty²⁷⁵ are prohibited.

Serious violations of international humanitarian law are war crimes.²⁷⁶

International human rights law (IHRL) applies alongside international humanitarian law in conflict contexts. The two bodies of law provide complementary and mutually reinforcing protection.²⁷⁷

272 For further explanation, see Amnesty International, *War of Annihilation: Devastating Toll on Civilians, Raqqa - Syria* (Index: MDE 24/8367/2018), p. 61. For a more recent assessment that the conflict still constitutes a NIAC, see RULAC, Geneva Academy, *Non-International Armed Conflicts in Syria*, <https://www.rulac.org/browse/countries/united-states-of-america>

There are multiple other non-international armed conflicts also ongoing in Syria, including between the SDF and the Government of Syria, and between the SDF and the Government of Türkiye. However, the armed conflict between IS and the SDF and US-coalition is key for determining the applicable laws to the system of detention of perceived IS affiliates in north-east Syria.

273 Common Article 3.

274 Common Article 3.

275 ICRC, Customary International Humanitarian Law, Rule 99.

276 ICRC, Customary International Humanitarian Law, Rule 156.

277 See International Court of Justice (ICJ), *Advisory Opinion on the Legality of the Threat of Use of Nuclear Weapons* (previously cited) para 25; ICJ, *Advisory Opinion of the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (previously cited) para 106. and the Human Rights Council, in its resolution 9/9, further acknowledged that human rights law and international humanitarian law were complementary and mutually reinforcing. See also, for example, UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee), General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, 18 October 2013, UN Doc. CEDAW/C/GC/30, paras 19 and 20.

Non-derogable provisions of human rights law include the right to life,²⁷⁸ and the prohibition on torture or cruel, inhuman and degrading treatment.²⁷⁹ Human rights law also prohibits the arbitrary deprivation of liberty, and entitles anyone facing a criminal charge to a fair and public hearing.²⁸⁰

In the 2019 Social Justice System Charter of the Autonomous Administration of North and East Syria, the autonomous authorities recognized the applicability of international law, committed to be bound by human rights law, and abolished the death penalty.²⁸¹

3.2 APPLICATION OF IHL AND IHRL TO THE SYSTEM OF DETENTION

The complimentary application of international humanitarian law and international human rights law prohibit the autonomous authorities in north-east Syria from depriving anyone of their liberty “except on such grounds and in accordance with procedures established by law”.²⁸²

The autonomous authorities are required to inform any individual who is arrested of the reason for their arrest, and any person arrested on a criminal charge must be brought promptly before a judge and shall be entitled to trial within a reasonable time or to release.²⁸³ Duty bearers must provide all persons deprived of liberty with an opportunity to challenge the lawfulness of their detention.²⁸⁴

Review of the legality of detention must be undertaken by a body which is independent of the executive,²⁸⁵ and persons deprived of their liberty must have access to a lawyer.²⁸⁶ The autonomous authorities are required to ensure “equality of arms” between the prosecution and the defence, which requires the defence be given the opportunity to contest all the arguments and evidence presented by the prosecution.²⁸⁷

278 See, for example, the International Covenant on Civil and Political Rights (ICCPR), Article 6.

279 See, for example, ICCPR, Article 7, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

280 See, for example, ICCPR, Article 9.

281 The 2019 Social Justice System Charter of the Autonomous Administration of North and East Syria, on file with Amnesty International.

282 ICCPR, Article 9.3.

283 ICRC, Customary International Humanitarian Law, Rule 99; ICCPR, Article 9.3.

284 ICRC, Customary International Humanitarian Law, Rule 99; ICCPR, Article 9.4.

285 ICRC, Customary International Humanitarian Law, Rule 99; UN Human Rights Committee, General Comment 35 on Article 9 of the ICCPR (Liberty and security of the person), 16 December 2014, UN Doc. CCPR/C/GC/35, section V.

286 ICRC, Customary International Humanitarian Law, Rule 99; UN Committee against Torture, *Report of the Committee against Torture on the Situation in Turkey*, UN Doc. A/48/44/Add.1, 15 November 1993, para 48; European Court of Human Rights, *Aksoy v. Turkey*, Judgment, 18 December 1996, Reports of Judgments and Decisions 1996-VI, para 83; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988, UN Doc. A/43/173, Principle 17.

287 UN Human Rights Committee, General Comment 32 : The Right to Equality Before Courts and Tribunals and to a Fair Trial (Article 14), 23 August 2007, UN Doc. CCPR/C/GC/32, para. 26.

Amnesty International opposes the use of administrative forms of detention. Their use is all too often indefinite,²⁸⁸ and used to circumvent fair trial safeguards of criminal proceedings.²⁸⁹ Survivors and other victims of crimes under international law also have a right to justice, including criminal accountability, which requires perpetrators of such crimes to be brought to justice in fair trials.²⁹⁰

International humanitarian law and international human rights law also prohibit enforced disappearances.²⁹¹ A detention amounts to an enforced disappearance when it is accompanied by concealment of the fate or the whereabouts of the person, which places that person outside the protection of the law.²⁹²

More broadly, applicable international humanitarian law and international human rights law prohibit discrimination and set out specific obligations to guarantee women's rights.²⁹³ These include, among others, the rights to substantive equality,²⁹⁴ and to be free from gender-based violence.²⁹⁵ International humanitarian law and international human rights law also set out that children affected by armed conflict are entitled to special protection,²⁹⁶ and human rights law requires that in actions taken by duty bearers concerning children, "the best interests of the child shall be a primary consideration".²⁹⁷ Under international anti-trafficking and human rights law, survivors of trafficking have a right to protection, assistance, justice and remedies.²⁹⁸

3.3 LEGAL STANDARDS FOR STATES WORKING WITH THE AUTONOMOUS AUTHORITIES

States who are party to the armed conflict with IS, including the US and its coalition partners, are bound by international humanitarian law applicable to non-international armed conflicts. In addition, these states

288 Amnesty International considers indefinite detention to constitute a violation of the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

289 See Report of the Special Rapporteur on Counterterrorism, 6 August 2008, A/63/223, para. 19.

290 See, for example, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted 15 December 2005 by General Assembly resolution 60/147.

291 ICRC, Customary International Humanitarian Law, Rule 98; International Convention for the Protection of All Persons from Enforced Disappearance.

292 See Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

293 IHL prohibits adverse distinction in the law's application on grounds including sex. ICRC, Customary International Humanitarian Law, Rule 88. It also includes a number of additional obligations to ensure protection of women by parties to a conflict. An array of human rights conventions prohibit discrimination and require duty bearers to act to ensure women's rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ICCPR and the Convention Against Torture, among others.

294 CEDAW Committee, General Recommendation 25 on Temporary Special Measures to Support the Achievement of Equality, 18 August 2004, paras 8 and 9.

295 For example, CEDAW Committee, General Recommendation 35, on Gender Based Violence Against Women, Updating General Recommendation 19, 26 July 2017, UN Doc. CEDAW/C/GC/35; Committee against Torture, General Comment 2, 24 January 2008, UN Doc. CAT/C/GC/2, para. 18; Human Rights Committee, General Comment 35, 16 December 2014, U.N. Doc. CCPR/C/GC/35, para. 9.

296 ICRC, Customary International Humanitarian Law, Rule 135; Convention on the Rights of the Child (CRC), Article 37.

297 CRC, Article 3(1).

298 See, for example, UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

are also bound by international human rights law in their actions in north-east Syria where they exercise effective control over individuals or territory.²⁹⁹

States working with the autonomous authorities must not themselves violate international human rights law or international humanitarian law, and must act with due diligence to “ensure respect” for international humanitarian law.³⁰⁰

Among their international human rights law obligations, states working with the autonomous authorities are prohibited from transferring an individual to a situation where there are substantial grounds to believe they would face torture or other cruel, inhuman or degrading treatment or punishment, and other serious human rights violations – as this would violate the principle of non-refoulement.³⁰¹

299 See, for example, UN Committee Against Torture, General Comment 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, para. 16; UN Human Rights Committee (HRC), Concluding observations on the fourth periodic report of the United States of America, 23 April 2014, CCPR/C/USA/CO/4, para 4; UNHRC, General comment 31, The nature of the general legal obligation imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13, para 10.

300 Common Article 1 to the Geneva Conventions. See section 10.2: “Violations by the US and Other Coalition Members” for further discussion.

301 See, for example, Convention Against Torture, Article 3; Committee Against Torture, General Comment 4, On the implementation of Article 3 of the Convention in the context of Article 22, 4 September 2018, UN Doc. CAT/C/GC/4, para 10; HRC, General Comment 20, Prohibition of torture and cruel treatment or punishment, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add 13, para. 12; and General Comment No. 31, Nature of the general legal obligation imposed on states parties to the Covenant, 28 July 1994, UN Doc. HRI/GEN/1/ Rev.1, para 12; International Convention For the Protection of All People from Enforced Disappearances, Article 16(1). The ICRC has also stated that Common Article 3 is largely considered as incorporating the principle of non-refoulement. See: ICRC, A-Z of terms, undated, available at: https://casebook.icrc.org/a_to_z/glossary/non-refoulement

4 SYSTEMATIC TORTURE IN SECURITY FORCE DETENTION

“We experienced all kinds of torture, starting with starvation. They turned off the exhaust fan, so they tortured us by our breathing, they tortured us by cutting the water... [T]hey would start beating us without any reason. They didn’t allow us to speak.”

Man detained in Sini detention facility³⁰²

“On my back, I had a huge sore, full of pus... Twelve out of 25 [men] in my cell have tuberculosis. One of them is coughing up green phlegm... Some people are not able to speak anymore... Six people died in my room.”

Man who had been detained in Panorama detention facility³⁰³

In the last stages of the battle with IS in north-east Syria, in early 2019, thousands of Syrian, Iraqi and other foreign national men and boys came into SDF custody and were placed in security force detention facilities.³⁰⁴ Unable to hold these people in pre-existing facilities, the SDF and affiliated security forces, with the support and cooperation of the US-led coalition, detained many older boys and men in a series of temporary, makeshift detention facilities scattered across north-east Syria.

Over time the majority of these individuals were consolidated into two detention facilities. The first is Sini detention facility, which is located near Al-Shaddadi city. As of August 2023, it held around 800

302 Interview, 2023.

303 Interview, 2023.

304 France 24, “Thousands surrender as IS group nears defeat in Syria”, 13 March 2019, <https://www.france24.com/en/20190313-syria-thousands-surrender-islamic-state-group-nears-defeat-baghouz>, <https://www.france24.com/en/20190313-syria-thousands-surrender-islamic-state-group-nears-defeat-baghouz>

detainees.³⁰⁵ The second is Panorama detention facility, which was purpose-built in Al-Hasakah city by the US-led coalition, replacing a makeshift prison on the same site. Often referred to as Al-Sina'a, this prison complex was the site of a large-scale IS attack in January 2022.³⁰⁶ As of August 2023, the buildings that make up this facility held nearly 4,000 detainees.³⁰⁷

The detainees in Sini and Panorama currently represent roughly 85% of the overall population of people in security force detention.³⁰⁸ The overwhelming majority of people held in Sini and Panorama have not been charged and have not had the opportunity to challenge the legality of their detention.

The remaining security force detention facilities hold roughly 900 men, women and children who were arrested before the territorial defeat of IS, when, for example, leaving IS-controlled areas, as well as after, in ongoing military operations. They are held by security forces for interrogation prior to transfer for trial.

As discussed in section 4.1, the SDF has subjected detainees at Sini to routine physical abuse and humiliation and has deprived them of adequate food, water, healthcare and the ability to meet other basic needs. These practices have led to thousands of deaths in detention.

Section 4.2 focuses on Panorama, where detainees have suffered from tuberculosis for at least two years. As of August 2023, the SDF confirmed that this was causing the deaths of one or two detainees per week.

As set out in section 4.3, at other detention facilities they control, the SDF and affiliated security forces have subjected men, women and children to systematic torture or other ill-treatment, used routinely to extract forced confessions. Common forms of torture include beating, stress positions, drowning, electric shocks and gender-based violence. In these facilities, Amnesty International documented 46 additional cases of people subjected to torture or other ill-treatment in security force detention through a combination of inhumane conditions, physical assault and threats of violence. This included 18 men, 15 women, and 13 people who were tortured as children³⁰⁹ – some in their early teens. These incidents took place between 2015 and 2023, with the majority occurring after the fall of Baghouz in 2019.

Finally, section 4.4 details that the US-led coalition has transferred the people it arrests during ongoing military raids into this torture-rife detention system and has interrogated detainees both before and after they have been subjected to torture or other ill-treatment by the SDF and affiliated security forces.

Regarding Amnesty International's findings on torture or other ill-treatment, the autonomous authorities said in their written response they would act on evidence of such violations, but stated: "We have not

305 Data provided by SDF, August 2023, on file with Amnesty International.

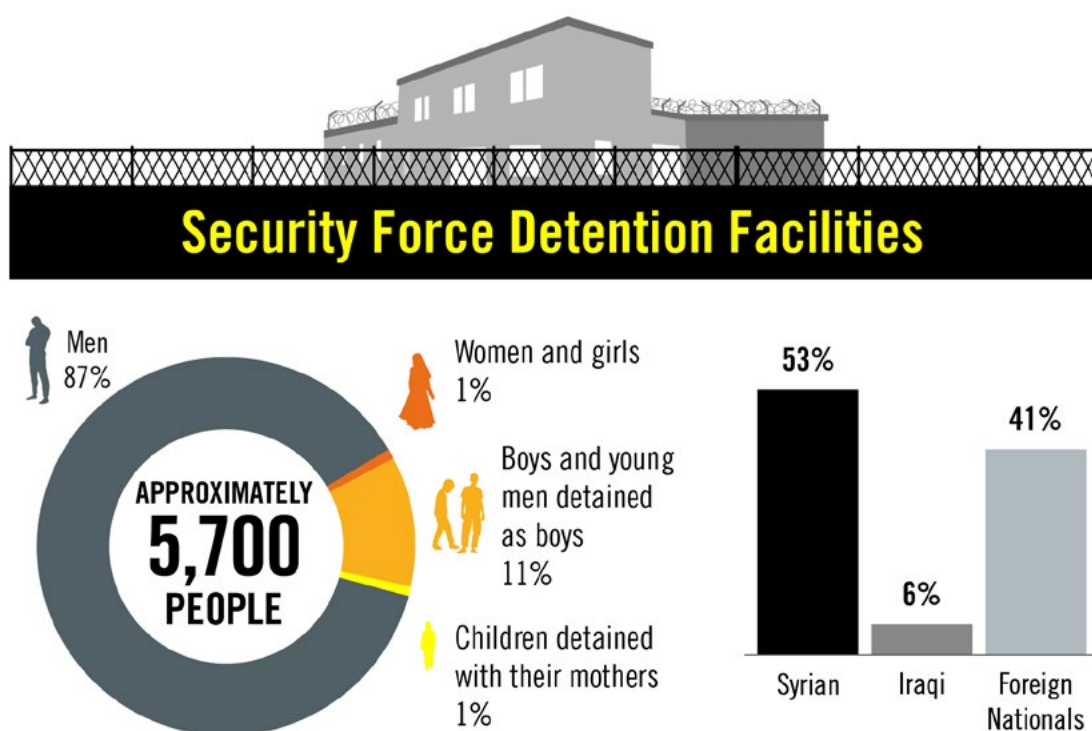
306 For more details, see Commission of Inquiry on Syria, *Report*, 7 October 2022, A/HRC/51/45.

307 Data provided by SDF, August 2023, on file with Amnesty International.

308 Data provided by SDF, August 2023, on file with Amnesty International.

309 While the majority of people in this group are still boys, some of them are now over the age of 18.

received any information or complaints in this regard, and if this happened, they are individual acts.”³¹⁰ Based on the cases documented in this report, Amnesty International concludes the actions of the SDF and affiliated security forces should be investigated as the war crimes of torture, cruel treatment, outrages upon personal dignity, and, in some cases, murder.³¹¹



4.1 SINI DETENTION FACILITY

Sini detention facility is made up of several buildings in one complex, which the SDF converted into a makeshift prison.³¹² Former detainees reported that at the height of its capacity, prior to 2022, Sini held around 3,000 to 4,000 detainees, including a small number of children. As of 2023, the SDF reported that roughly 800 detainees remained.³¹³

Former detainees reported that between 2019 and 2022, Sini held Syrians as well as Iraqis and other foreign nationals. Three former detainees reported that around March 2022, most if not all foreign nationals were transferred out of Sini.³¹⁴ Since that time, the vast majority of detainees there are Syrian. As

310 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

311 For more details, see Chapter 10: “Legal Analysis”.

312 According to a detainee who was held in several different buildings in the course of three years, these building include “the Sevens”, “the Eights”, “the Hole”, “the Restaurant”, and the “Special Building”. Interview, 2023.

313 Data provided by SDF, August 2023, on file with Amnesty International.

314 Interviews, 2023.

noted in section 8.2 below, a significant number of people held in Sini may have been arrested wrongfully, including on the basis of false reports, and may have no actual ties with IS.³¹⁵ As set out in Chapter 2, the US-led coalition has provided specific support to Sini, including infrastructure refurbishment, such as providing “perimeter protection” and trainings for the facility’s staff on “the use of pepper spray, riot shields, and batons” to better “quell riots and ensure the secure detention of ISIS detainees” in 2021.³¹⁶

Amnesty International interviewed eight men who had been detained at Sini. Each of the interviews was conducted independently. Their testimonies were consistent and corroborated each other in revealing a site of unrelenting and systematic brutality. Detainees were subjected to routine physical abuse, humiliation and deprivation of their basic needs, including food, water and medical care. According to former detainees at Sini, these practices led to the deaths of hundreds of people, who are buried in a mass grave on the prison grounds.³¹⁷

Specific details, such as precise locations and dates, have been omitted from this section to preserve the anonymity of witnesses. The former detainees interviewed were held at Sini from 2019 to 2023. The most recent testimonies show that war crimes and other violations were still ongoing at Sini as of spring 2023. Given the scale and gravity of the violations documented by Amnesty International, urgent investigations should be conducted to further verify these findings.

TORTURE OR OTHER ILL-TREATMENT

Seven former detainees held in Sini told Amnesty International that the guards regularly subjected people held there to physical torture. According to Abbas, the torture began in the courtyard at Panorama detention facility, just before he was transferred to Sini:

They gathered us in the yard, [and] they were beating us like crazy. They were breaking our bones. They were beating us with cables, stones, iron pipes. We heard the voices of the soldiers. One would say, ‘Oh, look, this one died’... [They] were saying, we should not leave anyone in good shape... I heard the soldiers talking to other[s], saying, ‘Oh my god, a lot of people died. Put their blindfolds on and put them in the lorries.’³¹⁸

Three of the former detainees interviewed by Amnesty International said they were tortured just after their arrival at Sini, in a “welcome party”. Each said they were first stripped naked. Omar said: “They were beating us with pipes, cables, wooden sticks, different kind of things... [T]hey were beating us brutally.

315 For more details, see section 8.2: “Instrumentalized Allegations of IS Affiliation”.

316 For details on the US-led coalition’s refurbishment of Sini detention facility, see Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 56. For details on the trainings of staff at Sini, see Lead Inspector General, *Quarterly Report to the US Congress*, April - June 2021 (previously cited), p. 72; and Lead Inspector General, *Quarterly Report to the US Congress*, October - December 2021 (previously cited), p. 76.

317 In this report, Amnesty International is using the term “mass grave” in line with the definition given in 2020 by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: “a mass grave is a burial site where the ‘circumstances surrounding the death and/or the body-disposal method warrant an investigation as to their lawfulness.’” For more details, see the Special Rapporteur’s report: *Mass Graves, Highlighting the Multitude of Sites of Mass Killings and Unlawful Deaths across History and the World*, 12 October 2020, UN Doc. A/75/384, para. 12.

318 Interview, 2023.

Some people's hands were broken [and] their legs and their ears were injured, their mouths and teeth were broken, and blood was everywhere."³¹⁹ Abbas described his arrival: "As we came into Sini, they 'welcomed' us... using the stones, the pipes, cables, steel chains, whatever they could find... The director of the prison came inside, and he said... 'I have full authority to kill you all.'"³²⁰

Former detainees said that during their time at Sini, they were subjected to torture or other ill-treatment primarily in the form of beatings with various implements, but also including whipping with electrical cables, suspension from the wrists in what is known as the *shabeh* stress position, sexual violence and electric shocks. Detainees said that they were tortured in their cells, in the corridors outside their cells and in other rooms in the buildings inside the prison complex. Yusuf said it was the unpredictability of the torture that he found most difficult:

There was no specific day or specific hour, or a way of torture... It was very random... They would do it sometimes in the courtyard, sometimes when we were going out of the room... The worst was when they came inside the room. We were all in the corner, facing the wall. [They were] carrying plastic pipes, cables, steel pipes, and they beat us everywhere – on the shoulders, heads, backs – there was no part of your body that was not beat... You could hear our screaming to the ends of the desert around us...

Every 15 days, they would take us out, in the yard, all naked... [The guard] would take the broomstick, put soap on it, and put that into our bodies. They were raping people with that stick. They would beat us at the same time, and send us back to the room... Once they took me [out of the cell] with another guy. They handcuffed us together, and they brought an electricity cable from the generator, and they kept torturing us by electricity... I think the guy next to me died. He stopped moving and screaming. Even me, I almost died. I reached a point where I could not scream any more.³²¹

Omar described his experience: "Each time [after I was tortured] I was not able to walk back to my room. We always had wounds, everywhere... people were bleeding."³²²

Three former detainees said the foreign nationals were specifically targeted for torture in Sini.³²³ Abbas explained, "The immigrants [foreign nationals] were singled out for bad treatment. The immigrants had so much torture... Whenever the soldier saw [them], they would beat them."³²⁴

319 Interview, 2023.

320 Interview, 2023.

321 Interview, 2023.

322 Interview, 2023.

323 Interviews, 2023.

324 Interview, 2023.

DEPRIVATION OF FOOD AND WATER

All former detainees told Amnesty International that they were deprived of adequate food at Sini. They recounted fainting and being unable to walk or stand due to extreme hunger. Omar described:

In the beginning, they would give us one meal a day. Do you know the drinking water glass, the small one? They would give us the food for two people in that glass... People were losing weight daily, you could see it. I started at 110 kg, and when I left, I was around 65kg... The quality [of the food] was so bad... Once we saw the stamp of the shoe of the guard in the bulgur.³²⁵

Abbas told Amnesty International: “We were so hungry we didn’t have energy to walk to the toilet. Our clothes became like a curtain, a curtain hanging from our bodies.”³²⁶ Muhammed shared his experience: “They would give a bowl of noodles only once a day. They would bring a big plastic bowl, and each detainee could get one glass of that water, and maybe one or two noodles per person... We were losing so much weight, very quickly. I became like a skeleton. I was like a stick standing on the ground.”³²⁷

Detainees also said they were denied adequate drinking water. Omar recounted: “They gave us water [for] one hour a day, at noon, and they cut the water [off] until the next day. This was for the first two years. If you could get a container [for the water], you would take the water drop by drop in your mouth just so you could survive.”³²⁸ Yusuf said similarly, “We had to be very careful, because sometimes we wouldn’t have [water] for two or three days... Especially in the summer time, people started yelling and screaming because we were so thirsty. One person in my room went to drink the pee from the toilet.”³²⁹

OVERCROWDING, LACK OF VENTILATION AND EXTREME TEMPERATURES

All former detainees said they had faced harsh and inhumane conditions in their cells, including overcrowding, lack of ventilation and extreme temperatures. Yusuf recounted:

We were 37 people inside... a 5x3m room... When we needed to sleep, we measured the ground... We would get one hand and four fingers of space. But this was for two people, not for one. At night, my partner and I slept on our sides, and I put my head on his feet, and he put his head on my feet... After a while, we decided to have one person stand and one person sleep, so that we could at least get a few hours of sleep. If you have to use the bathroom at night, you would have to walk on the people.³³⁰

³²⁵ Interview, 2023.

³²⁶ Interview, 2023.

³²⁷ Interview, 2023.

³²⁸ Interview, 2023.

³²⁹ Interview, 2023.

³³⁰ Interview, 2023.

All former detainees said they only had exhaust fans for ventilation, and no other way to control the temperature in the cell. Omar explained, “They used exhaust fans, but that wasn’t enough. We had so much humidity, even in the summer in a dry area, because of our breathing. That created a big problem for us. The walls were completely wet... A lot of people died from suffocation.”³³¹ Karam said, “The ‘head’ of the room would go to the guard and tell him to start the exhaust fan, for us just to breathe... It was according to their mood. They would stop the exhaust fan when they were angry... If they stopped it, it would be so hot and wet.”³³²



© ↑ Men held in a security force detention facility. Men in these facilities have been subjected to routine physical abuse and deprived of food, water, medical care, and other basic needs. Illustration by Colin Foo © Amnesty International

Najib described the conditions in his cell:

We came in the winter, and there was no heating at all... It was so cold, but it was very crowded... Our bodies were touching and we would have one blanket for two or three people... It was dirty, and we were dirty, and it smelled like shit. They used to open the door for two minutes in the morning and two minutes at lunch, and this is how we got some air... It would be very wet in the cell. Sometimes someone would start suffocating, and we would beg [the guard] to take him out to take some breaths outside.³³³

331 Interview, 2023.

332 Interview, 2023.

333 Interview, 2023.

Two detainees said they were not provided with mattresses and were forced to sleep on the cement floor, which exacerbated the cold temperatures in the winter.³³⁴ Most detainees said they were held in cells without windows or natural light. “In Sini, there is no night and day... You lose all time in Sini,” said Karam.³³⁵

ACCESS TO SHOWERS AND TOILETS

Several detainees reported that they were unable to shower or bathe at Sini. Karam explained the consequences: “You could see the lice on our bodies. It was something you can’t imagine.”³³⁶

Some former detainees said that they were given inadequate access to the toilet, which was used by the guards as a way to humiliate them. Najib described: “They let us go to the toilet only two times a day... They used to tell us we will count to 10 or 15, and you should go to the toilet and come back to the room in this time. Of course we couldn’t make it.”³³⁷ Yusuf said that because there was only one toilet in his cell, which held 80 people, the “head” of his cell had to develop a register for using it. “We all eat at the same time, so we all need to use [the toilet] at the same time... A lot of people would just shit themselves, because they couldn’t wait,” he said.³³⁸ Yusuf also noted that due to the water shortages, they were often unable to flush or clean the toilet in their cell.³³⁹

SICKNESS AND DISEASE

According to former detainees interviewed by Amnesty International, the inhumane conditions and deprivation of food and water outlined above led to an outbreak of disease and health conditions in Sini, including but not limited to skin diseases such as scabies; respiratory diseases such as bronchitis, pneumonia and asthma; and kidney problems. The inhumane conditions also increased the severity of chronic conditions suffered by detainees. All former detainees described inadequate access to healthcare, stating that there was no clinic or healthcare team present in Sini and that detainees were never transferred outside of Sini for urgent medical care.³⁴⁰ One former detainee said it seemed that any form of medical care was “forbidden”, and two others said medical treatment was limited to painkillers such as ibuprofen, which were available infrequently.³⁴¹ Former detainees said that of all the diseases present in Sini, tuberculosis was the most common. Karam said, “90% of the people in that prison have

334 Interviews, 2023.

335 Interview, 2023.

336 Interview, 2023.

337 Interview, 2023.

338 Interview, 2023.

339 Interview, 2023.

340 Interviews, 2023.

341 Interviews, 2023.

tuberculosis... Only one other person in my cell and I didn't get it, but everyone else in the cell had it. All of my cellmates were coughing up blood."³⁴²

Two former detainees described an outbreak in Sini of a medical condition which one of the detainees described as "the blue".³⁴³ Both detainees who discussed this condition were held at Sini for multiple years. Both said they witnessed how people with this condition started with their toes turning blue, which then spread to their feet and legs.³⁴⁴ Omar, one of the two former detainees, said the condition would usually progress over a period of 10 days to two weeks.³⁴⁵ Yusuf, the other former detainee who described this outbreak, said:

It was the colour like when you use a tourniquet on your arm... When their toes turned blue, their temperature elevated, and when it arrived to their feet, they couldn't walk... The second day, they started feeling massive pain, and then it moved up to the stomach... When it arrived to the stomach, they lost consciousness... Most of them would have diarrhoea... Two days before they died, they started speaking about strange things, they didn't know what, and then they would die.³⁴⁶

Yusuf said that when detainees in his cell with this condition were given adequate food, they would improve within a month.³⁴⁷ A medical expert consulted by Amnesty International said the condition was likely to be the result of a severe vitamin B12 deficiency caused by poor nutrition. The expert said this can have widespread effects in the body including blood clotting in the peripheral nerves, the brain, the heart and the stomach.³⁴⁸

RULES OF SINI DETENTION FACILITY

Former detainees told Amnesty International that they were forced to follow certain rules at Sini, and were told by prison staff that breaking these rules would lead to severe consequences, including death. Several detainees said they were not allowed to speak to their cellmates, and that speaking in small groups was forbidden. Only the head of the cell was permitted to speak to the guards. This rule was enforced through the guards' monitoring of the cell through security cameras. Karam explained:

It was forbidden to talk with anyone... The cameras could see that we were speaking... If I needed to speak to someone next to me, I would not look in his eyes, I would look in a different direction. If they see us facing another person and speaking, there would be problems... It was so quiet. We could only hear the sounds of

³⁴² Interview, 2023.

³⁴³ Interviews, 2023.

³⁴⁴ Interview, 2023.

³⁴⁵ Interview, 2023.

³⁴⁶ Interview, 2023.

³⁴⁷ Interview, 2023.

³⁴⁸ Medical expert, email to Amnesty International, 24 January 2024, on file with Amnesty International.

torture and people screaming at night... Even when I was released, my tongue felt very heavy from not talking. When I started talking with the other people, I would speak very quietly. It took time to return to normal.³⁴⁹

Detainees said they were forbidden from looking in the direction of the guards, and particularly from making eye contact with them. As part of this rule, detainees were forced to look at the ground when they were moved from place to place. “When we go to the toilet, we shouldn’t look in the eyes of the guard. We would keep our head looking toward the ground,” Najib explained.³⁵⁰

Several detainees said that whenever a guard approached the cell, they were required to move quickly to the back of the cell and face the wall. Yusuf described: “If you hear any voice, you have to leave anything in your hands and face the wall... Even in the middle of the night, you get up and face the wall. If you are eating and you hear something, you run and face the wall. We should all be on top of each other, facing the corner... All of the rules were designed to humiliate us.”³⁵¹

DEATHS IN DETENTION AND MASS GRAVE

Detainees interviewed by Amnesty International said the inhumane conditions of Sini, along with the physical abuse, led to the deaths of at least many hundreds of people, if not more. Former detainees recounted episodes in which they witnessed their friends and other cellmates dying in front of them, sometimes in large numbers. For instance, Abbas described an event that occurred in 2020:

When they turned off the electricity, the exhaust fan would stop, so we can’t breathe... So many people suffocated because they turned off the electricity in the summer. Once, I remember there was a massacre in my room. Seventeen people died in one day, and some people started bleeding from their ears and their eyes.³⁵² **They turned the electricity off for four hours. We had 82 prisoners [in my cell], and 17 of them died... In other rooms, on the same day, more people died.**³⁵³

Omar told Amnesty International that he witnessed the death of at least 100 people during his four years at Sini.³⁵⁴ He said, “In my room, two died at the same moment... [S]o many things led people to die: lack of food, torture, cold, lack of air.” Yusuf said he had witnessed the death of at least 15 men.³⁵⁵

349 Interview, 2023.

350 Interview, 2023.

351 Interview, 2023.

352 Amnesty International consulted with a medical expert on this detail of the testimony. The medical expert said that given the high temperatures in the summer, turning off the cooling system in the cell could lead to extreme hyperthermia, or life-threatening heat shock. He said this condition can be complicated by disseminated intravascular coagulation (DIC), a disorder of blood clotting, which can manifest as spontaneous skin bruising, both pinpoint and larger, as well as bleeding into the whites of the eyes and from the ears. Email to Amnesty International, 24 January 2024, on file with Amnesty International.

353 Interview, 2023.

354 Interview, 2023.

355 Interview, 2023.

Three detainees recalled that the guards sometimes refused to remove corpses from the cell, and instead told detainees to wait until the morning, or until a larger number of corpses was ready to be collected. Yusuf described: “When people started dying massively... the guard would say, ‘[Don’t say] if only one person dies, say if two or three people die.’ They waited until there were three people and then they collected them.”³⁵⁶ Najib said, “When the people died in the daytime, sometimes the guards saw that through the [security] cameras. But if someone died at night, we would knock on the door. They would say, keep the dead body until the morning.”³⁵⁷

According to three former detainees, the corpses of detainees were deposited in a mass grave within the complex of Sini detention facility. Two of the three said they were told this by the *sukhra*³⁵⁸, a group of detainees who worked closely with the prison staff and therefore received preferential treatment and specialized tasks, including depositing the bodies in the grave. Abbas said that at one point during his detention, the guards discussed the mass grave with the detainees in his cell:

Once [the guards] came, and they said, ‘Oh my god, the dogs came, and they pulled the bodies out of the hole’... They were always telling us, death is normal, and we have the authority to kill you all. So they had a ditch next to the prison, and they would bury people there... We had the smell of the bodies inside the prison.³⁵⁹



↑ Satellite imagery from 8 October 2020 shows Sini detention facility outside of Al-Shaddadi city, Syria. A possible area where bodies of deceased detainees were buried is on the northern edge of the facility. The disturbed earth in this area was first visible in satellite imagery from September 2019 (not shown). Amnesty International asked the autonomous authorities whether this area was a mass grave for detainees, but received no response by the time this report was finalized.

³⁵⁶ Interview, 2023.

³⁵⁷ Interview, 2023.

³⁵⁸ “Sukhra” is translated from Arabic as “forced labour”.

³⁵⁹ Interview, 2023.



📡 ↗️ Satellite imagery since 5 January 2019, shows disturbed earth and pits created and covered over time northeast of Sini detention facility. In 2022, the perimeter of the prison was expanded to encompass this area. The location and clustering of the features suggests this is likely an area where bodies of deceased detainees were buried. It is unclear if the area is still being used in 2023, but the new perimeter of the prison complex was constructed to encompass the area.



Abbas told Amnesty International that he and other Syrians in his cell were sometimes tasked with dealing with the corpses of detainees. He said the usual procedure was to wrap the body in transparent plastic wrap, and then to put the body in a plastic body bag with a zipper, along with a water bottle containing the detainee's name. "They took us outside to wrap the body with clear plastic and to put the water bottle in the bag," he explained. "[I]n one day I wrapped 25 bodies in my 'hanger' [section of the prison]." Omar said his cellmates were sometimes tasked with placing corpses in body bags. "Usually in the beginning, they would bring their tractor. It had a trailer full of garbage, and we threw the body into that," he said.³⁶⁰

VISITS FROM THE US-LED COALITION

Abbas told Amnesty International that during his two years in Sini, he encountered foreign delegations on two occasions. He said the first delegation, which visited in June 2021, were "foreigners" in civilian clothing. He said the second delegation, which came in December 2021, were US soldiers who came to take their biometric data and check on the state of the prison. Abbas said:

We know the Americans, they come with their weapons and their dogs... [T]hey checked on the prison, and they searched us, and all of our rooms... [S]ome of the "immigrant" detainees got investigations from their countries' intelligence... There were more than 25 people [foreigners] there, sitting in the courtyard, and we were going outside to the courtyard.

It was the same courtyard where we were tortured. They were able to see the blood on the wall. They could see the people who were injured from torture. They saw our swollen eyes. The SDF soldiers used to tell us, if anyone asked what happened to you, say that you fell down in the bathroom.³⁶¹

Karam said his cell was visited by what he thought was a foreign delegation in March 2023. "They opened the door. They looked at us, and they didn't speak with us. It was men. They didn't look Arab. The guards said, if anyone comes in and talks with you, just say that you're okay. You're fine."³⁶²

HEALTH IMPACT AFTER RELEASE

Several detainees said that when they saw their relatives after being released, their family members did not recognize them, especially due to their weight loss. "My cousin didn't recognize me in the beginning," Karam explained. "He was just staring at me. Then he hugged me and started crying."³⁶³ Najib said

³⁶⁰ Interview, 2023.

³⁶¹ Interview, 2023.

³⁶² Interview, 2023.

³⁶³ Interview, 2023.

similarly: “When I was released from the prison, my daughter... didn’t recognize me for three days. I had changed so much.”³⁶⁴

Several detainees also said they are facing long-term health issues as a result of their detention. Yusuf shared his experience:

When I was released, I was finished – completely finished. My body and my health were destroyed... I still can’t breathe well, and I don’t know why... My ear drum exploded under the beating there... I always hear... a buzzing in my ear, and I feel dizzy. I have vertigo. Also I have a problem with my nerves in my face [due to beating], so half of my face is paralyzed now. One of my eyes cannot close, even when I am sleeping. My testicles are swollen... I have a slipped disc in my back, and it’s affecting my leg.³⁶⁵

Karam told Amnesty International: “Two days after I was released, I couldn’t walk. They put me in the ICU [intensive care unit]. I had a huge lack of vitamins, and I had bronchitis and diabetes.”³⁶⁶

4.2 PANORAMA DETENTION FACILITY

The majority of people held in security force detention are in Panorama detention facility, which, according to the SDF, held nearly 4,000 people in August 2023, including people detained as children. Amnesty International was granted access to the facility in August 2023 and was able to conduct confidential interviews there. The organization also conducted interviews with detainees who were previously held there.

Amnesty International has not yet determined whether all of the patterns of violations at Sini are present in Panorama. However, detainees who had been held at Panorama said they had also been deprived of adequate food. According to one man, “After the attack [by IS on the facility in 2022], there was one piece of bread a day for two and a half months. Then they gave us two [pieces of] bread a day... I lost so many kilos... I went down from 65 to 45kg. Everyone was like this.”³⁶⁷ A young man who had been held in Panorama also described being denied adequate food. “Six months ago, there was no food and no water. We got only one piece of bread a day,” he said. “Two in my cell died from starvation.”³⁶⁸

As in Sini, detainees in Panorama have been denied access to adequate healthcare and medical treatment, which has led to an outbreak of illnesses and diseases, including a severe outbreak of

³⁶⁴ Interview, 2023.

³⁶⁵ Interview, 2023.

³⁶⁶ Interview, 2023.

³⁶⁷ Interview, 2023.

³⁶⁸ Interview, 2023.

tuberculosis that has been ongoing for years. In August 2023, the prison authorities estimated an extremely high percentage of men and boys were currently infected and that one or two men or boys held in Panorama were dying from tuberculosis each week.³⁶⁹ In their written response to Amnesty International in March 2024, the autonomous authorities said that “nearly 600 male detainees” had died as a result of tuberculosis and other diseases since the detention facility was established.³⁷⁰

If left untreated, tuberculosis, a highly contagious disease, causes fatality in 50% of cases.³⁷¹ Poor nutrition is a major risk factor for the progression of tuberculosis from infection to active disease, and poor nutrition during disease can also significantly increase the risk of death.³⁷² A medical expert consulted by Amnesty International stated that tuberculosis is a well-recognized problem in prison settings with inadequate health care provision. He explained:

[Tuberculosis] spreads rapidly in the close confines of a prison if there is no screening for cases on admission and isolation of identified cases. Treatment is with long-term antibiotics which requires consistently reliable medical care and compliance, as well as funding. Incomplete [or] inadequate treatment may lead to the emergence of antibiotic resistant strains which exacerbates the problem. Uncontrolled tuberculosis in a prison indicates grossly inadequate organization and provision of health care.³⁷³

An SDF representative confirmed they were not treating active cases or isolating sick detainees. “Many people have died, and thousands are sick,” he said. “It’s such a serious situation, the numbers [of deaths] are increasing... Hundreds died before the jail break, and hundreds died after.”³⁷⁴ In their written response to Amnesty International, the autonomous authorities said that some detainees infected with tuberculosis were isolated while receiving treatment, in contrast to the account of the SDF representative, while also saying “the spread of tuberculosis is the result of overcrowding in these places and the lack of capabilities to isolate everyone”.³⁷⁵

Azim, a man detained in Panorama, told Amnesty International:

There are three cases of serious tuberculosis in my cell: one German, one [man from Central Asia] and one Russian. They have the disease severely... In order not to be infected by another person, there is a specific space for them in the cell... In my cell, no one has died. But in cell six, six people died... I helped to wash people who

369 Interview in person with two representatives of the SDF military intelligence, 29 July 2023, Al-Hasakah.

370 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

371 World Health Organization, *Global Tuberculosis Report 2022*, <https://www.who.int/teams/global-tuberculosis-programme/tb-reports/global-tuberculosis-report-2022/tb-disease-burden/2-2-tb-mortality>

372 World Health Organization, “Nutritional care and support for patients with tuberculosis”, 13 November 2013, <https://www.who.int/publications/i/item/9789241506410>

373 Medical expert, email to Amnesty International, 24 January 2024, on file with Amnesty International.

374 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah. He is referencing the IS attack on Panorama / Al-Sina’a in January 2022.

375 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

died from tuberculosis. [There was] a man... [whose] situation got worse and worse, and I washed him when he died... I will rely on my God. I am trying to avoid breathing beside [people with tuberculosis].³⁷⁶

Amnesty International also documented cases of death from tuberculosis in the building holding young men and boys who were children when they were arrested by the autonomous authorities, some of whom died as recently as June 2023.³⁷⁷

In their written response to Amnesty International, the autonomous authorities stated that people infected with tuberculosis had received medical care “in accordance with the available resources and capabilities”, but also noted that they had a “shortage” of medical supplies, including medicines, to treat tuberculosis.³⁷⁸ In their written response to Amnesty International, the US State Department told Amnesty International they were “working with partners to address medical needs such as tuberculosis”.³⁷⁹ Amnesty International was informed that as of October 2023, a nutrition programme had started in Panorama. However, according to the information available to Amnesty International, adult men infected with tuberculosis at Panorama have received only limited medical treatment, if any, in the past, and were not receiving medical treatment for tuberculosis at the time this report was finalized.

The SDF told Amnesty International that if a Syrian man or boy dies in Panorama, the remains will be transferred to family members in Syria if possible. If the remains cannot be transferred to the family, which is the case for some Syrians and all foreign nationals, they are sent in a white van to a specific cemetery, the location of which is known to Amnesty International. In their written response to Amnesty International, the autonomous authorities stated “the deceased are laid to rest in a designated cemetery within the prison grounds”.³⁸⁰ On the death certificate, the cause of death is recorded, along with the GPS coordinates of the exact location where they are buried.³⁸¹

HUMAN RIGHTS MONITORING OF DETENTION FACILITIES

The DAANES has publicly stated that “prisons, camps, and rehabilitation centres in our regions are open to everyone, and many parties have already visited these prisons and seen their situation”.³⁸² However, while Amnesty International was given access to all of the detention facilities requested, and confidential interviews with people in detention, access for independent human rights and humanitarian monitors has been limited.³⁸³

³⁷⁶ Interview, 2023.

³⁷⁷ Interview, 2023.

³⁷⁸ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

³⁷⁹ Written response from the US government, 1 April 2024. See Annex 2 for more details.

³⁸⁰ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

³⁸¹ Interview in person with two representatives of the SDF Military intelligence, 29 July 2023, Al-Hasakah.

³⁸² Department of Foreign Relations of the DAANES, public statement, 18 February 2023.

³⁸³ The Special Rapporteur on Counterterrorism also noted the lack of visits by independent human rights experts to the detention facilities in her document, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, 21 July 2023 (previously cited), para. 3.

As far as Amnesty International is aware, it is the only international human rights organization or entity to have carried out confidential interviews in detention facilities run by the SDF or affiliated security forces. While the UN Special Rapporteur on Counterterrorism visited Panorama in July 2023, she was not permitted to access boys in the facility, or conduct any confidential interviews.³⁸⁴ A Canadian civil society delegation of human rights experts was permitted to visit two Canadian men in detention facilities run by the SDF or affiliated security forces in August 2023, but was not granted confidential meetings with those detainees, and was denied access to seven other Canadian male nationals.³⁸⁵

The access granted to humanitarian organizations to the detention facilities, particularly those run by the security forces, has also been limited. Amnesty International is not aware of any international humanitarian institution or organization permitted to carry-out confidential interviews with detainees in the last two years,³⁸⁶ despite requests being made.³⁸⁷

There has also been little consistent monitoring in detention facilities run by the DAANES. The Special Rapporteur on Counterterrorism confirmed she was able to visit and conduct confidential interviews in Alaya Central Prison in July 2023.³⁸⁸ But Amnesty International is not aware, for example, of any human rights or humanitarian monitors to have visited and carried out confidential interviews in either Raqqa men or women's detention facilities. Only in the "rehabilitation" centres for boys did Amnesty International hear of more regular visits by human rights and humanitarian organizations doing monitoring work.

Amnesty International is also concerned about lack of access for human rights monitors to the annex of Al-Hol camp – which holds foreign national women and children.³⁸⁹

The lack of human rights monitors in these facilities may in part result from the limited presence of UN humanitarian agencies in north-east Syria, including those with a protection mandate, and the denial of entry by the Government of Syria to the Office of the UN High Commissioner for Human Rights and the Commission of Inquiry.

In their written response to Amnesty International, the autonomous authorities stated that "many organizations" work inside the detention facilities, providing services such as healthcare and education. Their response to a question as to whether any organizations are permitted to do confidential interviews

384 The Special Rapporteur on Counterterrorism reported that she was able to visit Panorama in July 2023 but said she regretted that she did not interview men or access boys detained there. *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, 21 July 2023 (previously cited), para. 3.

385 Interview by voice call with delegation member, 26 September 2023.

386 Interviews with humanitarian organizations, 2022-2024.

387 Interview by video call with humanitarian worker, January 2024.

388 The Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement* (previously cited), para. 3.

389 The Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement* (previously cited), para. 3.

with people in detention was not clear, noting instead the organizations working in the facilities provide services in coordination with the administration of the centres.³⁹⁰

4.3 TORTURE IN OTHER SECURITY FORCE DETENTION FACILITIES

“I was crying all the time, just telling them I am still alive. They killed me hundreds of times... The sorrow and the wounds from this will never be forgotten.”

A woman detained and tortured by security forces in an unknown location in north-east Syria³⁹¹

The majority of the men, women and children held in security force detention facilities are Syrians who were arrested before the territorial defeat of IS – for example, when leaving IS-controlled areas – or who were arrested thereafter in ongoing military operations. These detainees described facing systematic torture or other ill-treatment. This has primarily been carried out to induce forced confessions for trials in the People’s Defence Courts in north-east Syria. It has also been used for intelligence-gathering purposes, and as punishment.

Most of the documented torture or other ill-treatment took place in ISF-run detention facilities during interrogation including, in particular, in Al-Kasrah detention facility (no longer used to detain people suspected of IS affiliation) in Deir ez-Zor Governorate, as well as in detention facilities in and around Tabqa city and in Ayed detention facility, all in Raqqqa Governorate. In addition, 11 people interviewed described being tortured in prisons in Al-Hol camp and Al-Hol town, which fall under the ISF’s jurisdiction.

Some of the people interviewed still visibly suffered from their experiences, both physically and psychologically. A woman told Amnesty International, “I have many diseases and conditions now. I have high blood pressure, my kidneys and my stomach always have problems... I don’t even know what is happening to me. I’m totally changed.”³⁹²

390 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

391 Interview, 2023.

392 Interview, 2023.

TORTURE TO EXTRACT “CONFESSIONS”

Amnesty International conducted interviews with 46 people who experienced some form of torture or other ill-treatment in security force detention facilities other than Sini and Panorama.³⁹³ Of this group, 31 had been coerced to extract a forced confession, using threats and physical violence.³⁹⁴ Twenty-seven of these individuals were then transferred for trial; the remaining four were either released or Amnesty International did not determine whether they were tried.

Several people told Amnesty International that, at times, interrogators would choose not to torture individuals who confessed quickly. A man who worked at a detention facility while it held people suspected of IS affiliation told Amnesty International: “The beating and torturing will stop immediately when [they] confessed.”³⁹⁵ This perception was also shared by some of the detainees. One individual explained, “They don’t beat everyone. Just those who don’t confess. If people do [confess], they don’t touch them.”³⁹⁶ Another confirmed, “Whenever I said I would confess, they treated me better.”³⁹⁷ Four people who had been detained told Amnesty International that interrogators told them they would either have their sentence reduced or be released if they confessed.³⁹⁸

In many cases, people described being coached by the interrogator on what to say for forced confession videos made by the ISF / General Security forces, and either had to memorize their testimony or loudly repeat what the interrogator whispered. These videos were often included in the case files of the individuals transferred to court for trial. Sometimes the threat of torture was explicit. A teenage boy described how, when the interrogator recorded his video confession in late 2022, he stood before him with a pipe in his hand.³⁹⁹

During their confessions, sometimes the people being tortured were forced to confirm the involvement of other individuals, some of whom they may or may not have known, in the alleged crimes committed. One individual interviewed by Amnesty International described how, while he was tortured in late 2022, he was shown a photo of two men he did not recognize and was forced to confirm they were all involved in an attack on a checkpoint.⁴⁰⁰ He told Amnesty International, “They always confront me. I am the reason

393 This figure includes people interviewed who were held in Sini and Panorama detention facilities, but who also experienced torture in other security force detention facilities.

394 Other reasons people were tortured include for extracting information about other perceived IS members or other IS-related information, or as a form of intimidation, discipline, and punishment. In three cases individuals experienced torture or other ill-treatment exclusively as a result of their physical conditions: two men were held in solitary confinement beyond 15 days and one man was held in facility where the severe overcrowding led to a shortage of air in the cell.

395 Interview, 2023.

396 Interview, 2023.

397 Interview, 2023.

398 Interviews, 2023.

399 Interview, 2023.

400 Interview, 2023.

they were arrested. They keep blaming me. They said even if you are tortured, you should not give the information.”⁴⁰¹

An official from the justice system said a defendant has the right to read and sign the statement from interrogation.⁴⁰² But several people, including people who had not been tortured during interrogation, told Amnesty International they placed their thumbprints on documents they were unable to read, either because they were illiterate or because they were unable to see the document.⁴⁰³ One man who signed his documents in 2017 said they were written in Kurdish, which he did not understand.⁴⁰⁴ Others said they were forbidden to read the paper the interrogators gave them to sign.⁴⁰⁵

The forced confessions can have severe ramifications beyond their use in prosecutions. Reflecting on the impression the forced confession he gave in mid-2021 would have on his mother and community, one man told Amnesty International, “All the people think I am [a] criminal. It would be better for me to die than to stay alive.”⁴⁰⁶ A woman also described the devastating impact her false recording from early 2022 would have on her life:

It will mean my daughter has no future. I was begging, do what you like but not this... I heard now it [my video confession] has been circulated... I said I was a terrorist, an IS member... things I never did... the impact will be so bad on me. I won't be able to get a job when I am released. It will have an impact on my brother working with an NGO, and my daughter as well.⁴⁰⁷

FORMS OF TORTURE OR OTHER ILL-TREATMENT

In over 15 security force detention facilities not including Sini and Panorama, forms of physical torture similar to those documented above were used by security forces to coerce confessions, extract intelligence, and punish people.⁴⁰⁸ Some techniques are reminiscent of those used in prisons in other parts of Syria, including specific stress positions and beatings with a green plastic pipe nicknamed the “Lakhdar Brahimi” – a word play on the Arabic word for green and the name of the former UN and Arab League Special Envoy for Syria, Lakhdar Brahimi.⁴⁰⁹ One teenager who had previously been detained by the Syrian

401 Interview, 2023.

402 Interview in person with co-chair of the Justice Council, 7 March 2023, Al-Qamishli.

403 Interview with six people, 2023.

404 Interview, 2023.

405 Interview, 2023.

406 Interview, 2022.

407 Interview, 2023.

408 These include some informal places of detention and facilities that are not among the list of detention facilities provided by the SDF to Amnesty International. Data provided by SDF, August 2023, on file with Amnesty International.

409 For details of torture in other parts of Syria see, for example, Amnesty International, *‘It Breaks the Human’: Torture, Disease, and Death in Syria’s Prisons* (Index: MDE 24/4509/2016), 18 August 2016, <https://www.amnesty.org/en/documents/mde24/4508/2016/en/>; and Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture and Enforced Disappearances in Syria’s Underground Prisons since March 2011*, July 2012, https://www.hrw.org/sites/default/files/reports/syria0712webwcover_0.pdf

government told Amnesty International, “In the regime prison... the way they tortured me was the same. They say they are the Syrian Democratic Forces. Where is the democracy they are claiming?”⁴¹⁰

According to representatives from the SDF, security forces in north-east Syria are allowed to investigate individuals for a period of 40 days before going to court.⁴¹¹ A representative from the Justice Council of north-east Syria said the interrogation period can be extended if more time is needed to gather evidence.⁴¹² Some people described being tortured on and off throughout the period of interrogation, sometimes lasting several months, while others described the period of interrogation and torture ending before the 40-day window. Some people interviewed by Amnesty International said they were tortured for several hours, while others described torture sessions carried out throughout a day or night. In one case, a 26-year-old woman described being tortured and interrogated seven times over a 24-hour period.⁴¹³

PHYSICAL TORTURE OR OTHER ILL-TREATMENT

Among the 46 people interviewed by Amnesty International who were subjected to torture or other ill-treatment in security force facilities other than Sini and Panorama, 40 (87%) described being beaten, sometimes with a variety of instruments. Ten people described the use of a green pipe known as the “Lakhdar Brahimi”. Other instruments used included pieces of wood and electrical cables.

A woman told Amnesty International that after being taken for interrogation in an unknown location in late 2022, “I could feel two of them standing on my knees... There was a man with a huge body, and he ran very fast toward me, and jumped on me. He broke my shoulder.”⁴¹⁴ Four people interviewed by Amnesty International described interrogators using *falaqa* – beating them on the soles of their feet.

Interrogators also placed people in detention in several stress positions for extended periods. Seven people said they were put in the “scorpion” position, in which their arms were linked behind their back with one bent upward and the other downward. A man held in the scorpion position in the prison in Al-Hol camp in late 2018 said he asked his friend to fix one of his dislocated shoulders.⁴¹⁵ He told Amnesty International, “My shoulder is always hurting when it is cold.”⁴¹⁶ Five people described being hung using the *shabeh* method, where the detainee’s wrists are tied or handcuffed from the ceiling or from a nail in the wall, with their feet barely touching the floor.⁴¹⁷

410 Interview, 2023.

411 Interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah; interview in person with SDF Military Intelligence, 29 July 2023, Al-Hasakah.

412 Interview in person with co-chair of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

413 Interview, 2023.

414 Interview, 2023.

415 Interview, 2023.

416 Interview, 2023.

417 Interviews, 2023.

Two people described being made to kneel with a metal tube under their knees.⁴¹⁸ One of them said:

At night, they made me kneel by putting a metal tube under my knee. My hands were cuffed behind me. When I moved, they beat me. It was from 11pm to 8am... At 8am, they took us for breakfast. Then they took us outside. It was the same thing until the afternoon. Then they brought us to a room and for five days we received this same punishment, three times per day, for up to three to four hours.⁴¹⁹

Three people interviewed by Amnesty International described an experience that felt like drowning, where an interrogator either covered their face with a wet towel, put their head in a water tank, or poured water over their face.⁴²⁰ Interrogators also used or threatened to use electric shocks during torture, according to eight people interviewed by Amnesty International.⁴²¹

PSYCHOLOGICAL TORTURE OR OTHER ILL-TREATMENT

Interrogators threatened family members to coerce confessions. This included threatening three women with either preventing them from seeing their children or taking their children away.⁴²² One woman told Amnesty International that when she was in prison in Al-Hol camp in 2019 the interrogator told her, “I will tell you something to say on the video... If you don’t do this, I will take away your daughter and sister.”⁴²³ In another case, a woman said that in early 2022:

They [the interrogators] threatened me with my children. I had a panic attack, but they didn’t care... They said, we are coming back at 10, and if you don’t collaborate with us, you can forget seeing them ever again.⁴²⁴

In seven documented cases, interrogators threatened to torture family members. That included, in three cases, threats to bring family members to the prison where the torture was taking place, and in another three cases, threats against family members who were already in detention. In one instance a teenager described how in mid-2019, after being detained with his mother, the interrogators used his mother’s heart condition to pressure him to confess to several serious crimes. He explained:

They charged me with being an emir [of IS]. They threatened me by using my mother. She has heart disease. So whatever they said, I said yes. They said, you have 15 vehicles. I said yes. He asked how it was done. I said [if] you want me to say that, I will say that. He asked how many people were under my control. I said 15. He said it was more people. I said yes. Every time he increased [the number], I said yes... [He would say] you should be worried

⁴¹⁸ Interviews, 2023.

⁴¹⁹ Interview, 2023.

⁴²⁰ Interviews, 2023.

⁴²¹ Interviews, 2023.

⁴²² Interviews, 2023.

⁴²³ Interview, 2023.

⁴²⁴ Interview, 2023.

about your mother. She has a heart disease, and we might beat her. She might die and it will be your fault... I said do not harm my mother.⁴²⁵

In another case, in late 2022, interrogators threatened to kill the children of someone in detention. The woman told Amnesty International:

The investigators knew my weakness... He said, what would you do if they died? I was terrified they had killed one of my sons. I was screaming and hysterical... I was crying. It had been six weeks since I had seen my children. I was scared for them.⁴²⁶

In addition, Amnesty International documented two cases where the family members of the people interviewed were tortured in their presence. In one case, two women said they were forced to watch as their husband was tortured and were also beaten in front of their husband.⁴²⁷

Amnesty International also documented instances where children were sometimes in the vicinity of their parents being tortured. One woman said that she only agreed to confess when her son was brought to her freezing, solitary cell. “I said I did it,” she told Amnesty International. “I needed to finish the torture.”⁴²⁸

AL-KASRAH DETENTION FACILITY

Amnesty International documented six accounts of torture or other ill-treatment of men and boys, who were accused of affiliation with IS, in Al-Kasrah detention facility between 2018 and 2022. In addition, Amnesty International interviewed a man who was not himself tortured while detained in Al-Kasrah but heard the torture of other detainees and saw the injuries of people held in his cell. A whistleblower, who worked at Al-Kasrah when the detention facility held people suspected of IS affiliation, confirmed the patterns of torture or other ill-treatment to Amnesty International.

Prior to and immediately after the battle of Baghouz, security forces held Syrians and foreign nationals in Al-Kasrah, including groups of foreign women with their children.⁴²⁹ Security forces eventually transferred foreign nationals from the detention facility; according to the whistleblower, since roughly 2020, they have used Al-Kasrah only to detain Syrians suspected of committing “terror” crimes.⁴³⁰

Al-Kasrah is locally nicknamed “little Saydnaya”, a reference to a notorious prison where Amnesty

425 Interview, 2023.

426 Interview, 2023.

427 Interviews, 2023.

428 Interview, 2023.

429 Interview, 2023.

430 Interview, 2023.

International concluded the Syrian government had been carrying out crimes against humanity.⁴³¹ The whistleblower told Amnesty International that some interrogators in Al-Kasrah were officers who had defected from the Syrian government.⁴³²

Torture or other ill-treatment in Al-Kasrah was widespread. One person who spent two and a half months there in 2018 told Amnesty International, “I wished for my death. I thought I would die. It was like a grave. They kept us on our nerves 24/7. Every time I heard a clinking of the keys, I was terrified.”⁴³³

In many cases the purpose of the torture was to coerce a confession for trial. As explained by the whistleblower: “Until they gave the confession, we beat them... If some people resisted, we would make two sessions a day. Each session would be three hours, [and this] would last for three to four days.”⁴³⁴

People interviewed by Amnesty International described different forms of physical torture or other ill-treatment, including severe beatings with objects like a green pipe.⁴³⁵ One person who had been detained explained, “They would blindfold us and put us in a dark room. Then the hitting would start. We wouldn’t know the direction. You could enter okay, and then come out with a broken bone or injured back.”⁴³⁶

Two people told Amnesty International they were tied to a bed and beaten with a stick in 2020 and 2022 – a torture method that another person held in Al-Kasrah, who was not himself tortured, said other detainees described to him.⁴³⁷ In addition, interrogators used electric shocks and in one documented case covered the person’s face with a wet towel so he felt like he was drowning.⁴³⁸

Several people interviewed by Amnesty International described dire conditions in the facility, including severe overcrowding. The whistleblower said the detention facility had seven group rooms, which sometimes held up to 60-70 people, and 10 solitary cells.⁴³⁹ A man who was held there explained: “It was 30 people in the cell. There were no beds at all, and 30 people were sleeping on the floor. It was so crowded, you couldn’t sleep. We would have to sleep sitting up.”⁴⁴⁰

The same whistleblower told Amnesty International that sometimes the administration of the detention

431 Interview, 2023. For more details, see Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria* (Index: MDE 24/5415/2017), 7 February 2017, <https://www.amnesty.org/en/documents/mde24/5415/2017/en>

432 Interview, 2023.

433 Interview, 2023.

434 Interview, 2023.

435 Interviews, 2022 and 2023.

436 Interview, 2023.

437 Interviews, 2023.

438 Interviews, 2023.

439 Interview, 2023.

440 Interview, 2023.

facility sold on the black market food allocated for people held in Al-Kasrah.⁴⁴¹ He said the prisoners did not have enough to eat: “The room with 60-70 people [received] one tray of bulgur and one tray of bean soup... The people who don’t [get to] eat then will eat dinner [instead].”⁴⁴²

Detainees held at Al-Kasrah said they did not have adequate access to water. One man explained the effect of the denial of water: “[The bathroom] was always locked and closed. They would open it for 30 minutes or an hour once a day. So some people were shitting in the water bottles.”⁴⁴³ The whistleblower told Amnesty International, “[The Al-Kasrah staff would] allow the prisoners to use only one toilet. They would put seven in the room, to all use the toilet together. Six would stand and close their eyes while one was going and then someone would just start shitting outside of the toilet. Each person counted for five to seven seconds, and if you don’t leave, you would be beat. So they would be shitting and peeing everywhere in the bathroom... It was a way of humiliating them.”⁴⁴⁴

One individual, a former detainee, told Amnesty International that when he raised the torture with the prosecution, they claimed the allegations were not true and said “all the prisoners from Deir ez-Zor are making the same claim against Al-Kasrah.”⁴⁴⁵ That same individual said he told a representative from the US-led coalition about the torture he had experienced in the detention facility when he met with them a few years later.

Amnesty International documented, and later confirmed with the whistleblower, that security forces transferred people held in Al-Kasrah to Deir ez-Zor Factories Roundabout Prison (Ma’amil), the new interrogation site for people who are alleged to have committed “terror” crimes.⁴⁴⁶ While Amnesty International was unable to establish when the transfers began, interviews suggest they were taking place in late 2022.⁴⁴⁷ Amnesty International also documented accounts of torture or other ill-treatment in this facility.⁴⁴⁸ The whistleblower told Amnesty International that some of the officers involved in the torture in Al-Kasrah had moved to the Deir ez-Zor Factories Roundabout Prison.⁴⁴⁹ At the time of publication, security forces were using Al-Kasrah as a prison for people who are suspected of committing crimes not related to the DAANES counter-terrorism law.⁴⁵⁰

Data from the SDF shows only one ISF-run detention facility in Deir ez-Zor Governorate, the new Deir ez-Zor Factories Roundabout Prison.⁴⁵¹ The apparent absence of other formal detention facilities in

441 Interview, 2023.

442 Interview, 2023.

443 Interview, 2023.

444 Interview, 2023.

445 Interview, 2023.

446 Interviews, 2023.

447 Interviews, 2023.

448 Interviews, 2023.

449 Interview, 2023.

450 Interview, 2023.

451 Data provided by SDF, August 2023, on file with Amnesty International.

Deir ez-Zor Governorate suggest many individuals detained in ongoing counterterrorism operations in the area likely passed through Al-Kasrah detention facility, and now Deir ez-Zor Factories Roundabout Prison, for interrogation. The US-led coalition base in Conoco oil fields lies 44.3km from Al-Kasrah detention facility, and 8.7km from the Deir ez-Zor Factories Roundabout Prison.⁴⁵² As described below, Amnesty International documented the transfer of a child from the US-led coalition base in the Conoco oil fields to Al-Kasrah.

GENDER-BASED VIOLENCE INCLUDING SEXUAL VIOLENCE

Women interviewed by Amnesty International said they were tortured by both women and men. In eight documented cases, women described being subjected to acts of gender-based violence that amounted to torture or other ill-treatment, mostly by male security force members.⁴⁵³

In two of these cases, women said members of the security forces beat them; one said she told the interrogators who beat her that she was pregnant, while the other said she was visibly pregnant. One of these women said that her interrogator told her, “We are going to force you to have a miscarriage.”⁴⁵⁴ A third woman said she was subjected to electric shocks while she was pregnant: “The guy knew [I was pregnant]... They put electric shocks on my shoulder. The electric shocks happened... many times... I had a miscarriage after being electrocuted, and they didn’t take me to a hospital.”⁴⁵⁵

One woman described how during her detention in late 2018 to early 2019, she and other women were taken out of their cells for beatings at unpredictable hours of the day and night, and that on some occasions, as part of their abuse, they were also forced to undress by “military women” who then ordered them to stand up and sit down and mocked them.⁴⁵⁶

Four women told Amnesty International the ISF subjected them to sexual threats or mocking as part of their torture or other ill-treatment. A woman detained in 2022 told Amnesty International, “[The male interrogators] would use bad words and make sexual threats, saying, ‘Your body is nice.’ They cut a bit of my hair.”⁴⁵⁷ Another woman described how, in January 2022, ISF officials “were laughing while they were torturing me, and looking through my phone. My husband had taken photos of me in the bedroom, and all of this privacy was nothing to them.”⁴⁵⁸

In three of the cases Amnesty International documented, men were subjected to sexual violence during interrogation. One man and one teenager described being beaten on the penis in 2020 and late 2022,

452 Estimated distance based on satellite analysis locating the position of the US-led coalition base and Al-Kasrah Prison.²

453 Interviews, 2023.

454 Interview, 2023.

455 Interview, 2023.

456 Interview, 2023.

457 Interview, 2023.

458 Interview, 2023.

respectively.⁴⁵⁹ The man said his interrogator asked him whether he had children and, when he said he had one, the interrogator responded, “one is enough,” and beat him hard on his penis.⁴⁶⁰ In addition, male guards in a detention facility told a different man to take off his clothes and face a wall as punishment.⁴⁶¹

SOLITARY CONFINEMENT

During the period of interrogation, people are often held in solitary confinement. Generally, once a forced confession is extracted, interrogators send the accused individual to a bigger cell with other people.

Prolonged solitary confinement, and the reduced sensory stimulation which can result from this practice, amounts to cruel, inhuman or degrading treatment and can constitute torture. The Mandela Rules prohibit both prolonged solitary confinement (more than 15 days) and the placement of a prisoner in a dark cell.⁴⁶² International law prohibits the solitary confinement of children.⁴⁶³

People described being kept in small, dark cells often for more than 15 days. Sometimes they could hear other people being tortured. Children described being kept alone in cells in complete darkness. One teenager held in solitary confinement in mid-2022 told Amnesty International:

[O]n the first day, they put me in a solitary [cell]... It was the size of a bathroom with a small window to receive food. I only had the right to go to the bathroom two times per day. The size of the cell was 2m by 1m wide. There was nothing. No light. I slept on the floor... [I]t was cold. I was in complete darkness. I stayed there for 18 days... and my only [time] out was for the bathroom and when they did the interrogation... I was terrified. No one talked to me.⁴⁶⁴

Another teenager held in a solitary cell in mid-2019 said he would eat in the dark in his cell and could not hear anything.⁴⁶⁵

459 Interviews, 2023.

460 Interview, 2023.

461 interview, 2023.

462 UNGA, Resolution 70/175: *Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)*, adopted on 17 December 2015, UN Doc. A/Res/70/175, Rule 43.

463 CRC, Article 37. The Committee on the Rights of the Child, the body tasked with monitoring, enforcing and interpreting the CRC, has stated that the use of solitary confinement violates Article 37 of the CRC. Committee on the Rights of the Child, General Comment No. 10, Children's Rights in Juvenile Justice, 25 April 2007, UN Doc. CRC/C/GC/10, para. 89. See also UN General Assembly, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, UN Doc. A/RES/45/113, para. 67.

464 Interview, 2023.

465 Interview, 2023.

OTHER HUMAN RIGHTS VIOLATIONS IN SECURITY FORCE DETENTION FACILITIES

ARBITRARY DETENTION

The vast majority of foreign nationals as well as many Syrians in detention facilities run by the security forces have faced no judicial or other similar process, and they have had no opportunity to challenge the legality of their detention, many for more than five years. In their written response to Amnesty International, the autonomous authorities said they consider “most of the detainees in the Autonomous Administration’s detention facilities and prisons [to be] members of a terrorist organization” who they are holding until their legal status is decided.⁴⁶⁶ In an interview and in their written response, the autonomous authorities told Amnesty International that people held in security force detention must be transferred into the custody of the DAANES before they can be tried.⁴⁶⁷ They said these transfers are limited by the capacity of DAANES-run detention facilities to receive these individuals, both in terms of space and the fact that, to date, foreign nationals are not tried by the DAANES.⁴⁶⁸

More than five years after the territorial defeat of IS, the vast majority of foreign nationals as well as many Syrians in detention facilities run by the security forces have faced no judicial or other similar process, and they have had no opportunity to challenge the legality of their detention. Given how much time has passed and the absence of any type of due process, Amnesty International concludes these people are being arbitrarily and indefinitely detained by the SDF and affiliated security forces, with the support of the US-led coalition.

Several people held in pre-trial detention shared their despair and resentment at being held for years with no judicial process and no information on when such a process might take place. Aslan, a young man who has been detained in Panorama since 2019, told Amnesty International: “I need to have a trial. The mistakes of the war are finished, and now we need to start the trials... It would just be nice to know what’s going on, and what’s coming. The unknown is the hardest.”⁴⁶⁹ Hisham, a young man arrested in 2018, said: “We haven’t been told about a trial. I imagine it. In my dreams, there is a Geneva treaty.”⁴⁷⁰

The vast majority of people in security force detention facilities are being held incommunicado, with no access to a lawyer.⁴⁷¹ A representative of the SDF Military Intelligence told Amnesty International

466 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

467 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2023, Al-Qamishli; written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

468 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2023, Al-Qamishli. Trials of Iraqi men were conducted during a brief period in 2018-2019 in north-east Syria. Interview in person with co-chairs of the Social Justice Council, 7 March 2023, Al-Qamishli; written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

469 Interview, 2023.

470 Interview, 2023.

471 Interview in person with two representatives of the SDF military intelligence, 29 July 2023, Al-Hasakah. This finding is also based on interviews with people held in pre-trial detention facilities. Interviews, 2022-2023.

that no lawyers were provided to people in their custody, with the exception of US nationals, as the US will “bring a lawyer because they don’t want to break regulations, so that the investigation is not accepted”.⁴⁷² The absence of lawyers in security force detention facilities was confirmed by scores of interviewees.⁴⁷³

For people held in detention facilities run by the security forces, visits with family members were halted in 2019, after a riot by prisoners in Derik detention facility.⁴⁷⁴ Verbal or in-person communication with family members is only permitted by the autonomous authorities when the person in detention is transferred to a DAANES detention facility and sentenced by the courts.⁴⁷⁵ In many cases this could take several months or years. No foreign nationals have been transferred from security force detention facilities, except for those repatriated to their country of origin.

ENFORCED DISAPPEARANCE

The SDF and affiliated security forces have subjected many of the men, women and children held in security force detention to enforced disappearance – when a person is arrested, detained or abducted by a state or state agents, in this case of the autonomous authorities, who then deny that the person is being held or conceal their whereabouts, placing them outside the protection of the law.⁴⁷⁶

In their written response to Amnesty International, the autonomous authorities stated that they have “opened special offices whose missions are to receive complaints from the people of the region, especially complaints related to cases of disappearance” as well as “established special committees whose missions are to follow up on the affairs of detainees and facilitate the process of informing families”.⁴⁷⁷

During the course of Amnesty International’s research, none of these offices or committees was ever mentioned nor did they appear to be known by any of the detainees or family members interviewed. Every detainee who was held in Sini described having been forcibly disappeared while held there. For instance, Najib told Amnesty International: “My family tried to find me... They couldn’t get any information. My mother was walking from place to place, from prison to prison. You know the heart of the mothers. They went to all prisons, even the branch where I was, and they asked them, and [the authorities] said, no, he is not here.”⁴⁷⁸ Yusuf said, “We were completely, 100% disconnected from the world. My family didn’t know anything about me for four years, two months and two days.”⁴⁷⁹

472 Interview in person with representatives of the SDF military intelligence, 29 July 2023, Al-Hasakah.

473 Interview, 2022.

474 Interview in person with representatives of the SDF military intelligence, 29 July 2023, Al-Hasakah. Family visits are also not permitted in ISF detention facilities.

475 Interview in person with representatives of the SDF military intelligence, 29 July 2023, Al-Hasakah. According to several current and former detainees, even in DAANES-run facilities, visits are sometimes suspended for extended periods on security grounds. Interviews, 2023.

476 See International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Article 2.

477 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

478 Interview, 2023.

479 Interview, 2023.

Amnesty International also spoke with family members of people arrested by security forces who have spent months or years searching for their loved ones. For instance, Dima, a 49-year-old Syrian woman, described her search to find her husband and two sons after they were arrested at a checkpoint in October 2019 when traveling from a town in Deir ez-Zor governorate to Raqqa city:

At the checkpoint, they said you will find them in Al-Hasakah, and I went there, and to many other places. I asked a lot, but it's useless, I couldn't find them. I went to Ghweran Prison, Deir ez-Zor, Raqqa, they always said they are not there... In Raqqa, they said they would be in Al-Hasakah. And when I asked in Al-Hasakah, they said they would take my number and get back to me. I asked in Sina'a [Panorama], and sometimes they refused to give information, and sometimes they said they are not here.⁴⁸⁰

In 2021, a man who was released from Panorama detention facility told Dima that he saw her sons while he was in detention. He said that one of her sons was severely ill but not receiving medical care. When she went to Panorama in 2021 to ask again about her family members, the authorities said they would check and get back to her. Since 2021, Dima said she has never received any information on the whereabouts of her husband and two sons.⁴⁸¹

Amjad, a young man who had been arrested in a joint raid by the US-led coalition and the SDF, spoke of his desire to speak to his mother during his period of interrogation:

My mom is suffering from heart disease, and I am worried about her. I am sure she keeps looking for me and asking about me. I asked the SDF and the Americans whether I could contact her. They [the SDF and US forces] said during the interrogations, it's not allowed. When I was arrested, I said I had only one request, to talk to my mom. They said the laws and regulations don't allow this.⁴⁸²

480 Interview, 2023.

481 Interview, 2023.

482 Interview, 2023.



↑ People subjected to torture or other ill-treatment by the security forces of the autonomous authorities in north-east Syria. Illustration by Colin Foo © Amnesty International

TORTURE OR OTHER ILL-TREATMENT IN DAANES DETENTION FACILITIES

Thirteen out of 53 people interviewed by Amnesty International who were held in DAANES-run detention facilities run described accounts of torture or other ill-treatment across seven DAANES facilities, mostly as a form of punishment for minor infractions or for protesting prison conditions.

Five of these accounts were specific to a detention facility when under a head of administration who, at the time of the research, appeared to have been removed following a judicial inquiry into the prison conditions.⁴⁸³ According to corroborating accounts of detainees in the facility, staff managing the detention facility punished people by taking them to the yard and hosing them with water in winter, beating them, using electric shocks, and putting people in solitary confinement.⁴⁸⁴ People protesting conditions and abusive treatment in this facility were also punished with solitary confinement and electric shocks.⁴⁸⁵

483 Interviews, 2023.

484 Interviews, 2023.

485 Interviews, 2023.

In the eight other interviews, people described accounts of torture or other ill-treatment where officials sought to secure a confession, gather intelligence, intimidate and gain compliance from the people in the facility, or punish infractions.⁴⁸⁶ They described being beaten and strip-searched, and one child described being placed in a stress position.⁴⁸⁷ Among this group were two boys and one young man detained as a boy who described being beaten in various DAANES-run facilities when being “disciplined”.⁴⁸⁸ One of the boys and the young man also said they were held in solitary confinement.⁴⁸⁹

Amnesty International also documented concerns related to overcrowding, time permitted outside, inadequate water and sanitation, and limited access to healthcare, including mental health care.⁴⁹⁰

Despite the torture or other ill-treatment, and inadequate conditions documented, the situation in facilities run by the DAANES is, for the most part, significantly better than in those run by the SDF and affiliated security forces.

4.4 COALITION TRANSFERS AND INTERROGATION BEFORE AND AFTER TORTURE

Amnesty International interviewed 11 people held in security force detention facilities who said they were either interrogated by representatives of the US-led coalition or in their presence during interrogation by the SDF and other affiliated security forces. These people said they were interrogated by or in the presence of coalition forces between 2018 and 2023. This total includes people who were held in detention at the time of interview as well as people who had been released. In several of these cases, the people were transferred into the custody of the SDF and affiliated security forces, which put them at high risk of facing torture or other ill-treatment. In others, they were questioned by the US-led coalition before or after facing torture by the security forces.

TRANSFERS TO TORTURE

Of these cases, six said they were first interrogated by members of US-led coalition and were then transferred into the custody of the SDF and affiliated security forces.⁴⁹¹ In two cases, people were subjected to torture or other ill-treatment by the SDF and affiliated security forces immediately after their transfer.⁴⁹² In at least one of these cases, and possibly both, it appears that during the interrogation,

⁴⁸⁶ Interviews, 2023.

⁴⁸⁷ Interviews, 2023.

⁴⁸⁸ Interviews, 2023.

⁴⁸⁹ Interviews, 2023.

⁴⁹⁰ Interviews, 2022 and 2023.

⁴⁹¹ Interviews, 2022 and 2023.

⁴⁹² Interviews, 2023.

investigators from the US-led coalition concluded the person should not have been arrested in the first place, but instead of releasing him, transferred him onward.⁴⁹³

Riad, a former local official for the DAANES, told Amnesty International that he was arrested on two occasions in 2021: the first by the ISF and the second in a raid carried out jointly by the Hêzên Anti-Terror Forces (HAT), the special forces of the ISF, and the US-led coalition.⁴⁹⁴

He said that the second time he was arrested, he was taken at 2am from his home by around 20 soldiers, accompanied by an aircraft hovering over his house and several military vehicles. He was brought to the Conoco military base for the US-led coalition and held there for one day. He said that in the course of the questioning, it became clear to the coalition interrogators that he had no ties or affiliation with IS. When the ISF forces began photographing him holding his hunting rifle, which was confiscated during his arrest, he said one of the interrogators, who he believed to be US nationals based on their accents and the US flags on their uniforms, asked them, “What are you doing? Didn’t we tell you that we have no documents or evidence against him? Take him and have your ‘party’ in your centres, but we’re finished, and we have nothing against him.”⁴⁹⁵ He said the coalition interrogator then waved his hand dismissively.⁴⁹⁶

Riad told Amnesty International that he was then transferred to Al-Kasrah detention facility (see text box in section 4.3 for more details). He was taken to a cell of 1.5m by 1m and held in solitary confinement for 10 days. He was then transferred to a larger cell and interrogated for several weeks. He said that during his interrogations, he had received “only some slaps” but that six of the eight others in his cell were tortured, describing their screams and wounds.⁴⁹⁷

Riad was then transferred to another nearby detention facility, where he was held for another six weeks before being released. Riad said the security forces refused to disclose his whereabouts to his family.⁴⁹⁸

Jawad said that after becoming intoxicated, he “accidentally” fired on a US patrol. He then described how in 2022, he, his two brothers, and his father were arrested in a joint operation by the US-led coalition and the security forces of the autonomous authorities.⁴⁹⁹

He was taken to Conoco military base for questioning. He said that during the investigation, he realized that others in their village had reported them as being IS affiliates and shooting purposefully at the coalition patrol. He said he was questioned for several hours by the US-led coalition, and he told them his version

493 Interviews, 2023.

494 For more details on Riad’s first arrest, see section 8.2: “Instrumentalized Allegations of IS Affiliation”.

495 Interview, 2023.

496 Interview, 2023.

497 Interview, 2023.

498 Interview, 2023.

499 Interview, 2023.

of what happened. He was then transferred to Al-Kasrah detention facility. There, he was tortured multiple times over the course of 45 days. He described:

They wanted me to confess I am part of [a “terrorist” group]... They beat me with these black sticks. They beat me with cables. For one month, [they beat me] on a daily basis... [They were] threatening me to include my dad and brother [in the torture] unless I said I am part of the [group]... They beat me until they were tired.⁵⁰⁰

During his interview, Jawad showed an Amnesty International researcher faint scars of torture on his back. He said that despite the torture he faced, he did not confess to being affiliated with a group the autonomous authorities proscribed as a “terrorist” group.⁵⁰¹

COALITION INTERROGATION BEFORE AND AFTER TORTURE

Amnesty International interviewed five people who were interrogated by the US-led coalition before or after being subjected to torture by the security forces in north-east Syria.

Zaki, an Iraqi man, said he was arrested in 2018 by the security forces and taken to “Old Jarkin” detention facility. He said that at the time, he was living with his family near the border with Iraq, having fled the conflict involving IS. He said he was interrogated for 45 days, during which on multiple occasions he was beaten with a green water pipe and shoes, and punched in the face. He told Amnesty International, “They were telling me certain phrases, and saying, ‘You need to say this.’ I said I didn’t do what they were saying. Every time I said that, they were hitting me... I had only lived in IS areas. I told them I didn’t kill anyone. I didn’t even kill an ant!”⁵⁰²

He said that on the fourth or fifth day of his detention, he was visited by an interrogator from the US-led coalition. “He took my photos and asked questions,” said Zaki. “[The security forces] had said I was the minister of finance for IS.”⁵⁰³ After the interrogation session with the coalition interrogator, Zaki was returned to SDF custody and subjected to torture on multiple occasions.

Marwan was arrested in 2019 and taken to a detention facility run by the ISF. He worked for a civil society organization, and said he believed he was charged with IS affiliation because the security forces perceived him to be a nuisance and threat.⁵⁰⁴ Marwan described his arrival at the detention facility together with his friend and around 20 other men:

500 Interview, 2023.

501 Interview, 2023.

502 Interview, 2023.

503 Interview, 2023.

504 For more details on this case, see section 8.2: “Instrumentalized Allegations of IS Affiliation”.

Here the torture party started... They took us from the vehicle by dragging us by our clothes and hair. [They] beat us with guns, with water pipes... There would be a half hour of beating and torture, and then they would come back after an hour, and repeat. Many of us were crying and screaming. It was a small corridor, so we were not allowed to speak or go to the toilet... [My friend] and many other men peed themselves as they couldn't go to the bathroom.⁵⁰⁵

Marwan said that soon after this, he was questioned several times in the presence of an interrogator he believed to be a US national, based on the interrogator's accent. He said that during one of these sessions, he was threatened to change his statement by an SDF interrogator: "[He] said if you don't change your statement, we will transfer you to Kobani. You know what that means: Kobani terrorism court."⁵⁰⁶

EFFORTS TO ADDRESS TORTURE BY THE AUTONOMOUS AUTHORITIES

While there do not appear to be systematic efforts by the autonomous authorities in north-east Syria to monitor and address torture in the detention facilities, Amnesty International documented cases where officials recorded, and in some cases responded to, allegations of mistreatment and poor conditions.

While, as detailed in Chapter 8, prosecutors have the power to check and report torture, people interviewed by Amnesty International who said they raised their torture with representatives from the judiciary did not see any indication that those allegations were then investigated. However, two women described meeting with officials they believed to be linked with the judiciary while in two DAANES-run detention facilities to discuss conditions and treatment by prison management.⁵⁰⁷

In three other cases, people in detention described speaking about their imprisonment with officials they believed were affiliated with the security forces. In one instance, a woman said they were visited by a "committee of the ISF" to discuss whether they provided their testimonies under pressure.⁵⁰⁸ In another, a man stated that he spoke to a "group from Kobani" about the torture he had experienced, and one of the representatives demanded to speak to the head interrogator.⁵⁰⁹ He said that once the group left, the interrogator organized a "special session of torture" for him, involving sexual violence.⁵¹⁰ In the third case, a man described who he believed to be special forces intervening to address the overcrowding in Al-Kasrah Detention Facility.⁵¹¹

505 Interview, 2023.

506 Interview, 2023.

507 Interviews, 2022 and 2023.

508 Interview, 2023.

509 Interview, 2023.

510 Interview, 2023.

511 Interview, 2023.

A whistleblower who worked at Al-Kasrah detention facility while it held people suspected of IS affiliation told Amnesty International that every three to five months, a “commission” of ISF officers from Al-Qamishli or Al-Hasakah would come to the detention facility to do a basic check that did not include sitting individually with people detained in the facility or checking their bodies for evidence of physical torture.⁵¹²

The autonomous authorities stated in their written response to Amnesty International that, among their efforts to prevent torture, “all members and individuals in these centres have undergone special intellectual and professional courses on how to deal with detainees in accordance with the applicable laws that prevent ill-treatment and torture in all its forms” and that “all investigation and detention centres in prisons are equipped with audio and visual surveillance cameras, in addition to special offices tasked with looking into the affairs of detainees and following up on their cases”.⁵¹³

512 Interview, 2023.

513 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

5 CHILDREN HELD IN DETENTION FACILITIES

“If my father committed a crime, it’s my dad who made a mistake. Shall we all be punished?”

Khalil, a 22-year-old man who was first detained in a youth “rehabilitation” centre at age 17⁵¹⁴

“We are victims of politics... We want to get out, and we keep trying, but we can’t. We are trapped here... The women and children here have been through so much. The world should open its doors to us. We are civilians, and we need to go home.”

Wael, a 19-year-old man, reflecting on his removal from Al-Hol camp and being held by security forces for almost three years in various detention facilities⁵¹⁵

Many children who survived the brutality of IS have been detained in camps and detention facilities by the autonomous authorities in north-east Syria, with most facing no real prospect of release. As of December 2023, there were approximately 29,000 children held in the camps and about 1,000 boys and young men first detained when they were boys in various facilities.⁵¹⁶ The vast majority of children in the camps are Syrian or Iraqi, whereas in detention facilities, including “rehabilitation” centres, Amnesty International estimates that a little more than half the detained children are foreign nationals, excluding Iraqis, and the

514 Interview, 2022.

515 Interview, 2023.

516 Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 34. Amnesty International estimated the number of boys and young men detained as boys in the detention system based on interviews with the administrations of various detention facilities, including youth “rehabilitation” centres, the co-chairs of Reform and Rehabilitation office, and with boys and young men previously and currently held in the detention facilities. Interviews, 2022 and 2023. The former Special Rapporteur on Counterterrorism states about 1,000 men who were detained as boys and about 1,000 boys are held in the system of detention. Report of the Special Rapporteur on Counterterrorism, 10 October 2023, UN. Doc. A/78/520, <https://www.ohchr.org/en/documents/thematic-reports/a78520-report-special-rapporteur-promotion-and-protection-human-rights>, para. 50.

remainder are Syrian.⁵¹⁷ About 80% of the children in the camps are below the age of 12.⁵¹⁸

Many children either resided in or were brought by their families to live under the so-called caliphate in Iraq and Syria. This includes Syrian children who became trapped in areas taken over by IS, as well as foreign children with family members who wished to settle and live according to IS's values.⁵¹⁹ Others were abducted by IS and brought to Syria.⁵²⁰ Women also gave birth to children in areas controlled by the armed group. The local authorities are holding most children because of the perceived threat they pose, or because of their parents' suspected ties to IS.

Children in the detention camps, which are the focus of Chapter 6, live under constant threat of violence with limited or no access to education and other essential services.⁵²¹ Many adolescent boys have been transferred from the camps, or while fleeing IS-controlled territories, and detained in adult detention facilities as well as "rehabilitation" centres. Syrian boys and a handful of Syrian girls continue to be detained in ongoing operations, and often subjected to the same torture and fair trial violations (see Chapters 4 and 8) as adults. The more than 600 boys and men detained as boys in security force detention facilities are subjected to the same dire conditions as adults.

While some efforts have been made to release and return children to their communities of origin, some governments have refused to repatriate their nationals, while others are systematically excluding boys who may have been affiliated with IS or who are close to or now above the age 18. As described in Chapter 6, the vast majority of Syrians in the camps who are originally from areas outside of the control of the autonomous authorities are unable to return to their homes.

This chapter focuses on boys and young men who, primarily because of their perceived threat, have been detained in facilities across north-east Syria. Amnesty International estimates that a little over 10% of the

517 This estimate is based on various sources of data. In September 2022, the camp authorities from Al-Hol camp provided data showing 5,562 of the 34,554 children in the camp at the time were foreign nationals (excluding Iraqis). The data indicates 12,040 children were Syrian and 16,952 were Iraqi. On file with Amnesty International. As of December 2023, the bulk of the children in detention in north-east Syria (approximately 27,280) are being held in Al-Hol camp and about 1,664 are being held in Roj camp. Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 34. The overwhelming majority of children in Roj are foreign, based on Amnesty International's visits and interviews in the camp. See also Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 34 (showing 85% of the population in Roj are foreign nationals, excluding Iraqis). In addition, Amnesty International estimates about 45% of the boys and young men in detention facilities, including "rehabilitation" centres, are Syrian, while the remaining 55% are foreign (excluding Iraqis), based on data gathered during interviews.

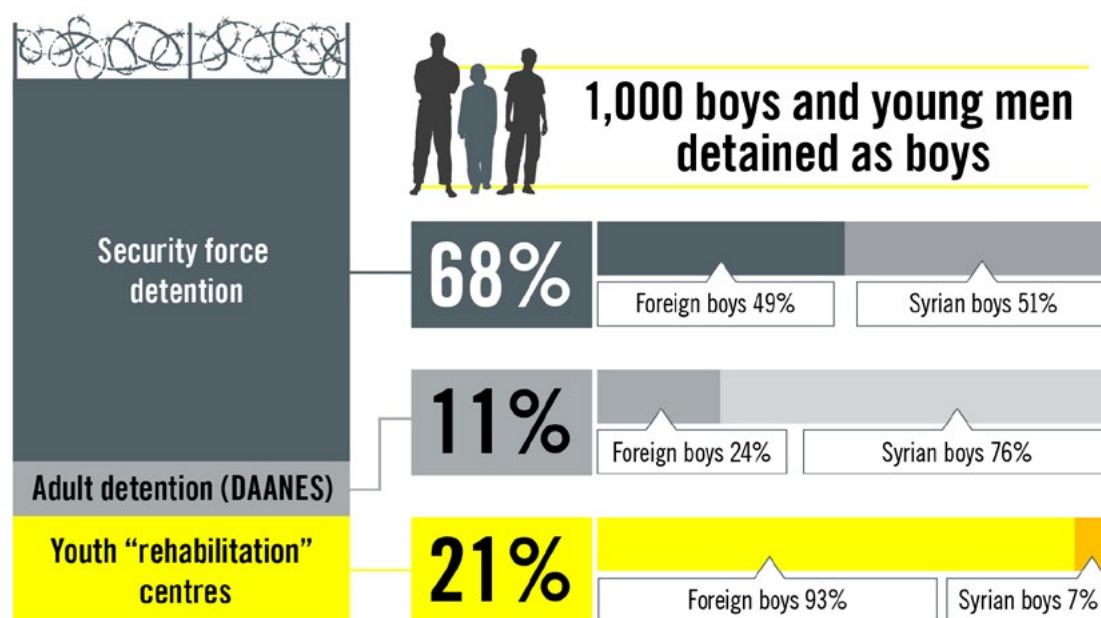
518 OHCHR, "Children in Northeast Syria must be urgently repatriated: UN experts", 31 March 2023, <https://www.ohchr.org/en/statements/2023/03/children-northeast-syria-must-be-urgently-repatriated-un-experts>

519 Interviews with 21 boys, young men and young women describing how they came to live in IS-controlled areas, 2022-2023.

520 Interview, 2022; See also Amnesty International, *Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS* (Index: MDE 14/2759/2020), 30 July 2020, <https://www.amnesty.org/en/documents/mde14/2759/2020/en>

521 See, for example, Save the Children, "Remember the Armed Men who Wanted to Kill Mum": The Hidden Toll of Violence in Al Hol on Syrian and Iraqi Children, 2022, <https://resourcecentre.savethechildren.net/document/remember-the-armed-men-who-wanted-to-kill-mum-the-hidden-toll-of-violence-in-al-hol-on-syrian-and-iraqi-children>; Save the Children, *When am I Going to Start to Live? The Urgent Need to Repatriate Foreign Children Trapped in Al Hol and Roj Camps*, 2021, <https://resourcecentre.savethechildren.net/document/when-am-i-going-start-live-urgent-need-repatriate-foreign-children-trapped-al-hol-and-roj>; Human Rights Watch, "Dire conditions for ISIS' suspects families", 23 July 2019, <https://www.hrw.org/news/2019/07/23/syria-dire-conditions-isis-suspects-families>; Human Rights Watch, "Fear Grips Women and Children trapped in Syria camps", 18 October 2019, <https://www.hrw.org/news/2019/10/18/fear-grips-women-and-children-trapped-syria-camps>; MSF, *Between Two Fires: Danger and Desperation in Syria's Al-Hol camp*, 7 November 2022, <https://www.msf.org/danger-and-desperation-syria%E2%80%99s-al-hol-camp-report-msf>

approximately 1,000 boys and young men being held have been charged.⁵²² Amnesty International has chosen to focus on this group because much less is understood about the nature and conditions of their detention, because their prospects for release and repatriation are in many cases more limited than for children in the camps, and because these children have been separated from their families.



5.1 BOYS TRANSFERRED TO DETENTION FACILITIES, INCLUDING "REHABILITATION" CENTRES

Of the approximately 1,000 boys and young men who were detained as boys, Amnesty International estimates more than half are in security force detention facilities, while the remainder are in the custody of the DAANES.⁵²³ Amnesty International estimates a little over half of the boys in detention facilities are foreign nationals, excluding Iraqis, and the remainder are Syrian. In 2022, approximately 203 Iraqi boys were repatriated from the detention facilities to Iraq.⁵²⁴ A disproportionate number of foreign nationals are represented among the 1,000 boys and young men in detention because of a policy by the autonomous authorities to transfer foreign adolescent boys in the camps to detention facilities, discussed below.

522 As of August 2023, more than 600 people detained as children were being held by the SDF. In their written response to Amnesty International, the autonomous authorities stated that 450 "children and minors" are held in the Panorama detention facility. This figure does not appear to include boys who have turned 18 during their period of detention and are no longer children. Of this group, the autonomous authorities stated 200 of the "children and minors" are Syrian. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. In addition, about 90 people detained as children were in facilities run by the DAANES, possibly more, and about 200 were being held in "rehabilitation" centres also run by the DAANES, and an unknown number were held in facilities controlled by the ISF. Information gathered from authorities and interviewees held in various detention facilities, including "rehabilitation" centres. This estimate does not include children who were detained with their parents. Of the group of people currently being held who were detained as children, only Syrian children who are held in facilities run by the DAANES and in the "rehabilitation" centres have been charged.

523 See footnote 522 (indicating that as of August 2023, over 600 people detained as children were being held in security force detention facilities; about 90, possibly more, were in facilities run by the DAANES, and about 200 were being held in "rehabilitation" centres also run by the DAANES).

524 Interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil. Amnesty International is not aware of other Iraqi boys held in detention facilities in north-east Syria.

Amnesty International interviewed 23 boys and young men who were children at the time of their arrest, 19 of whom had spent at least a month in a detention facility run by security forces. Nine were Syrian, none were Iraqi, and 14 were other foreign nationals. One of the boys and three of the young men had acquired injuries during the preceding years of conflict, affecting their cognitive abilities. In addition, two of the same young men had limited mobility due to their injuries and the other had a visual impairment.

Amnesty International also interviewed two Syrian young women who were girls at the time of their arrest from Al-Hol camp.⁵²⁵ Because girls represent a small minority of the children in detention facilities, this chapter focuses on the violations boys and young men face in the system.

Amnesty International documented three main ways the SDF and affiliated security forces have detained boys and transferred them to detention facilities, including “rehabilitation” centres: first, after leaving IS-controlled areas; second, during ongoing operations; and third, from the two detention camps.

DETAINED AFTER LEAVING IS-CONTROLLED AREAS

During the war with IS, the SDF detained men and boys who fled individually or with their families, based on the presumption that they were likely IS fighters. Following the final battle of Baghouz, the SDF detained many boys.⁵²⁶

The SDF and coalition forces opened humanitarian corridors from Baghouz for civilians fleeing the town and for IS fighters who wanted to surrender.⁵²⁷ Along with the forces from the US-led coalition, they screened the trucks for men and boys who they suspected may have been fighters.⁵²⁸ Tarek, a young man aged 18 or 19 who had tried to flee IS after facing pressure from his father to join the group, described his detention after leaving Baghouz: “There were lorries with men and buses with women and children. The buses were overcrowded; I felt ashamed [to be there]. I asked if the lorry was going to the same camp. I was told yes. I jumped in the lorry and ended up in prison.”⁵²⁹

A 56-year-old woman interviewed by Amnesty International reflected on the moment she was separated from her son after fleeing Baghouz through a humanitarian corridor: “It’s scary and emotional to have a child taken from you. I was in Baghouz... and my son was taken from me straight away. There was no hug.”⁵³⁰ At the time of the interview four years later, she still had not communicated with her son.

525 Interviews, 2022 and 2023. One young woman said she had been detained as a child but was erroneously charged as an adult. Amnesty International was also informed of the presence one Syrian girl in one of the prisons who was detained there in connection with IS crimes.

526 Interview with four boys and young men detained in, or leaving from, Baghouz; interview with mother whose son was detained after they fled Baghouz, 2022 and 2023.

527 Al Jazeera, “ISIL fighters ‘surrender in large numbers’ in final Syria enclave” (previously cited).

528 Interviews with four people who left Baghouz and were detained in north-east Syria, 2023.

529 Interview, 2023.

530 Interview, 2023.

Children described security forces sending them through several formal and makeshift detention facilities, where they were held with adults, before either selecting them for transfer into the only “rehabilitation” centre operational at that time – Houri Juvenile “Rehabilitation” Centre – or ultimately transferring them to the old Panorama / Al-Sina’a detention facility.⁵³¹ In early 2022, prior to the 20 January IS attack on Panorama / Al-Sina’a, human rights actors estimated there were approximately 700 children in the facility.⁵³² None have been charged or tried.

In their written response to Amnesty International, the autonomous authorities stated that some children whose families had died in battles with IS were also transferred to Houri Juvenile “Rehabilitation” Centre.⁵³³

DETAINED DURING ONGOING OPERATIONS

Syrian children also continue to be detained in military operations. They are taken to the same security force detention facilities for interrogation as adults and ultimately transferred to DAANES detention facilities for prosecution and trial.⁵³⁴ They are arrested at checkpoints, during coordinated raids between security forces and the coalition and during other operations and searches that are meant to respond to the continued threat of IS.

For example, one teenager told Amnesty International, “While I was riding in a taxi, at... [a] roundabout checkpoint in Raqqa, they [the ISF]... asked me to search my phone... [they] found all of the IS videos.”⁵³⁵ Another teenager described how he was detained by checkpoint security while on a bus after leaving Al-Hol camp.⁵³⁶ A 14-year-old boy said he was detained from a hospital after security forces accused him of taking part in an attack on a checkpoint.⁵³⁷

REMOVED FROM THE CAMPS

The remaining children in the detention facilities come from the camps. Most are taken as part of a policy by the autonomous authorities to separate and remove adolescent foreign boys from the camps.⁵³⁸

⁵³¹ Interviews, 2022 and 2023.

⁵³² See, for example, Human Rights Watch, “Northeast Syria: Fate of hundreds of boys trapped in siege unknown”, 4 February 2022, <https://www.hrw.org/news/2022/02/04/northeast-syria-fate-hundreds-boys-trapped-siege-unknown>; OHCHR, “Syria: UN expert urges States to ‘save their boys’ caught up in ISIL prison attack”, 25 January 2022, <https://www.ohchr.org/en/2022/01/syria-un-expert-urges-states-save-their-boys-caught-isil-prison-attack>; Commission of Inquiry, Report, 17 August 2022 (previously cited), para. 86.

⁵³³ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

⁵³⁴ Interviews, 2022 and 2023.

⁵³⁵ Interview, 2023.

⁵³⁶ Interview, 2023.

⁵³⁷ Interview, 2023.

⁵³⁸ In their written response to Amnesty International, the autonomous authorities stated that they have also removed Syrian and Iraqi boys from the camps, but no reason was given about why the boys were taken. They said no girls had been taken from the camp as part of their separations policy. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

Reports suggest that children were removed from the camp as early as August 2019.⁵³⁹ Among those interviewed by Amnesty International, the youngest boy at the time of removal from the camps was 13 years old, but authorities have indicated that children as young as 11 years old have also been separated from their families and removed from the camps.⁵⁴⁰ According to data received from the Office of the UN High Commissioner for Refugees (UNHCR), as of the end of March 2024, there were 769 boys between the ages of 12 and 17 in the two detention camps.⁵⁴¹ These boys are at risk of removal by the autonomous authorities.

At first the policy of removing boys from the camps to place them in adult detention and youth “rehabilitation” facilities appeared clandestine, with some boys taken in the middle of the night without warning.⁵⁴² Amnesty International also documented cases of boys being taken while carrying out everyday activities in the camp like fixing a stove, watching a soccer game, or hanging around their tent.⁵⁴³

The autonomous authorities acknowledged the practice while justifying it as a way to deal with “trouble-makers” in the camp.⁵⁴⁴ In their written response to Amnesty International, the autonomous authorities stated, “The location of the facilities where the boys were kept was not disclosed to families at the time of their transfer for security reasons. However, after their safe transfer, families were informed that their boys were located at either a rehabilitation centre or a temporary detention centre”.⁵⁴⁵

Amnesty International was unable to independently verify if this was the practice when the autonomous authorities first began removing boys from the camps. However, one of the first human rights reports documenting forced separations soon after the territorial defeat of IS in 2019 found that mothers and other guardians received almost no information about the location of their children or the reasons for their deprivation of liberty.⁵⁴⁶ Removing children from the camps and refusing to confirm their whereabouts to their parents or other caregivers amounts to subjecting these children to enforced disappearance.⁵⁴⁷

Security forces detained boys individually and in groups.⁵⁴⁸ They sometimes used large operations in the camps to round up and remove significant numbers of children. For example, security forces took

539 Rights and Security International, *Europe's Guantanamo: The Indefinite Detention of European Women and Children in North East Syria*, 17 February 2021, https://www.rightsandsecurity.org/assets/downloads/Europes-guantanamo-THE_REPORT.pdf, para. 58. The first removal documented by Amnesty International was in January 2020.

540 Interview, 2023; stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre. See also Commission of Inquiry, Report, 17 August 2022 (previously cited) para. 98, stating that boys as young as ten years old have been separated from their families in the camps.

541 Data received from Office of the UN High Commissioner for Refugees (UNHCR), on file at Amnesty International.

542 Rights and Security International, *Europe's Guantanamo* (previously cited), paras 58-61.

543 Interviews with four people, 2022 and 2023.

544 Rights and Security International, *Europe's Guantanamo* (previously cited), para. 61. See also Human Rights Watch, “Syria: Repatriations lag for foreigners with alleged ISIS ties” (previously cited).

545 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

546 Rights and Security International, *Europe's Guantanamo* (previously cited), para. 60.

547 See International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Article 2.

548 Interviews with eight boys and young men taken from the camps, 2022 and 2023. See also Rights and Security International, *Europe's Guantanamo* (previously cited), para. 58, indicating other groups of boys taken between 2019 and 2020; Human Rights Watch, “Syria: Repatriations lag for foreigners with alleged ISIS ties” (previously cited); Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement* (previously cited), para. 9.

approximately 32 boys in May 2020, after calling them to the office of the camp authorities as part of a mass collection of biometric data from camp residents.⁵⁴⁹ According to a young man who was part of that group, security forces took the boys out of the camp in a series of ambulances that he believed they used so they could evade NGOs working in the camp.⁵⁵⁰

In another instance, in August and September 2022, the US-led coalition and local security forces carried out a security operation in Al-Hol camp and local security forces removed about 50 boys from the camp, possibly more, for transfer to detention facilities including, eventually, a youth “rehabilitation” centre.⁵⁵¹ In their written response to Amnesty International, the autonomous authorities denied removing boys from the camps during this operation.⁵⁵² However, about a month after the security operation took place, Amnesty International interviewed the co-chairs of the Reform and Rehabilitation Office, who stated that among the boys taken during the Al-Hol security operation, 35 were being held in Ghweran Central Prison.⁵⁵³ In addition, Amnesty International interviewed one of the boys taken during the operation who said 51 boys were removed from the camp during the operation.⁵⁵⁴ He told Amnesty International:

On 12 September 2022... the authorities searched the tents and [women in the tents]. We waited in a long line. They asked me about my age and my mum. They took me to an empty clothes shop. They asked me some details like my name and other details. After 30 minutes they put us in a vehicle, about 11 of us... After the security search, they took 51 children to a school.⁵⁵⁵

The YPJ told Amnesty International that the US-led coalition has been informed of plans to remove specific boys of a certain age from their families in the camps.⁵⁵⁶ In their written response to Amnesty International, the autonomous authorities said they share information about the removal of boys with the global coalition via the “joint operations rooms dedicated to security operations”.⁵⁵⁷ When asked about the removals, the US government stated, in its written response to Amnesty International, “We have and will continue to engage local authorities to ensure that any decision to place a child in a youth facility is taken only after a thorough assessment of the best interest of the child”.⁵⁵⁸

549 Interview, 2023.

550 Interview, 2023.

551 Interview, 2023; interview in person with co-chairs of the Reform and Rehabilitation Office, 2 October 2022, Al-Qamishli.

552 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

553 Interview in person with co-chairs of the Reform and Rehabilitation Office, 2 October 2022, Al-Qamishli. Amnesty International also received information, on background, that indicated the presence of other children detained during the operation in another detention facility.

554 Interview, 2023.

555 Interview, 2023.

556 Interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah Women’s Prison.

557 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

558 Written response from the US government, 1 April 2024. See Annex 2 for more details.

FORMALIZING THE REMOVALS POLICY

In February 2023, the autonomous authorities put forward a draft policy on separations, which appears to be formalizing and systematizing the process of removals from the camps. In the most recent case documented by Amnesty International, in February 2023, Adham, age 17, said he received some – rather brief – notice that the autonomous authorities were going to take him:



↑ Boy forcibly separated from his mother and siblings in a detention camp and forcibly transferred to a separate detention facility. Illustration by Colin Foo © Amnesty International

I knew they were coming to get me because the Kurdish camp authorities told all the big boys to get ready that morning... This time, the boys told their mothers... After this, they told us directly. The women who heard that the big boys were going to be taken went to the camp administration, to ask if it was true and to protest... Some women offered to hide me in their tents. I said no. There was no use. They told us we are going to go to a place so nice, everyone would wish they were there.⁵⁵⁹

As part of the formalization process, the autonomous authorities have outlined criteria to clarify on what grounds children can be removed from the camps to be placed in youth “rehabilitation” centres. At the time of publication, the draft policy included the following grounds for removal: 1) “youth engaged in criminal and violent activities”, 2) “youth becoming ideologically indoctrinated and trained to act on behalf

⁵⁵⁹ Interview, 2023.

of [IS]”, or 3) “victimhood”, including physical and sexual violence at the hands of IS.⁵⁶⁰ Only foreign boys (excluding Iraqis) are targeted in the policy.⁵⁶¹

The autonomous authorities have an obligation, under international law, to protect and support all children affected by conflict in areas under their control.⁵⁶² The YPJ shared with Amnesty International digital evidence that allegedly show instances of children being trained and recruited into IS.⁵⁶³ Similar material was also released by a local media agency.⁵⁶⁴ Amnesty International could not confirm that the videos are of training by IS members in the camps or, if they engage in such practices, the scale of the recruitment.

Security forces and others have pointed to incidents of sexual exploitation and abuse of boys in the camps by older women.⁵⁶⁵ The nature and scale of sexual exploitation by and against boys is difficult to independently verify.

While these and other threats to children are legitimate reasons for the autonomous authorities to take action, their current draft policy on separations lacks grounding in international human rights law, which ensures critical safeguards for parents and children. Respect for family unity is a pillar of children’s rights, and children may only be separated from their parents after a competent authority, subject to judicial review, determines that doing so is in the child’s best interests.⁵⁶⁶ The current policy does not specify which authorities make the determination to remove a child, what evidence and standards are applied, and what due process protections are available to children and parents during the decision-making process.

The policy also deems “ideological indoctrination” a legitimate basis for removal, even though freedom of thought, conscience and religion are protected under international human rights law,⁵⁶⁷ as are the rights of parents to direct their children in the exercise of these rights, according to their own convictions.⁵⁶⁸ For separation to be appropriate, the autonomous authorities would have to show that the child was instructed in ways that could harm themselves or others. In addition, victimization or the risk of victimization by individuals outside the family should not be a basis for separation of a child from their

560 Draft AANES Policy Statement and Procedures for Selection and Removal of Foreign ISIS-Affiliated Youth from the Camps, February 2023, on file with Amnesty International, pp. 5-6.

561 Draft AANES Policy Statement and Procedures for Selection and Removal of Foreign ISIS-Affiliated Youth from the Camps, February 2023, on file with Amnesty International.

562 CRC, Article 39; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted on 25 May 2000, Articles 6; “The Paris Principles, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups” (Paris Principles), February 2007, <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>, para. 3.6.

563 Audio-visual evidence from the YPJ, on file at Amnesty International. The YPJ shared videos with Amnesty International that show people who are allegedly children doing training exercises, which the YPJ claims is part of IS’s effort to recruit children.

564 Ronahi TV, “Exclusively-Kampa Holê: Jinên DAIŞî zarokan li ser kuştinê perwerde dikin” [Exclusively AI-Hol camp: ISIS women teach children about killing], 1 August 2023, <https://www.youtube.com/watch?v=5uDM3v03BtY> (in Kurdish).

565 Stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre; interview in person with YPJ Military Intelligence, 7 March 2023, Al-Hasakah Women’s Prison. See also Anne Speckhard, “ISIS women accused of turning boys as young as 13 into a human stud farm”, 23 February 2023, Daily Beast, <https://www.thedailybeast.com/isis-women-accused-of-turning-teen-boys-into-human-stud-farm-in-syria>

566 CRC, Articles 5, 7, 8, 9, 18.

567 ICCPR, Article 18(1) ; CRC, Article 14.

568 CRC, Article 14(2).

family members or other adult guardians, absent a determination by a competent authority regarding the circumstances of such abuse.

Despite the criteria put forward in the policy, discussions and correspondence with the autonomous authorities indicate there are other factors motivating the removals. In their written response to Amnesty International, the autonomous authorities stated, in response to a question about the removals prior to the draft policy, that “clear criteria include separating boys once they reach the age of 12”.⁵⁶⁹ They also stated that the criteria used are “based on the management of the camps (with assistance from security forces)”,⁵⁷⁰ suggesting that, in practice, the removals may be motivated by more subjective assessments.

A representative of YPJ Military Intelligence told Amnesty International that the autonomous authorities are concerned about a growing camp population of foreigners, with no formal citizenship, who are ripe for recruitment by IS and who pose a future threat.⁵⁷¹ Officials have stated to Amnesty International and others that they ultimately want to transfer adolescent boys in the camp to a series of at least 15 “rehabilitation” centres, as opposed to limiting separations and holding boys in detention to measures of last resort.⁵⁷² Failure to provide an individualized assessment of whether the transfers are in the child’s best interest is a violation of international law and risks confining adolescents to a life in prison without charge. In their written response to Amnesty International, the autonomous authorities stated there are currently no alternatives to separating boys from their mothers or guardians in the camps.⁵⁷³

FEAR OF REMOVAL AND SEPARATION AS BOYS AGE

Women and their sons detained in the camps overwhelmingly described the autonomous authorities selecting boys for removal based on their age, with the risk starting around age 11 or 12 and rising steadily as they approach 18.⁵⁷⁴

Jamal, a 16-year-old boy removed from one of the camps in 2020 told Amnesty International, “Children from ages 11 or 12, they are separated from women... As soon as [the security forces] arrived, I did not hide. I did not think they would take me – I am small.”⁵⁷⁵

Karim, a 17-year-old boy removed from one of the camps at about age 14, said he also thought a boy’s perceived age influenced the removal: “It happens many times that [the security forces] see an older child and take him.”⁵⁷⁶

569 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. In the letter, the autonomous authorities state the purpose of these actions is “to prevent their sexual exploitation and military training for terrorist or aggressive purposes”.

570 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

571 Interview in person with YPJ Military Intelligence, 7 March and 3 August 2023, Al-Hasakah Women’s Prison.

572 Interview by video call with three representatives from the Foreign Relations Department of the autonomous authorities, 14 March 2022; written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. See also Commission of Inquiry, Report, 17 August 2022 (previously cited), para. 95; Human Rights Watch, “Syria: Repatriations lag for foreigners with alleged ISIS ties” (previously cited).

573 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

574 Interviews, 2022 and 2023.

575 Interview, 2022.

576 Interview, 2023.

Teenage boys and their families live in perpetual fear of the day they will be taken from the camps. As one woman, Layla, explained:

The kids will be playing a normal soccer game, and they will run for their lives if they see the SDF. It's the saddest thing you'll ever see... So, we keep the boys inside as much as we can. This creates unnecessary fear and anxiety. They can't reach their full potential. These children would be amazing, if they were given the chance.⁵⁷⁷

Faced with the prospect of losing their children to the autonomous authorities, one Russian woman in the camp told Amnesty International that women from her country had started considering sending their boys back to Russia, without them. "What sort of choice do they have?" she said. "But to send the boys home when they can't follow, to lose their sons, it's leaving them devastated."⁵⁷⁸

A FAMILY'S ACCOUNT OF THE DAY THE ELDEST SON WAS TAKEN TO HOURI

Amnesty International met with a family where a mother and three of her children were being held in Roj camp, and her oldest son, Khalil, had been taken to Houri "rehabilitation" centre.⁵⁷⁹

Khalil had initially been brought to the centre soon after his family fled IS-controlled territory when he was 17. After about a year, he was briefly allowed to return to his mother and siblings in the camp but was detained again by the autonomous authorities as a young adult. Khalil described watching a soccer game with his brother over popcorn, chips and soda. He began to feel uneasy when some "Asayish" – members of the ISF – showed up at his tent. They told him and his family that it was time for him to leave:

I can't forget that moment... Outside the camp there... [were] armed vehicles and soldiers. I was annoyed. I asked the soldiers, 'Why are you doing this in front of my family?' My sisters and brothers started to cry. It's hard to see them crying... Who will fix this experience in our minds? We will remember forever. Me, my mom, other children, we will never forget that moment.⁵⁸⁰

His mother and his sister, Amina, age 17, recounted their memories of that day. His sister recalled that she fainted while watching Khalil being taken away in the back of car.⁵⁸¹ The mother, over tears, said:

I was crazy. They said he had grown up and that he has to go. He kissed my head. He said maybe it will be for my

⁵⁷⁷ Interview, 2023.

⁵⁷⁸ Interview, 2023.

⁵⁷⁹ Amnesty International is withholding his nationality for safety and security reasons.

⁵⁸⁰ Interview, 2022.

⁵⁸¹ Interview, 2023.

own benefit – maybe it's an act of God... For a mother to be separated from her son. I am speechless... He is not part of my heart, he is all my heart.⁵⁸²

His sister said that after his departure their mother lost almost 25kg and that her hair turned grey. In two years, they had only had two visits and two phone calls.⁵⁸³

Khalil has a younger brother who is approaching adolescence, and the family is waiting fearfully for the day security forces will take him. Amina told Amnesty International:

When we ask him to eat well he says he does not want to grow up. He says I don't want them to take me like Khalil. He is too young. I started to cry when I heard what he said... Because of this policy I keep pushing my brother's head down, so he does not grow up... He is 10. He is so short, thank God. If he were taller, they would take him.⁵⁸⁴

5.2 CONDITIONS OF DETENTION

Once children are detained, security forces appear to move them between different types of facilities, including adult detention facilities.

SECURITY FORCE DETENTION FACILITIES

As detailed in Chapter 4, Amnesty International documented systematic torture or other ill-treatment across security force detention facilities in north-east Syria. Amnesty International estimates over half of the children in detention facilities in north-east Syria are in these facilities,⁵⁸⁵ many remain trapped in inhumane conditions and some have faced torture or other ill-treatment. International guidelines call for the transfer of children, even those suspected of fighting with armed groups, to civilian child authorities for appropriate services including, but not limited to, reintegration.⁵⁸⁶ Amnesty International interviewed a total of 22 people formerly or currently detained as children in security force detention facilities – 12 boys, eight

582 Interview, 2023.

583 Interview, 2023.

584 Interview, 2023.

585 See footnote 522 for a breakdown of the data on children in detention facilities in north-east Syria.

586 See, for example, UN Security Council (UNSC), Resolution 2427 (2018), adopted on 9 July 2018, UN Doc. S/RES/2427, para. 19 (stressing “the need to pay particular attention to the treatment of children associated or allegedly associated with all non-state armed groups, including those who commit acts of terrorism, in particular by establishing standard operating procedures for the rapid handover of these children to relevant civilian child protection actors”); Paris Principles, para. 7.21 (stating during release, children should be handed over to “an appropriate, mandated, independent civilian process”); and Government of Canada, Vancouver Principles on Peacekeeping and Prevention of Recruitment and Use of Child Soldiers, 15 November 2017, https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/principles-vancouver-principes-pledge-engageons.aspx?lang=eng, Principle 9 (calling for children to be “handed over expeditiously to child protection actors and civilian authorities”).

young men and two young women.⁵⁸⁷ Of this group, 11 were Syrian, none were Iraqi, and 11 were other foreign nationals.

Children have been held in different security force detention facilities. As of August 2023, Amnesty International estimates more than 600 were detained in Panorama detention facility.⁵⁸⁸ Of that group, about half were reportedly Syrian and the remainder were foreign, excluding Iraqis.⁵⁸⁹ Like men in the detention facility, none of the boys have been charged, even though the autonomous authorities could have prioritized Syrian children for screening and, where appropriate, prosecution, as they have done for some Syrian men in security force detention facilities.

In their written response to Amnesty International, the autonomous authorities alleged that “a significant number” of this group of children were affiliated with IS as “members of the cubs of the caliphate” and that therefore “our legal protocols mandate their transfer to central reform and rehabilitation centres upon sentencing”.⁵⁹⁰ They said they faced two main challenges as a result: “Firstly, there is a concern about their integration with detainees convicted of other crimes, potentially influencing them negatively. Secondly, the insufficient number of rehabilitation centres poses a logistical hurdle to their transfer.”⁵⁹¹

Because many boys were detained primarily based on their age, it is not clear how many among this group of Syrian nationals even had direct links to IS.⁵⁹² For those who had been recruited and used by IS, international law and standards call for children associated with armed groups to be treated as victims first and foremost and for detention to only be used as a measure of last resort.⁵⁹³ At this stage, even if the autonomous authorities were to try these individuals, the maximum sentence they would face under the law of the region is seven years,⁵⁹⁴ and many have already served close to that time. For these reasons, it is imperative that the autonomous authorities begin the process of screening these boys and young men detained as boys.

Most of the boys in Panorama were likely held in Al-Sina’a detention facility – a school on the same site that was used to hold people with perceived IS affiliation before Panorama was built. IS attacked Panorama

587 This includes makeshift facilities sometimes used for example by security forces in the camps. One of the women said she was detained as a child, but was incorrectly charged as an adult.

588 Interview, 2023; interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah. As indicated in footnote 522, in their written response to Amnesty International, the autonomous authorities stated that 450 “children and minors” are held in the detention facility. This figure does not appear to include boys who have turned 18 during their period of detention and are no longer children. Written response from the autonomous authorities, 23 March 2024.

589 Interview, 2023. In their written response to Amnesty International, the autonomous authorities stated that of the 450 “children and minors” are held in the detention facility, 200 were Syrian. This figure does not appear to include boys who have turned 18 during their period of detention and are no longer children. Written response from the autonomous authorities, 23 March 2024.

590 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

591 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

592 Interview with four boys and young men detained in, or leaving from, Baghouz; interview with mother whose son was detained after they fled Baghouz, 2022 and 2023.

593 CRC, Article 37(b); United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”), Rule 13.1; Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (“Paris Principles”), February 2007, <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>, para. 3.6.

594 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law, Decree No. 8 of 2017, on file with Amnesty International, Article 35.

/ Al- Sina'a in January 2022. UN experts raised concerns that several months after the attack, boys held in the facility were missing.⁵⁹⁵ In their written response to Amnesty International, the autonomous authorities stated no boys or young men detained as boys had gone missing in the attack.⁵⁹⁶ No information is publicly available to Amnesty International to independently verify this statement.

Many human rights and humanitarian actors advocated for the release of children and young adults from the Panorama / Al-Sina'a detention facility and for their treatment as victims first and foremost.⁵⁹⁷ Except for 203 Iraqi boys who were repatriated from military detention facilities to Iraq in 2022,⁵⁹⁸ interviewees told Amnesty International of only a few boys released from Panorama / Al Sina'a.⁵⁹⁹

Panorama is a maximum-security facility that is cut off from several humanitarian actors and only allows for the delivery of limited reintegration and support services for children.⁶⁰⁰ People detained as children appear to live separately from other adult prisoners but are also suffering the effects of a widespread tuberculosis outbreak.⁶⁰¹

In 2022, a representative from the SDF stated they are building a new youth “rehabilitation” centre for people detained as children in Panorama, with support from the US-led coalition.⁶⁰² In their written response to Amnesty International, the autonomous authorities stated the new facility will have capacity for 300 people and that “only those under the age of 18 will be transferred” and that “adults will not be relocated” to the facility.⁶⁰³ Given how many people in Panorama have likely been detained since the territorial defeat of IS more than five years ago, the autonomous authorities’ response raises concerns about the fate of a potentially substantial population of young men who were detained as boys. Amnesty International was unable to confirm whether the new youth “rehabilitation” centre would include the Syrian boys currently in SDF custody.

Amnesty International has also documented cases in which the security forces remove boys from the camps and hold them in other SDF detention facilities for limited periods of time. For example, two children described being taken – likely in 2021 – from Al-Hol camp to Al-Shaddadi detention facility,

595 OHCHR, “Syria: UN experts profoundly concerned for missing and injured children after January attack on ISIL prison”, 1 April 2022, <https://www.ohchr.org/en/press-releases/2022/04/syria-un-experts-profoundly-concerned-missing-and-injured-children-after>

596 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

597 See, for example, UNICEF, “UNICEF meets child survivors of the attack on northeast Syria prison”, 6 February 2022, <https://www.unicef.org/press-releases/unicef-meets-child-survivors-attack-northeast-syria-prison>; Al Jazeera, “Calls grow to repatriate ISIL child detainees after jail clashes”, 27 January 2022, <https://www.aljazeera.com/news/2022/1/27/hundreds-of-children-still-held-in-isil-prison-rights-groups-say>; and Human Rights Watch, “Northeast Syria: Fate of hundreds of boys trapped in siege unknown” (previously cited).

598 Interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil.

599 Interview, 2022. In addition, Amnesty International was told that a few of the boys transferred to the Orkesh Juvenile “Rehabilitation” Centre came from the Panorama / Al Sina'a detention facility. It is not clear if these boys were initially taken from the camps and kept temporarily in Panorama / Al Sina'a, prior to transfer, or if these boys had been detained elsewhere and held at Panorama / Al Sina'a for multiple years. Interview in person, co-chairs of the Orkesh Juvenile “Rehabilitation” Centre, 2 March 2023, Orkesh Juvenile “Rehabilitation” Centre.

600 For more on Panorama, see Chapter 4: “Systematic Torture in Security Force Detention”.

601 Visit to Panorama detention facility, 1 August 2023. For more information the tuberculosis outbreak, see Chapter 4: “Systematic Torture in Security Force Detention”.

602 Interview in person with SDF focal point for the US-led coalition, 3 August 2023, Al-Hasakah.

603 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

where they stayed for several months and were part of a group of 13 children taken from the camps.⁶⁰⁴ The two boys were eventually transferred to a youth “rehabilitation” centre.

Amnesty International documented the transfer of Syrian children during ongoing operations to the same ISF-run interrogation facilities as adults, where Syrian children are held for a limited time before being transferred onward for trial. This includes Ayed Prison, Al-Kasrah Prison and Deir ez-Zor Factories Roundabout Prison (“Ma’amil”), as well as several other facilities that were not formally disclosed to Amnesty International by the SDF.⁶⁰⁵ Syrian children detained from the camps have also briefly been held in detention facilities in or near the camps before being sent for prosecution and sentencing.⁶⁰⁶ As detailed in Chapter 4, similar to adults, children have been subjected to torture or other ill-treatment during interrogation, including to extract forced confessions.

Like adults, children in security force detention facilities are largely held incommunicado, with limited contact with parents, other relatives, and guardians. For almost all the children and young adults interviewed, it was only if they were transferred to a DAANES detention facility, including a youth “rehabilitation” centre, that they could contact their parents.

In some cases, children were detained in the absence of family members, leaving parents with absolutely no information about what had happened to their child. A 16-year-old boy told Amnesty International: “I had no contact with my mother during this time... From the start of the arrest – it took about eight months until I met my family. They did not know where I was... One of my neighbours was in the... prison. I said if he is released, he should tell my mother where I am. They [my family] thought I was kidnapped.”⁶⁰⁷

The enforced disappearance of a child under international law is considered a serious crime which states have an obligation to prohibit, prevent, and respond to, including through a strong legal framework.⁶⁰⁸

DAANES-RUN DETENTION FACILITIES

Amnesty International estimates that as of August 2023, about 90 boys and young men detained as boys, possibly more, were being held in DAANES adult prisons for perceived IS affiliation.⁶⁰⁹

604 Interviews, 2023.

605 Interviews, 2022 and 2023.

606 Interviews, 2022 and 2023.

607 Interview, 2023.

608 Working Group on Enforced or Involuntary Disappearances, General comment on children and enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances at its ninety-eighth session (31 October – 9 November 2012), 14 February 2013, UN Doc. A/HRC/WGEID/98/1, paras 9, 11, 12.

609 This estimate is based on rough data provided during an interview with the co-chairs of the Reform and Rehabilitation Office, 2 October 2022, Al-Qamishli, and interviews with boys and young men held in these facilities, as well as some administrative officials in these facilities.

Through a combination of interviews with the co-chairs of the Reform and Rehabilitation Office, as well as interviews with eight Syrian boys,⁶¹⁰ Amnesty International determined Syrian boys and young men who were detained as children had been held post-trial in the following adult prisons run by the DAANES: Alaya Central Prison, Raqqa Central Prison, Kobani Central Prison, and Manbij Central Prison.⁶¹¹

Some foreign children detained from the camps are also being held in the DAANES-run Alaya Central Prison, and two foreign boys told Amnesty International they had been held in Ghweran Central Prison.⁶¹² Until 2022, the DAANES had only one youth “rehabilitation” centre (Houri) and, as they sought additional space for adolescent boys from the camps, they established an overflow area in Alaya Central Prison.⁶¹³ It is not clear which children the autonomous authorities selected to stay in Alaya, but some people interviewed by Amnesty International believed older children were selected,⁶¹⁴ while one 17-year old boy described children perceived to be more “troublesome” as among the first selected.⁶¹⁵ In their written response to Amnesty International, the autonomous authorities stated that children are transferred to Alaya after reaching the “legal age” (presumably 18) and “while they still have remaining sentence time”.⁶¹⁶

No foreign children in any of the detention facilities have been charged.

Under the Convention on the Rights of the Child, “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so”.⁶¹⁷ Similarly, international guidelines require children be “separated from adults, unless they are members of the same family” or that they be participating in a “special programme that has been shown to be beneficial for the juveniles concerned”.⁶¹⁸

Amnesty International documented seven cases of boys and young men charged as children who appear to have been held with adults in Alaya Central Prison and Raqqa Central Prison. In Alaya Central Prison most children are typically kept in one of two large cells. However, Amnesty International interviewed four

610 For the analysis in this section, Amnesty International has also included the experiences of two young men detained as children for their suspected affiliation with armed groups that are not IS, because they were held in the same cells as children charged with crimes committed while affiliated with IS.

611 Interviews in person with the co-chairs of the Reform and Rehabilitation Office, 2 October 2022 and 28 February 2023, Al-Qamishli; and with eight Syrian boys, 2022 and 2023. In their written response to Amnesty International, the autonomous authorities stated that post-trial, if there is not enough capacity to accommodate Syrian boys in Hourri Juvenile “Rehabilitation” Centre, “they are placed in designated sections within prisons where they serve their sentences”. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. Amnesty International also documented three girls who had been held in Derik Central Prison for Women, a facility also run by the DAANES.

612 Interviews, 2022 and 2023.

613 According to two accounts, the DAANES moved a group of about 32 boys to Alaya Central Prison from Al-Hol camp in mid-2020. In mid-2021, these boys were then moved to Hourri Juvenile “Rehabilitation” Centre (“Hourri”) and about 30 boys from Hourri were moved to Alaya Central Prison. Interviews with two people, 2023. Amnesty International also documented two cases of people who came to Hourri as children who asked to be moved to Alaya Central Prison, either because they sought a less regimented schedule, or because they thought they may be able to benefit from amnesties if they were in an adult detention facility. Interviews, 2023.

614 Interviews with four people, 2023.

615 Interview, 2023.

616 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

617 CRC, Article 37 (c).

618 UN General Assembly (UNGA), Resolution 45/113 *on Rules for the Protection of Juveniles Deprived of their Liberty* 45/113, adopted on 14 December 1990, para. 29.

Syrian children who appear to have been held with adults in other cells, leaving them invisible to NGOs and unable to participate in the limited programming for other children in the prison.⁶¹⁹

Boys in Alaya Central Prison described spending most of their time indoors, watching television and sleeping, with minimal time outside.⁶²⁰ The children and young adults who had been separated from the main adult population have access to some educational and other services from NGOs.⁶²¹ Syrian children described being permitted a call once per month, to a Syrian phone number, if they did not receive a visit.⁶²² Foreign boys who were transferred from camps were largely unable to call family members (mobile phones are prohibited among foreign nationals in the camps) and had to rely on authorities setting up these calls or on sending letters through a humanitarian organization.⁶²³ Some had gone months or years without family contact.⁶²⁴

In Raqqa Central Prison, children lived in the same cells as men, often with negative consequences. One teenager described being slapped by an adult after refusing to allow him to jump the bathroom queue.⁶²⁵ In another case, a boy described being forced to participate in Sharia courses run by older men, until they were transferred by the prison administration.⁶²⁶ He told Amnesty International: “I am a minor but I was put with adults... It’s horrible. I asked them to send me to a juvenile centre, but nothing [has happened]... We are not comfortable with the adults... No one cares about me in prison.”⁶²⁷

YOUTH “REHABILITATION” CENTRES

As of August 2023, about 200 boys and young adults were being held in two youth “rehabilitation” centres: Houri Juvenile “Rehabilitation” Centre and Orkesh Juvenile “Rehabilitation” Centre.⁶²⁸ Of this group, Amnesty International estimates a little over 90% are foreign. Amnesty International interviewed 13 boys and young men held in the centres as well as four boys and young men who were previously held in these facilities. Of this group, four were Syrian, none were Iraqi, and 13 were other foreign nationals.

The autonomous authorities established Houri in 2016 for children who were captured after having fought under IS.⁶²⁹ It was the only centre of its kind for almost six years. As of August 2023, it held 88 boys and

619 Amnesty International also interviewed one foreign national young man who had asked to be put in a cell with adults. Interview, 2023.

620 Interviews with two people, 2023. See also Human Rights Watch, “Syria: Repatriations lag for foreigners with alleged ISIS ties” (previously cited). At the time of Amnesty International’s visit and interviews, construction in the detention facility limited the time detainees could spend outside.

621 Interview, 2023; interview in person with co-chair of Alaya Central Prison, 6 October 2022, Alaya Central Prison.

622 Interviews with two people, 2023.

623 Interviews, 2023.

624 Interviews, 2023.

625 Interview, 2023.

626 Interview, 2023.

627 Interview, 2023.

628 Data provided by the SDF, August 2023, on file with Amnesty International.

629 Interview in person with co-chair of the Houri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile “Rehabilitation” Centre.

young adults but has capacity for 120 people.⁶³⁰ A person who was first detained there in 2017 said that initially most boys were Syrian, but that the composition of the population has changed significantly in recent years.⁶³¹ When Amnesty International visited the centre in October 2022, about 87% of the boys were foreign, representing almost 20 nationalities.⁶³² People detained in the centre reportedly range in age from about 12 years old to their early twenties.⁶³³ Only Syrian children have been released upon completion of their sentences, in addition to a handful of foreign national boys who have been repatriated to their country of origin.⁶³⁴ Some boys have also been sent to Alaya Central Prison (and vice versa), to create room for new children. In their written response to Amnesty International, the autonomous authorities stated boys have been transferred from youth “rehabilitation” facilities to other adult detention facilities.⁶³⁵ In August 2022, the autonomous authorities refurbished an old hotel, with support from at least one international donor, turning it into a second youth rehabilitation centre – Orkesh.⁶³⁶ As of August 2023, it held 103 out of a possible 150 foreign children and young adults, none of whom were Syrian, ranging in age from about 11 to 20 years old.⁶³⁷ According to a humanitarian worker, Orkesh was completed following the January 2022 attack on the former SDF Panorama / Al-Sina’a detention facility, which held about 700 children, to facilitate the transfer of children from the custody of security actors.⁶³⁸ Instead, security forces have used Orkesh primarily for boys removed from the camps, many of whom would have been too young to fight with IS.⁶³⁹

NO EXIT IN SIGHT

While the physical environment in the “rehabilitation” centres likely meets many international standards for detention facilities, the large number of foreign nationals in these facilities are unable to leave unless repatriated by their country of origin.⁶⁴⁰ They have not had the ability to contest the necessity and legality of their deprivation of liberty. The period for so-called rehabilitation is not time-bound, and the DAANES policy does not outline opportunities for their release apart from repatriation, leaving unclear what fate

630 Data provided by the SDF, on file with Amnesty International.

631 Interview, 2022.

632 Interview in person with co-chair of the Hourri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourri Juvenile “Rehabilitation” Centre. A separate section of the facility houses Syrian children charged with other crimes that have nothing to do with IS or other designated “terrorist” groups.

633 Interview in person with co-chair of the Hourri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourri Juvenile “Rehabilitation” Centre.

634 Interview in person with co-chair of the Hourri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourri Juvenile “Rehabilitation” Centre.

635 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

636 Interview by voice call with a representative from a humanitarian agency, 23 May 2023.

637 Data provided by the SDF, on file with Amnesty International; Interview, 2023; stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre.

638 Interview by voice call with a representative from a humanitarian agency, 23 May 2023. For more on the attack, see Human Rights Watch, “Northeast Syria: Fate of Hundreds of Boys Trapped in Siege Unknown” (previously cited).

639 Stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre; Interviews with seven children, 2023. Some boys who were taken from the camps were held in detention facilities for a limited time and then transferred to Orkesh. Children in Orkesh had, for example, been held in Ghweran Central Prison and Alaya Central Prison, among others. It is unclear what criteria has been used to determine which children in these facilities were moved to Orkesh, but interviews suggest it may be a combination of factors including age, possibility of repatriation and the perception that the child is less “radicalized”.

640 Children are sometimes taken out of the centres for medical emergencies.

awaits boys who are not allowed to return to their home countries. Only a small number of boys have been repatriated from the centres in the last few years.⁶⁴¹

Many boys and young men described feeling weary after many years of detention with no end in sight. Jamal, 16, told Amnesty International, “I feel lonely, sad, like I am waiting for something to happen.”⁶⁴² One young man in the centre described how he had completed the centre’s educational curriculum, so he has been repeating the same classes and exams.⁶⁴³

The autonomous authorities, with the support of some local and international actors, have attempted to provide some educational, recreational and psychosocial services to children and young men in the youth “rehabilitation” centres. At the time of publication, there were discrepancies in the availability of services between Houri, which relies primarily on the autonomous authorities, and Orkesh, which receives more programming support from NGOs.

Amnesty International interviewed three people in Orkesh who suffered shrapnel injuries to the head that left them with memory loss, cognitive challenges, paralysis, fainting, and loss of vision.⁶⁴⁴ Some of these conditions require complex medical interventions and physical therapy which are not available in the centre and, in some cases, the region.

FAMILY COMMUNICATION

International guidelines call for children to be able to receive visits at least once a month; to communicate in writing or by telephone twice per week to a person of their choice, unless legally restricted; and to receive correspondence.⁶⁴⁵

The administration at Houri indicated children could speak to their families roughly twice a week.⁶⁴⁶ However, other interviews suggest that in practice, children and young adults were allowed to call a Syrian phone number once per month.⁶⁴⁷ Interviews also indicated that Syrian children could receive family visits once per month.⁶⁴⁸

Because mobile phones are banned for foreigners in the camps (an infraction punishable with a stint in a detention facility), calls between foreign children and family members in the camps have to be coordinated by the administrations of the camps and the “rehabilitation” centres. Some children and young adults in

⁶⁴¹ Interview in person with co-chair of the Houri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile “Rehabilitation” Centre.

⁶⁴² Interview, 2022.

⁶⁴³ Interview, 2022.

⁶⁴⁴ Interviews, 2023.

⁶⁴⁵ UNGA, Resolution 45/113 (previously cited), paras 59-61.

⁶⁴⁶ Interview in person with co-chair of the Houri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile “Rehabilitation” Centre.

⁶⁴⁷ Interviews with four people, 2022 and 2023.

⁶⁴⁸ Interviews with two people, 2022.

Houri, as well as some young adults who had been held in the facility before, said they had gone years without contact.⁶⁴⁹ In Orkesh, the autonomous authorities appear to arrange calls after a person's arrival, with descriptions varying from the first days to the first months.⁶⁵⁰

In Houri, the autonomous authorities had coordinated visits between mothers and other relatives in Roj camp and the children, about once or twice per year, but those visits ceased for a period following IS's attack on Al-Sina'a detention facility in January 2022.⁶⁵¹ In their written response to Amnesty International, the autonomous authorities stated that as of March 2024, the last time boys and young men detained as boys in Houri and Orkesh Juvenile "Rehabilitation" Centres had received an in-person visit from family members from the camps was August 2023.⁶⁵²

Long periods cut off from family members in the camps left children anxious and fearful that their families may have been repatriated from north-east Syria without them or that family members had potentially been injured in incidents of violence in the camps. Jamal, 16, told Amnesty International, "I don't know where my family is. I was wondering if they take people from Al-Hol. Will they check up on me or the family, or will it be like the movie, 'Home Alone' where the family moves and I stay here?"⁶⁵³ A 22-year-old man first detained as a child said, "I cannot call my family. I cannot hear their voices. All children have fears about their family in the camp. They live in a tent. There could be a fire. It could be too cold. If you are not in touch or in contact with them, you don't know what will happen."⁶⁵⁴

5.3 CHALLENGES FACING BOYS WHO TURN 18

Very few boys have been repatriated from the youth "rehabilitation" centres to their countries of origin. A growing number of these boys are aging out of childhood. In Houri, the co-chair for the Reform and Rehabilitation Office estimated there are about 20 or 21 young men in the centre.⁶⁵⁵ Amnesty International interviewed one young man in Orkesh "rehabilitation" centre.

The autonomous authorities have expressed concerns in interviews with Amnesty International about what to do with young adults.⁶⁵⁶ They are unwilling to release them but also unable to keep them in the youth

649 Interviews with six people, 2022 and 2023.

650 Interviews with three people, 2023.

651 Interview with co-chair of the Houri Juvenile "Rehabilitation" Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile "Rehabilitation" Centre.

652 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

653 Interview, 2022.

654 Interview, 2022.

655 Interview in person with co-chair of the Houri Juvenile "Rehabilitation" Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile "Rehabilitation" Centre. One of the young adults interviewed by Amnesty International said there were about 15- 20 young men in the centre over the age of 18. Interview, 2022.

656 Interview in person with co-chair of the Houri Juvenile "Rehabilitation" Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile "Rehabilitation" Centre; stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile "Rehabilitation" Centre.

“rehabilitation” centres because they need room for children from the camps.⁶⁵⁷ In their written response to Amnesty International, the autonomous authorities stated, “If their [the boys’] sentences have not yet ended and they have reached the age of 18, they are transferred to central prisons. There is no viable alternative to repatriation for the completion of their rehabilitation process”.⁶⁵⁸

Several young adults expressed fear of being sent to an adult prison holding suspected former IS fighters. One told Amnesty International:

My bigger fear is they will take me to a bigger prison... They must find a solution for us. We came here as kids and grew up into adults here. I know nothing of the outside world. We ran [away from] ISIS. Now that I’ve grown up and turned 18, they are going to send me back to ISIS... We will die.⁶⁵⁹

In interviews with Amnesty International, the autonomous authorities expressed reluctance to transfer children from the “rehabilitation” centres, as that would undermine what they described as reintegration efforts.⁶⁶⁰ Instead, they called for the construction of yet another “rehabilitation” centre, effectively trapping children in a seemingly endless cycle of detention and “rehabilitation”.⁶⁶¹

5.4 LIMITED RELEASE AND REPATRIATION

Syrian children and young adults serving their sentences in youth “rehabilitation” facilities will ultimately be released into the custody of a guardian.⁶⁶² The co-chair of Hourī estimated about 40-50 Syrians who were charged as children had left the centre since its opening.⁶⁶³

There is no prospect of release from these facilities for foreign boys unless they are repatriated by their country of origin. In their written response to Amnesty International, the autonomous authorities stated that these boys could not be effectively integrated into society in north-east Syria “given the current

⁶⁵⁷ Interview in person with co-chair of the Hourī Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourī Juvenile “Rehabilitation” Centre; stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre.

⁶⁵⁸ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

⁶⁵⁹ Interview, 2022.

⁶⁶⁰ Interview in person with co-chair of the Hourī Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourī Juvenile “Rehabilitation” Centre; meeting with co-Chairs of the Reform and Rehabilitation Office, Orkesh Rehabilitation Facility, 27 February 2023.

⁶⁶¹ Interview in person with co-chair of the Hourī Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourī Juvenile “Rehabilitation” Centre; stakeholder meeting with the co-chairs of the Reform and Rehabilitation Office, 27 February 2023, Orkesh Juvenile “Rehabilitation” Centre.

⁶⁶² Interview in person with co-chair of the Hourī Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourī Juvenile “Rehabilitation” Centre.

⁶⁶³ Interview in person with co-chair of the Hourī Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourī Juvenile “Rehabilitation” Centre.

circumstances and fluctuating security situation”.⁶⁶⁴ They also indicated that the local community is still healing from the war with IS.

Tarek, a young man who has been detained since he was about 15 and spent several years in different facilities, including a youth “rehabilitation” centre, told Amnesty International:

At least the Syrians get a trial. But foreigners get nothing. No one is released... I get skills [training], and they transfer me to a men’s prison – to IS members to radicalize me again, so I can just follow them. Whatever happens to them, happens to me. If they execute them, they execute me.⁶⁶⁵

Despite an increase in the number of countries repatriating women and children from the camps, some governments are excluding those who have reached or are on the cusp of reaching age 18 and children who are believed to have fought with the IS. In some cases, such exclusion may violate states’ obligations under international law.⁶⁶⁶ Officials stated that only a small number of boys have been repatriated from youth “rehabilitation” centres.⁶⁶⁷ There may also be similar concerns for girls in the camps who are “aging out”.

At the time of publication, the French government had reportedly repatriated 167 women and 56 children from the camps.⁶⁶⁸ Amnesty International documented the cases of three young men who were not repatriated by France.

When Amnesty International first met Karim, he was 17 years old and in a state of extreme distress because he had been unable to coordinate a phone call with his mother in Roj camp. Authorities later told him she had been repatriated to France, which he confirmed with one of his mother’s friends in the camp.⁶⁶⁹ Karim is paralyzed on one side of his body and has been suffering from fainting spells. During a second interview with Amnesty International in August 2023, soon after he turned 18, he said:

⁶⁶⁴ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

⁶⁶⁵ Interview, 2023.

⁶⁶⁶ States have an obligation to act in the best interest of the child (CRC, Article 3) to uphold a child’s right to life, survival and development (CRC, Article 6), and to ensure a child’s right to be heard (CRC, Article 12). In this context, states should have acted at the time a child was detained in north-east Syria. In addition, as detailed in Chapter 7: “Trafficking Victims Ignored”, states have an obligation to identify people who were allegedly trafficked, which includes children who were recruited and used by IS, and to repatriate them if they wish to return. The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children holds that “The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.” Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, adopted 15 November 2000, Article 8. Finally, state obligations to a child continue, in some cases, into adulthood. In a General Comment on Children and Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances stated that because enforced disappearance is a continuous crime, it could affect a child that reaches majority. In cases of enforced disappearance, state obligations that arose when the child was under the age of 18 continue as long as those obligations are not complied with. Working Group on Enforced or Involuntary Disappearances, General comment on children and enforced disappearances (previously cited), para. 4.

⁶⁶⁷ Interview in person with co-chair of the Houri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Houri Juvenile “Rehabilitation” Centre.

⁶⁶⁸ Rights and Security International, “Global Repatriations Tracker” (previously cited) (accessed on 30 March 2024).

⁶⁶⁹ Interview, 2023.

[My mother's friends in Roj camp] told me about [the] repatriation, about how my mother was in a critical situation. She has rheumatism and other diseases. She was unconscious... I only want to join my mother. I was so young when she brought me [to Syria]. I did not participate in any fighting. I've been growing up in camps and in these facilities. I am very tired. I feel I am losing my power.⁶⁷⁰

Wael, a 19-year-old with French residency, said his mother had turned down repatriation to France in part because she was told she could not leave with him.⁶⁷¹ Ibrahim, 20, said his mother, a French national, had died from cancer. Brought to Syria as a young teen with his mother and stepfather and now effectively on his own in the region, he is eager to return to family members in France.⁶⁷² He has been struggling with his vision due to injuries suffered during the war and requires urgent surgery. He told Amnesty International, "Let me start a new life. I cannot be judged by other people's mistakes."⁶⁷³

For some in the "rehabilitation" centres, the promise of repatriation rings hollow, particularly when they are from countries where they may face persecution on return. A 13-year-old boy from Central Asia told Amnesty International, "I would prefer to be in Al-Hol. I don't want to go back, I want my mom".⁶⁷⁴

670 Interview, 2023.

671 Interview, 2023.

672 Interview, 2023.

673 Interview, 2023.

674 Interview, 2023.

6 VIOLENT AND INHUMANE DETENTION CAMPS

“My dream is for my children to be out of the camp, for them to play on a swing set, to run in an open field. Even if the camp were equipped to the fullest, it is still a prison. We are still stuck here.”

Syrian woman held in Al-Hol camp⁶⁷⁵

The autonomous authorities of north-east Syria are holding more than 46,600 people with perceived IS affiliation in two detention camps, Al-Hol and Roj.⁶⁷⁶ Most of the adults are women and about 29,000 are children.

Amnesty International concludes that the conditions and risks faced by people held in Al-Hol and Roj camps – including the indefinite and arbitrary nature of their detention; the violence and criminality in the camps, including killing, gender-based violence and sexual exploitation; the dire conditions, including lack of adequate access to food, water, healthcare and sanitation; and the rates of accidental or preventable death, illness or injury – meet the threshold of cruel, inhuman or degrading treatment.⁶⁷⁷

⁶⁷⁵ Interview, 2023

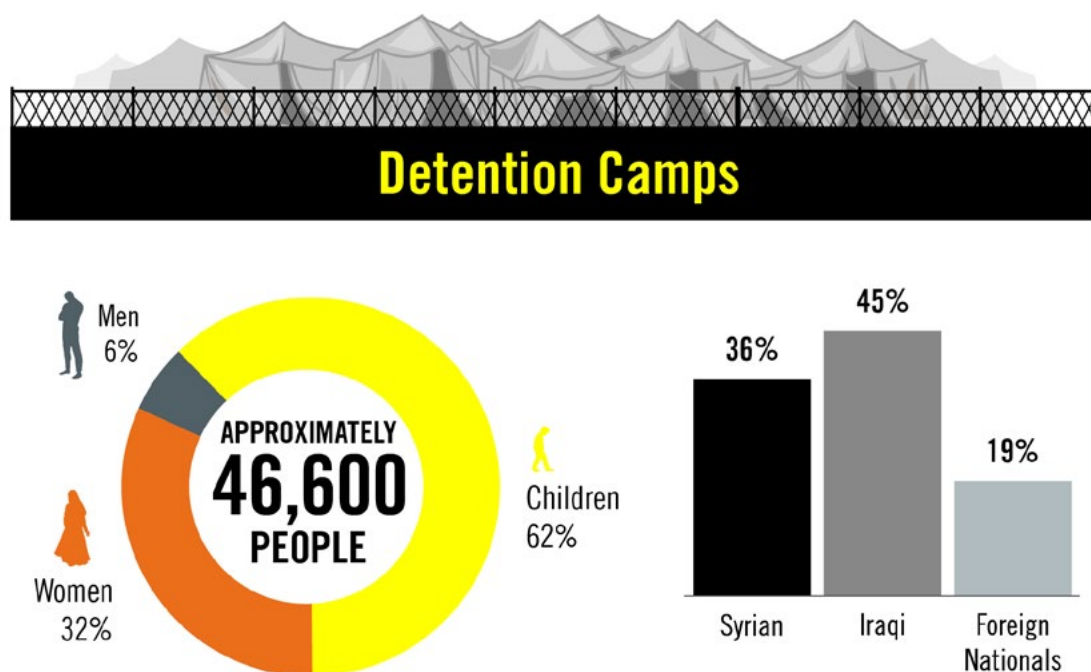
⁶⁷⁶ For Amnesty International's previous documentation of the situation in Al-Hol camp, see, for example, Amnesty International, “Syria: Repatriate at least 27,000 children held in dire conditions in north-east Syria”, 30 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/syria-repatriate-at-least-27000-children-held-in-dire-conditions-in-north-east-syria>; Amnesty International, “Syria: Fatal shooting of a child in al-Hol camp must be a call to international action”, 8 February 2022, <https://www.amnesty.org/en/latest/news/2022/02/syria-fatal-shooting-of-a-child-in-al-hol-camp-must-be-a-call-to-international-action>

⁶⁷⁷ Convention against Torture, Article 1.

6.1 EVOLUTION OF THE CAMPS

Al-Hol camp was established in 1991 as a camp for refugees from Iraq.⁶⁷⁸ In 2018, the camp held around 9,000 people, including roughly 5,000 Iraqis and 4,000 Syrians, most of whom had fled the conflict involving IS.⁶⁷⁹ With the opening of humanitarian corridors in the final offensive against IS in Baghouz, Al-Hol's population grew to more than 73,000 people in early 2019.⁶⁸⁰

A representative of the YPJ's military intelligence described the influx of people in late 2018 and early 2019 as "chaotic".⁶⁸¹ In the following years, she said that IS affiliates in the camp have been able to organize and target those who were unaligned or less aligned with the ideology of IS with intimidation and violence, including killings.



While the extremity of the violence and insecurity in Al-Hol is uncontested, some believe that many incidents are perpetrated not by IS affiliates, but by criminals taking advantage of an environment lacking in services and rule of law.⁶⁸² Ultimately, the percentage of violence meted out by IS affiliates in comparison to opportunistic criminals is impossible to determine. However, in a weeks-long security operation in Al-Hol in August and September 2022, the SDF and affiliated security forces, with the support

⁶⁷⁸ Save the Children, "Remember the Armed Men who Wanted to Kill Mum": The Hidden Toll of Violence in Al Hol on Syrian and Iraqi Children (previously cited).

⁶⁷⁹ Interview in person with Al-Hol camp authorities, 27 September 2022, Al-Hol camp.

⁶⁸⁰ Interview in person with Al-Hol camp authorities, 27 September 2022, Al-Hol camp.

⁶⁸¹ Interview in person with Al-Hol camp authorities, 10 March 2023, Al-Hol camp.

⁶⁸² Interview by voice call with analyst on north-east Syria, 31 March 2023; interview by voice call with humanitarian worker, 25 January 2023.

of the US-led coalition, reported uncovering an active training camp for child recruits; at least 24 tunnels and trenches used to hide weapons and facilitate movement of IS affiliates; 25kg of explosives; and dozens of tents used to conduct court-like proceedings in which IS affiliates handed down punishments.⁶⁸³ The YPJ representative said the Hisba, or IS's religious police, is organized and active in the camp;⁶⁸⁴ women held in the camp who were interviewed by Amnesty International spoke of Hisba or organised IS cells being active.⁶⁸⁵

Roj camp was established in 2016 and was originally inhabited by people from north-east Syria who were fleeing the conflict involving IS.⁶⁸⁶ In early 2019, due to the overcrowding of Al-Hol camp, Roj camp accepted some families from Al-Hol camp.⁶⁸⁷ Almost all of the transferred families had surrendered themselves to the SDF or the US-led coalition and were perceived by the camp authorities to be more “moderate”.⁶⁸⁸ According to the camp's authorities, Roj camp initially faced fewer security incidents than Al-Hol camp and was perceived to contain fewer strict adherents to IS and its stated ideology.⁶⁸⁹ Yet this impression has been shifting in recent years.⁶⁹⁰ While the camp does not appear to have a formal presence of the Hisba, it contains “small groups of women who take it upon themselves to enforce rules”, according to a humanitarian worker.⁶⁹¹

6.2 ARBITRARY AND INDEFINITE DETENTION

In 2022, the Lead Inspector General for Operation Inherent Resolve stated in a quarterly report to US Congress, “The Al-Hol and Roj camps in Al-Hasakah governorate are civilian, humanitarian camps for displaced persons.”⁶⁹² Yet the autonomous authorities maintain that the influx of people from the last battles with IS led to a changed character of the camps and necessitated that they “lock” the camps in 2019, soon after the battle of Baghouz.⁶⁹³ This means that those held in the camps cannot leave without the approval of the security forces. In practice, those held in the camps leave only in very rare circumstances, such as in medical emergencies.⁶⁹⁴ No one in either camp has faced a judicial process or

683 Interview in person with YPJ Military Intelligence, 20 March 2023, Al-Hasakah. In March 2023, the YPJ provided Amnesty International with a collection of videos they said related to IS activities and presence in Al-Hol camp. See also Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 61.

684 Interview in person with YPJ Military Intelligence, 10 March 2023, Al-Hasakah.

685 Interviews, 2022 and 2023.

686 Interview in person with Roj camp authorities, 29 September 2022, Roj camp.

687 Interview in person with YPJ Military Intelligence, 31 July 2023, Al-Hasakah.

688 Interview in person with YPJ Military Intelligence, 31 July 2023, Al-Hasakah.

689 Interview in person with Roj camp authorities, 29 September 2022, Roj camp.

690 Interview in person with Al-Hol camp authorities, 27 September 2022, Al-Hol camp.

691 Interview by voice call with humanitarian worker, 24 May 2023.

692 Lead Inspector General, *Quarterly Report*, July - September 2022 (previously cited), p. 63.

693 Interview in person with DAANES co-president of the foreign relations department, 13 November 2023, Geneva.

694 MSF, *Between Two Fires: Danger and Desperation in Syria's Al-Hol Camp* (previously cited), pp. 17 and 31.

review or has been given the opportunity to challenge their detention before an independent authority.⁶⁹⁵ All people held in Al-Hol camp and Roj camp are therefore being held arbitrarily and indefinitely, the vast majority for more than five years.⁶⁹⁶

People held in Al-Hol and Roj camps shared their frustration with Amnesty International about their arbitrary detention. For instance, Anna, a 33-year-old French woman held in Roj camp, said, “They leave us for years, with no lawyer, and no way to defend ourselves. This is an illegal detention. What are we waiting for? What are we if not prisoners? I have no phone, no way to leave, and I can’t talk to my family. This is a prison without walls.”⁶⁹⁷ Hussam, a 33-year-old Syrian man, said: “At first, they said we would be here for a month or two. Eventually the months turned to years. They are not accusing me of anything... Am I a human here, or not?”⁶⁹⁸

Several people held in the camps told Amnesty International they felt they were being unfairly punished for the mistakes of others. Layla, a 30-year-old woman from Australia held in Roj camp, said: “All your rights are stripped from you. Every single one. You don’t feel like a human. You feel like a number on this earth, and only this. But I do have a voice, and I know I haven’t done anything wrong. If the world wanted to punish us, then fine. I didn’t deserve it, but ok. But I feel like they’ve punished us enough now.”⁶⁹⁹

6.3 VIOLENCE AND INSECURITY

People held in Al-Hol camp told Amnesty International that they are forced to endure an unstable and often unsafe existence, rife with violence and other criminality.⁷⁰⁰ Many said these conditions have created an environment of unremittent fear and anxiety. In 2021, 92 people were killed inside the camp, with 20 murders in January 2021 alone.⁷⁰¹ In their written response to Amnesty International, the autonomous authorities stated that a total of 34 people died in cases classified as murders in Al-Hol camp in 2022 and 2023.⁷⁰² They did not specify the total number of murders in 2023 but, according to the YPJ and US-led coalition, the number of murders fell drastically in 2023.⁷⁰³ However, the UN Commission of Inquiry on Syria stated that while murders were not reported frequently in 2023, “security in the camps remained

695 Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, 21 July 2023 (previously cited), p. 2.

696 See also Chapter 10: “Legal Analysis”.

697 Interview, 2022.

698 Interview, 2022.

699 Interview, 2022.

700 For more details on the violence and insecurity faced specifically by children, see Save the Children, “Remember the Armed Men who Wanted to Kill Mum” (previously cited).

701 Lead Inspector General, *Quarterly Report*, October - December 2021 (previously cited), p. 27. See also RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria* (previously cited), p. 53.

702 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

703 Interview in person with YPJ Military Intelligence, 31 July 2023, Al-Hasakah. See also Lead Inspector General, *Quarterly Report*, October - December 2023 (previously cited), p. 35.

volatile”, and added, “Camp residents lived in fear of threats posed by individuals in the camp loyal to Da’esh, amid frequent security raids by camp guards.”⁷⁰⁴

Hussam described how the lack of security in Al-Hol camp affected him and his family:

My wife is fearing for her safety and our family’s safety. This is why her breastmilk dried up. There is shooting and [we have] patrols all the time... When the shooting happens, we have to lie on the ground of our tent and put the children under [our bodies], because the bullets can go right through the tent.”⁷⁰⁵

Nada, a 29-year-old Syrian woman, detailed how in March 2022, a group of men affiliated with IS managed to infiltrate Al-Hol camp, starting in the areas of the camp for Iraqi nationals and then moving into the areas for Syrians. She said an IS affiliate pressured her to find a tent for him and his wife and told her that if she could not find one, they would take hers. “Once, he came to threaten me,” she said. “[He said] if anyone finds I am [with] IS, your head will be cut [off].”⁷⁰⁶



👁️ ↑ A girl held in a detention camp in north-east Syria. There are around 30,000 children detained in north-east Syria, the highest concentration of children deprived of their liberty anywhere in the world. Illustration by Colin Foo © Amnesty International

704 Commission of Inquiry on Syria, Report, 26 February - 5 April 2024, UN Doc. A/HRC/55/64, para. 106.

705 Interview, 2022.

706 Interview, 2023.

Amnesty International interviewed three women held in Al-Hol camp who said that they and their friends were intimidated and beaten by IS affiliates in the camp.⁷⁰⁷ Amara, a 23-year-old Syrian woman, described how IS affiliates were intimidating people in her area of Al-Hol in 2022. “I was so terrified by IS, I wouldn’t leave my tent. If an ISF patrol would even speak to anyone on the street, then IS would pick that person up and spend two to three days interrogating them,” she explained.⁷⁰⁸ She and her friend were pulled into one of these interrogations. She told Amnesty International:

[The IS affiliates] said to [my friend], we have proof now you are in contact with the PKK and military forces. They told her to raise her hand. They crushed it with a weapon. Then they hit her head with a weapon. There was blood everywhere. I tried to protect her; they said they would do the same to me. When this finished, I tried to get her back to her tent... I didn’t think she would even live [until the] morning... No one wanted to be involved, no one would help me take her to the hospital...

When the Asayish patrol came, they evacuated her to a hospital. I went to the Asayish and informed them. I said, I don’t want to be killed like her. They didn’t believe me. When I said I would be killed, they said I just wanted an excuse to leave.⁷⁰⁹

In Roj camp, security incidents are not as common as in Al-Hol camp. However, several women interviewed by Amnesty International said that they felt unsafe due to intimidation from other women who they perceived to be IS affiliates. Anja, a 40-year-old Serbian woman held in Roj camp, said, “The real danger is from the other women.”⁷¹⁰ She continued:

Five months ago, I had a problem with a Russian woman. She called her gang. They came and destroyed my tent, and they said they wanted to kill me. They threatened to cut my fingers off. It was because they are against who I am and how I look; they say it is not Islamic to show your face and arms, and wear make-up.⁷¹¹

Several people in Al-Hol and Roj camps told Amnesty International that it was difficult to raise their children in this violent environment. Melissa, a woman in Roj camp, said: “It takes a village to raise a child, and this is a very scary village.”⁷¹²

707 Interviews with three people, 2023.

708 Interview, 2023.

709 Interview, 2023.

710 Interview, 2022.

711 Interview, 2022.

712 Interview, 2022.

6.4 INHUMANE CONDITIONS

People held in Al-Hol and Roj camps face grossly inhumane conditions, with inadequate access to food, water, sanitation and healthcare. In terms of access to food, people held in the camps reported that the standard rations provided are insufficient, and that in recent months, even these rations have been distributed irregularly and with increasing time gaps.⁷¹³ A humanitarian actor providing healthcare in Al-Hol camp told Amnesty International, “Many residents have malnutrition... For children, malnutrition is a major issue.”⁷¹⁴

People held in Al-Hol and Roj camps also face serious, recurring problems with the quality and quantity of water.⁷¹⁵ Humanitarian actors have reported that in Al-Hol camp, the water provided is insufficiently chlorinated, which risks leading to the spread of waterborne diseases such as cholera.⁷¹⁶ Imaan, a 28-year-old Syrian woman in Al-Hol camp, described: “The water here is very bad, and it causes sickness. It doesn’t taste good. You should only drink it when you are really thirsty.”⁷¹⁷

The conditions in Al-Hol and Roj camps are unsanitary, which can have a serious impact on people’s health.⁷¹⁸ Humanitarian actors reported that in Al-Hol camp, there is a widespread waste management problem, with overflowing latrines, open sewage that periodically floods tents and open pits and cesspools into which children have fallen to their death.⁷¹⁹ People held in Roj camp are additionally affected by the pollution of nearby oilfields, including one about 200m from the camp.⁷²⁰ Layla, a 30-year-old woman in Roj camp, told Amnesty International: “We can’t breathe. It’s suffocating... We have to cover our noses, and put wet cloths on our face. We just try to stay in the tent... Living here is a slow, painful death.”⁷²¹

People held in Al-Hol and Roj camps told Amnesty International that they face obstacles in accessing healthcare, and humanitarian workers reported that people in both camps are dying of preventable conditions and diseases.⁷²² For critical cases, people are technically allowed to access medical care outside the camps. However, due to perceived security risks, they must be accompanied by a member of the security forces, and the process of obtaining a referral is time-consuming and complex.⁷²³ While Syrian

713 Interviews in person in Al-Hol and Roj camps, October 2022 and March 2023.

714 Interview in person with humanitarian worker, 26 February 2023, Al-Hasakah.

715 For more information on inadequate access to water, see Save the Children, *When am I Going to Start to Live?* (previously cited).

716 Interview by voice call with humanitarian worker, 24 August 2023; see also Human Rights Watch, “Dire conditions for ISIS’ suspects families” (previously cited); PLOS Global Public Health, “The cholera outbreak in northeast Syria: water, conflict and humanitarian challenges”, 7 February 2023, <https://speakingofmedicine.plos.org/2023/02/07/the-cholera-outbreak-in-northeast-syria-water-conflict-and-humanitarian-challenges>

717 Interview, 2023.

718 Save the Children, *When am I Going to Start to Live?* (previously cited).

719 See Save the Children, *When am I Going to Start to Live?* (previously cited); Human Rights Watch, “Fear grips women and children trapped in Syria camps”, 18 October 2019, <https://www.hrw.org/news/2019/10/18/fear-grips-women-and-children-trapped-syria-camps>; MSF, *Between Two Fires* (previously cited).

720 Interviews with people living in Roj camp, 2022 and 2023.

721 Interview, 2023.

722 Interview in person with humanitarian worker, 26 February 2023, Al-Hasakah; interview by voice call with humanitarian worker, 24 August 2023.

723 Humanitarian worker, email to Amnesty International, 16 January 2024, on file with Amnesty International.

and Iraqi caregivers or parents can accompany their children during referrals to healthcare outside the camp, other foreign nationals are not allowed to accompany their children.⁷²⁴

For complex cases that require treatment beyond what is available in local hospitals, referrals to nearby capitals such as Damascus or Erbil happen only rarely. In many cases, serious health issues were either caused or exacerbated by the harsh conditions of the camp. Hussam, a 33-year-old Syrian man, said:

I have a rare problem in my eyes. The [vision in my] right [eye] is gone. The other eye is getting weaker and weaker. I need to go to Damascus to get a cornea transplant... In a year, I might be totally blind... I have been trying to find a solution for my eyes for one year. I had a [eye] condition before, but it was much less severe. It is the conditions here – the heat, the dust... It has been one year – going back and forth to the KRC [Kurdish Red Crescent], Al-Hikma [hospital in Al-Hasakah] to get a referral [without success]... If they consider me as a human, they should let me go to get my treatment.⁷²⁵

6.5 GENDER-BASED VIOLENCE

As part of IS's campaign of threats and violence in Al-Hol camp, group members have targeted women for perceived "moral" infractions.⁷²⁶ A representative of YPJ Military Intelligence told Amnesty International that starting in 2020, people acting in the name of IS were "targeting women who were less radical, who were tired of IS. They killed them by lashing."⁷²⁷ She said that pregnant women in particular were targeted: "There were Indonesian and Azerbaijani women who were pregnant and were killed by lashing to death."⁷²⁸ As foreign national women are detained in Al-Hol camp without their husbands, pregnancy has been seen as evidence of sex outside marriage.

Humanitarian workers with knowledge from managing or coordinating work in Al-Hol camp also confirmed women have been killed for so-called "morality" crimes. As one explained, about the murder of women in Al-Hol: "It may be an allegation the woman was selling sex or being subjected to sexual exploitation and having sex outside of marriage."⁷²⁹ A second said that while the cases had heavily reduced recently, at one point she had encountered daily cases of women who received death threats from IS in the camp, accused of sex outside marriage or other perceived "moral" infractions.⁷³⁰

724 Interview by voice call with humanitarian worker, 16 August 2023; see also Amnesty International, "Repatriate at least 27,000 children held in dire conditions in north-east Syria", 30 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/syria-repatriate-at-least-27000-children-held-in-dire-conditions-in-north-east-syria>

725 Interview, 2022.

726 Interview in person with YPJ Military Intelligence, 7 March 2023, Al-Hasakah; interview by voice call with humanitarian worker, 24 May 2023; Interview by voice call with humanitarian worker, 15 August 2023.

727 Interview in person with YPJ Military Intelligence, 10 March 2023, Al-Hasakah.

728 Interview in person with YPJ Military Intelligence, 10 March 2023, Al-Hasakah.

729 Interview by voice call with humanitarian worker, 24 May 2023.

730 Interview by voice call with humanitarian worker, 16 August 2023.

One of these humanitarian workers also told Amnesty International about two women whose cases she had supported who were threatened with death by IS affiliates after being raped and becoming pregnant outside marriage.⁷³¹ The UN High Commissioner for Human Rights also raised concerns in late 2022 after two 15-year-old Egyptian girls were found stabbed to death in a sewage ditch in the camp. The High Commissioner reported that his office had received reports that the girls had been raped a few days earlier and that “a group of radicalised women in the camp then reportedly harassed the girls and their mother because of the stigma associated with having being subjected to sexual violence”.⁷³²

As noted above, women in both Al-Hol and Roj camps told Amnesty International they have been attacked or had their tents burnt by other people in the camp for violating IS’s strict rules restricting women’s attire and behaviour.

THE SAFE AREA THAT ISN’T SAFE

In response to IS death threats against people in Al-Hol camp, the autonomous authorities established a fenced-off area within the camp, where access is heavily limited. Humanitarian workers told Amnesty International this so-called “safe area” was sectioned off in 2021, with the intention that it would be a transitory space, to house at-risk Syrians and Iraqis who were also being fast-tracked to return to their area of origin.⁷³³ In reality, according to four humanitarian workers, it became a high-risk area for sexual violence.⁷³⁴ One humanitarian worker said the efforts to fast-track the returns of those at risk to their communities of origin failed, and in that context:

The cases started piling up, more and more people were coming to the safe area, and we didn’t have the space for them. People had come to the safe area with nothing – no tent or NFIs [non-food items]. There was little service provision or distribution for them. There was a real lack of WASH [water, sanitation and health] facilities. So, it was a difficult situation, and in this context, there was a real problem with sexual exploitation and abuse by the camp authorities.⁷³⁵

Another humanitarian worker described it in even starker terms, explaining that several men, with the backing of security officials, took advantage of the situation to subject women in the safe area to enforced prostitution. “Security forces are able to threaten the women, tell them if they don’t do what they ask, they will be removed from the ‘safe area’. These women are terrified as they went to the safe areas because their lives were at risk,” the aid worker said.⁷³⁶

731 Interview by voice call with humanitarian worker, 16 August 2023.

732 OHCHR, “UN human rights chief condemns brutal killing of two girls and alarmed by sharp rise in violence at al-Hol camp”, 18 November 2022, <https://www.ohchr.org/en/press-releases/2022/11/syria-un-human-rights-chief-condemns-brutal-killing-two-girls-alarmed-sharp>

733 Interview by video call with humanitarian worker, 16 August 2023.

734 Interview by video call with humanitarian worker, 14 June 2023; interview by video call with a humanitarian worker, 28 July 2023; interview by voice call with humanitarian worker, 7 August 2023; interview by video call with a humanitarian worker, 16 August 2023.

735 Interview by video call with humanitarian worker, 16 August 2023.

736 Interview by video call with humanitarian worker, 14 June 2023.

Three humanitarian workers told Amnesty International that after concerted advocacy, the autonomous authorities removed the perpetrators of the enforced prostitution by early 2023, and most of the survivors were transferred from Al-Hol camp.⁷³⁷ Two humanitarian workers closely monitoring the situation told Amnesty International that the reports of abuse from the “safe area” had ceased by mid or late 2023.⁷³⁸ The situation highlights, however, the precarity for many detained in Al-Hol camp, particularly for women and girls, and the ongoing risks despite the so-called protection mechanisms established by the camp authorities. As of mid-March 2024, there were 41 individuals in the “safe area”.⁷³⁹

More broadly, while humanitarian workers reported to Amnesty International that there were high levels of gender-based violence across Al-Hol camp, also including domestic violence and sexual exploitation by a range of perpetrators,⁷⁴⁰ officials told or indicated to Amnesty International that they were not able to adequately protect women, whether the perpetrators were IS or other actors. A senior official within the ISF said: “Because we don’t have full control of the camp, it’s hard for women to say they are victims of sexual violence. They do not feel secure enough to come forward.”⁷⁴¹ A representative of YPJ Military Intelligence told Amnesty International, “If the women are threatened, sometimes we can move them to a tent that we can watch. If they seek support, we try to put them in specific locations.”⁷⁴² These responses highlight the urgent need for prompt and effective mechanisms to find a permanent solution to the situation of ongoing arbitrary detention in the camp, as well as immediate solutions for those at risk.

In their written response to Amnesty International, the autonomous authorities noted that the “safe area” in Al-Hol camp was not intended to be permanent. They highlighted difficulties they faced being able to transfer people out of the “safe area” to another camp as the number of people facing threats from IS members grew in 2022. They noted that for Iraqis, “discussions were held with the Iraqi delegation regarding the relocation of these threatened individuals, but only a small portion of them were relocated”.⁷⁴³

The autonomous authorities also stated that “[i]n cases of human trafficking, [enforced] prostitution or sexual harassment, upon reporting, necessary actions are taken by the relevant authorities, and the entity responsible for such acts, regardless of its affiliation, whether by individuals within organizations, from within the camp, or by security authority, or otherwise, is held accountable and punished according to

737 Interview by video call with humanitarian worker, 14 June 2023; interview by voice call with a humanitarian worker, 7 August 2023; interview by video call with humanitarian worker, 16 August 2023; follow-up interview by video call with humanitarian worker, 14 November 2023. These humanitarian workers dealt with GBV, protection or health responses, and had portfolios that covered Al-Hol camp.

738 Interviews by video call with humanitarian workers, 14 June 2023 and 16 August 2023; follow-up interview with humanitarian worker, 14 November 2023.

739 Written communication with humanitarian worker, 19 March 2024.

740 Interview by video call with humanitarian worker, 24 May 2023; interview by voice call with humanitarian worker, 7 August 2023; interview by video call with humanitarian worker, 16 August 2023.

741 Interview in person with High Official of the ISF, 5 March 2023, Raqqa.

742 Interview in person with YPJ Military Intelligence, 10 March 2023, Al-Hasakah.

743 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

the law.”⁷⁴⁴ They added that “[t]ypically, such cases of sexual assault are not reported by women due to fear of stigma”.⁷⁴⁵

The autonomous authorities’ written response did not give any further indications of steps taken to meet their international human rights law obligations to protect people at risk from gender-based violence in the camp, which should not rely on victims reporting gender-based violence to them – which in Al-Hol camp is very difficult⁷⁴⁶ – or be limited to criminal prosecutions of alleged perpetrators.

The authorities should have, but failed to take pro-active steps to collect and respond to information about patterns of gender-based violence identified by humanitarian workers in the camp, especially after receiving reports from humanitarian workers of cases of sexual exploitation in the “safe area”. They have also failed to create effective systems to protect all those at risk of gender-based violence, including individuals who wish to report sexual violence to the authorities but are at high risk of retaliation for doing so. Moreover, instead of placing people threatened by IS in the “safe area”, the authorities should have released them from the system of detention, unless there was credible evidence they committed a crime under international law or a serious crime under domestic law that is consistent with international human rights law.

YEZIDIS CAUGHT IN THE SYSTEM OF DETENTION

Some 2,700 Yezidi women, men and children are still missing following IS’s August 2014 attack on the Yezidi population in northern Iraq, what the UN has recognised as a “genocide” against the Yezidi population.⁷⁴⁷

This includes an unknown number of Yezidi survivors who remain in north-east Syria after being abducted and transported there by IS, including both women and girls who IS subjected to sexual and other forms of slavery, and boys who were forcibly recruited into the “cubs of the caliphate”, some of whom have since become young men.⁷⁴⁸

While the autonomous authorities repatriated Yezidi survivors who came forward as Yezidi following IS’s defeat, not all Yezidis wanted or were able to identify themselves. Many were thus taken – along with other perceived IS affiliates – to Al-Hol camp, as well as to detention facilities in north-east Syria.⁷⁴⁹

In the years since, security forces have continued to collect and act on intelligence to identify and

744 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

745 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

746 One humanitarian worker, for example, told Amnesty International that it was very difficult for people in the “safe area” to report the sexual exploitation and enforced prostitution when the only option for reporting was to the same camp security forces to which the perpetrators belonged. Interview by voice call with humanitarian worker, 7 August 2023.

747 Free Yezidi Foundation, “Missing Yezidis”, 18 October 2023, <https://freeyezidi.org/missing-yezidis/>. The Yezidi rights organization Yazda quotes an article in Forbes referring to 2,763 Yezidis still missing. Yazda, *The Unknown Fate of Missing Yezidis: 8 Years on and Still Waiting*, September 2022, https://irp.cdn-website.com/16670504/files/uploaded/Yazda_Website_Publications_MissingPersonsReport_13102022_vf_EN.pdf

748 For more on IS violations against Yezidis, see Commission of Inquiry on Syria, “*They Came to Destroy*” (previously cited).

749 Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah;

interviews with two Yezidi women and a Yezidi girl after being identified from Al-Hol camp, 2022 - 2024. See also Amnesty International, *Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (previously cited), p. 17.

repatriate Yezidis from the detention camps and facilities, in close collaboration with Yezidi rights organizations and activists. According to Yezidi rights organizations, 415 Yezidis have been returned to Iraq this way.⁷⁵⁰ However, returns have significantly slowed over the last few years, and urgent steps should be taken to ensure that all Yezidis in the camps and detention facilities are able to access their rights, including to make informed and voluntary decisions about returning to Iraq.

Amnesty International spoke with several Yezidi women and children who have been transferred from Al-Hol camp to their families in Iraq in the last two years, as well as a boy released from a detention facility and returned to his family in Iraq. Amnesty International also spoke with Yezidi men and women with information about family members or other Yezidis they believe to be in Al-Hol camp.⁷⁵¹ Yezidi rights organizations and activists involved in searching for missing Yezidis estimate that there are several hundred Yezidis in Al-Hol camp alone, and that others remain in the detention facilities and off-camp locations.⁷⁵² Activists said that some of these Yezidis remain trapped in conditions of captivity, slavery and other abuse.⁷⁵³

Some Yezidi women and children have been afraid to come forward after being told by IS that they would be punished or killed if they attempted to return. Others were simply too young when they were abducted to know they are Yezidi. A third barrier is that many of the remaining Yezidi women and girls in Al-Hol camp have young children who were born during their captivity as a result of sexual violence by IS members. Some of these women have well-founded fears, based on the experience of other Yezidi women, that they could be forcibly separated from these children, in violation of human rights law, if they are identified and repatriated.⁷⁵⁴

In general, while there has been international support for the documentation of atrocity crimes IS perpetrated against Yezidis, this has not translated into concrete efforts to support the search for missing Yezidis, or to adequately support Yezidis returning from north-east Syria.⁷⁵⁵ Much of the work to collect information to identify missing Yezidis is being done by a small number of Yezidi activists – some of whom gained experience, networks and contacts looking for their own family members – but with little wider resourcing or support.

750 Interview, Yezidi rights organization, 25 September 2022.

751 Interviews, 2022 and 2023.

752 Interviews with three different Yezidi rights organizations or activists in person or voice call, on 3 March 2023, 8 March 2023, and 25 September 2022. See also Free Yezidi Foundation, “Missing Yezidis”, which refers to reports of 600 Yezidis in Al-Hol camp. <https://freeyezidi.org/missing-yezidis> (accessed on 29 March 2024).

753 Interview with Yezidi activists, 3 March 2023; interview with Yezidi activist, 8 March 2023.

754 Interviews, 2022 - 2024. For more details, see Amnesty International, *Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (previously cited).

755 Interview by video call with Pari Ibrahim, Founder and Executive Director of the Free Yezidi Foundation, 24 August 2023; interview by video call with Yezidi activist, 8 March 2023.

6.6 TRANSFER OF WOMEN FROM CAMPS TO DETENTION FACILITIES

SYRIAN WOMEN

Scores of Syrian women have been transferred from the detention camps to detention facilities. There were approximately 80 Syrian women and girls in detention facilities in north-east Syria convicted of IS-related crimes when Amnesty International visited the main facilities in March 2023, and an unknown number of other Syrian women in other detention facilities.⁷⁵⁶ While some were detained in ongoing operations across the region, most were transferred from Al-Hol camp.⁷⁵⁷ Senior judicial and other officials told Amnesty International that Syrian women who were transferred to prisons from Al-Hol camp were arrested because of crimes they were alleged to have committed in the camp (not for crimes in IS-held territory).⁷⁵⁸ The authorities also told Amnesty International that Syrian women and girls are investigated and then either charged and prosecuted in the People's Defence Courts, or released back to the camp.⁷⁵⁹ Women and girls transferred from Al-Hol camp that Amnesty International interviewed reported that they were first imprisoned in Al-Hol camp detention facility, or a detention facility in Al-Hol town, and then transferred to Derik Central Prison for Women for their trial and to serve their sentence.⁷⁶⁰

Amnesty International interviewed 10 Syrian women and girls as well as one Iraqi woman who had been convicted of committing IS "terrorism" crimes in Al-Hol camp, and one Syrian woman who said she was released after being detained for two months while she was investigated.⁷⁶¹ Crimes women said they were investigated or convicted of ranged from raising an IS flag, filming or posting on social media the raising of an IS flag, not informing on the commission of "terrorism" crimes they knew about, smuggling people out of Al-Hol camp, and collaborating with or recruiting for IS.⁷⁶²

Many of the Syrian women Amnesty International interviewed described being tortured to extract confessions in either the makeshift prison in Al-Hol camp or a prison near the camp, and described trials

756 Figures are from March 2023. When Amnesty International's researchers visited Derik Central Prison for Women on 1 March 2023, they were told by prison officials that there were 59 Syrian women, in some cases with their children, and one Syrian girl, detained there in connection with IS crimes. In addition, one of the women Amnesty International interviewed said she was detained as a minor, but charged as an adult. There were also three Iraqi women in the facility who had been convicted of IS crimes, some with children. During a visit to Raqqa Women's Prison on 5 March 2023, prison officials told researchers that there were 48 Syrian women, some with their children, detained in the facility, including at least a third detained in connection with IS crimes. Amnesty International does not know how many Syrian women are being held pre-trial or without charge or trial in other facilities, including the detention facility in Al-Hol camp, but was informed by the autonomous authorities that Syrian women are all charged or released.

757 The women imprisoned in Derik Central Prison for Women are from Al-Hol camp, whereas women detained in Raqqa Women's Prison were detained from communities across north-east Syria.

758 Interview in person with the co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview with the co-chair for the People's Defence Courts, 8 October 2022, Al-Qamishli.

759 While the administration of Al-Hasakah Women's Prison, where foreign national women are held without charge or trial, said there was one Syrian woman detained there when Amnesty International visited in February 2023, they said this was unusual and she would be tried in the People's Defence Courts or released. Interview in person with co-chairs of Al-Hasakah Women's Prison, 27 February 2023, Al-Hasakah.

760 Interviews, 2022 and 2023.

761 Interview, 2022.

762 Interviews, 2022 and 2023.

that were grossly unfair.⁷⁶³ Among other human rights concerns in the trials, addressed in Chapter 7 below, Syrian women and girls in Al-Hol camp are at risk of being criminalized as a result of others in the camp seeking to settle old scores, for acts of survival while detained in the dangerous camp conditions, or for failing to inform on people for suspected “terrorism”-related offences when doing so could make them targets for attack.

FOREIGN NATIONAL WOMEN

Foreign national women and girls are also transferred from the camps to detention facilities inside or outside the camps. Eleven of the foreign national women Amnesty International interviewed said they had been imprisoned in Al-Hasakah Women’s Prison, the detention facilities in or connected to Al-Hol or Roj camps, or a detention facility in Al-Qamishli (or some combination of these facilities).⁷⁶⁴ While there is high turnover, at any one point there are at least 30-50 foreign national women or girls with perceived IS affiliation detained in Al-Hasakah Women’s Prison,⁷⁶⁵ and an unknown number of foreign national women and possibly girls held in other detention facilities.⁷⁶⁶ These foreign national women and girls are all held without charge or trial, in violation of international human rights law.⁷⁶⁷ The decision to transfer foreign national women to detention facilities and the length of time they are detained there lies solely with security officials. There is no judicial process, and foreign national women have no mechanism to challenge these decisions in court or otherwise.⁷⁶⁸

Al-Hasakah Women’s Prison is run by the Women’s Protection Units (YPJ), affiliated with the SDF. The head of Al-Hasakah Women’s Prison told Amnesty International that women detained in the facility are typically held for between three to six months, and are then transferred to Roj camp.⁷⁶⁹ She and a representative of YPJ Military Intelligence also said some women have been held for one or more years in the facility.⁷⁷⁰ YPJ officials told Amnesty International that they transfer foreign national women from Al-Hol camp to detention facilities if they suspect the woman may be a threat to others in the camp or the security

763 The torture or other ill-treatment is documented in Chapter 4: “Systematic Torture in Security Force Detention”, and the fair trial concerns are documented in Chapter 8: “Unfair Trials That Bring No Justice to IS Victims”.

764 Interviews, 2022 and 2023. Amnesty International also interviewed two women in person Al-Hasakah Women’s Prison.

765 The administration of Al-Hasakah Women’s Prison said that there were 59 foreign national women, as well as their children, detained in the facility at the time of an Amnesty International visit on 6 October 2022. The administration said that while the number was never constant, it could reach as high as 100. They said that while there were no unaccompanied girls currently in the facility, there had been previously. During a second visit, on 27 February 2023, the administration of Al-Hasakah Women’s Prison told Amnesty International that there were 30 foreign national women and 60 to 70 of their children detained there. They said they usually held approximately 30-50 women and some of their children. A representative of YPJ Military Intelligence referred to 35-40 foreign national women, along with some of their children, detained in the facility at the time of an Amnesty International visit on 3 August 2023.

766 Interviews with women who had been held in these facilities, but who were not able to give a good idea of how many other people were also there. One woman detained in a prison in or connected to Roj camp told Amnesty International she was aware of 12 other women in the prison when she was there in early 2023. Some women also told Amnesty International that they had been held in other detention facilities, including one in Al-Qamishli.

767 For the legal analysis, see section 10.1: “Violations by the Autonomous Authorities”.

768 Interviews with foreign national women who had been detained, 2022 and 2023.

769 Interview in person with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023, Al-Hasakah.

770 Interview in person with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023, Al-Hasakah. Interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

of the region.⁷⁷¹ They said women detained in Al-Hasakah Women's Prison have been responsible for murders and beatings as part of IS's violence in Al-Hol camp.⁷⁷²

The security forces have an obligation to protect people in the detention camps, and to ensure security in the camp in a lawful manner. However, human rights law prohibits them from seeking to fulfil these obligations through arbitrary detention. Moreover, foreign national women and girls are also being arbitrarily detained in detention facilities for prolonged periods for other reasons.

For example, foreign national women and girls are imprisoned in Al-Hasakah Women's Prison as part of a regular process while transferring foreign national women from Al-Hol to Roj camp (since a new annex of Roj was built), regardless of whether they are alleged to have committed a crime.⁷⁷³ These detentions have lasted days, weeks, and in some cases months.⁷⁷⁴ Five women interviewed by Amnesty International described being interrogated during this time, which appears to be the reason for their prolonged detention in the facility.⁷⁷⁵ Women reported being asked about their role in IS, the role of their husbands and the names and roles of other people they knew.⁷⁷⁶

Three women detained as part of this transfer process reported being forced to sign documents they had not been able to read, and being told they if they refused, they would remain in the prison indefinitely.⁷⁷⁷ One woman told Amnesty International that she was ordered to say certain things during her recorded interrogation in Al-Hasakah Women's Prison. She said she was threatened to be held indefinitely in a toilet stall that was being used as a solitary confinement room if she did not comply, and that her children would be sent back to Al-Hol alone.⁷⁷⁸

Another foreign national woman who was detained in Al-Hasakah Women's Prison as part of a transfer to Roj camp in late 2021 described the process starting at Al-Hol camp:

[The camp security forces] blindfolded us and the kids and took us to the prison. They told us to wait and be quiet, and if we took off the blindfold, we would be in trouble... We got to the prison, and in the prison, we were strip searched. The kids had to see this... We were there for seven days, and it was really hard. They [YPJ forces] locked the door, and said if you talk, you will be put into solitary confinement. We saw that seven kids were on

771 Interview in person with co-chairs of Al-Hasakah Women's Prison, 27 February 2023, Al-Hasakah; interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

772 Interview in person with co-chairs of Al-Hasakah Women's Prison, 27 February 2023, Al-Hasakah; interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

773 Interviews with six women who had been transferred to Roj via Al-Hasakah Women's Prison; interview by video call with humanitarian worker, 16 August 2023.

774 Interviews, 2023. A humanitarian worker in north-east Syria also said these detentions could last up to six months. Interview by video call, 16 August 2023.

775 Interviews, 2023.

776 Interviews, 2023.

777 Interviews, 2023.

778 Interview, 2023.

their own in the room, because the mothers were being held in the toilet area [used for solitary confinement]. The youngest of them was in nappies, and the oldest was seven years old.⁷⁷⁹

Another foreign national woman, who said she was detained in Al-Hasakah Women's Prison for over three months in the year 2022 as part of her transfer to Roj camp, said she was held for 24 hours in a solitary "toilet cell".⁷⁸⁰ She said that during this time, her four-year-old daughter was left alone with others in the main cell. One woman who said she was briefly put in a solitary "toilet cell" in 2020 said several women in "toilet cells" next to her told her they had been held in them for months.⁷⁸¹

Amnesty International also interviewed four foreign national women who said they were transferred from Al-Hol or Roj camp to Al-Hasakah Women's Prison or the camp detention facilities for having mobile phones in the camp, which are prohibited for foreign nationals.⁷⁸² Two said they had been imprisoned numerous times for phone ownership.⁷⁸³ Three of these women said they had been detained for between two and four-and-a-half months.⁷⁸⁴ The YPJ confirmed to Amnesty International that women are detained for breaking camp rules. They said that, in such cases, they typically detain the woman for a 20-day period in the camp or bring them to Al-Hasakah Women's Prison if they have committed a repeat offence.⁷⁸⁵ Amnesty International continued to hear accounts of people detained for phone ownership throughout 2023 and early 2024.⁷⁸⁶

The YPJ told Amnesty International that there is no procedure in place for women detained in Al-Hasakah Women's Prison to communicate with family members, legal representatives or others.⁷⁸⁷ Moreover, Amnesty International is not aware of any system in which family members or lawyers are informed when women are transferred to Al-Hasakah Women's Prison, or can enquire. One woman in Roj camp explained, "The system is that someone can check around the camp, and if we are not there, then that's how they would know we are in prison."⁷⁸⁸ Another woman in Roj camp said that if people approach the camp authorities, they may be able to obtain information about relatives removed from the camp. However, this avenue for information is not available to people outside Roj camp.⁷⁸⁹ Making such enquiries

⁷⁷⁹ Interview, 2023. In a 2022 report on Al-Hol camp, MSF has likewise noted reports of women being locked in toilet blocks when taken from Al-Hol camp to detention. MSF, *Between Two Fires* (previously cited), page 26.

⁷⁸⁰ Interview, 2023.

⁷⁸¹ Interview, 2023.

⁷⁸² Interviews, 2023.

⁷⁸³ Interviews, 2023.

⁷⁸⁴ Interviews, 2023. The fourth woman said she had been detained for one week, the week after her baby died in the camp.

⁷⁸⁵ Interview with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

⁷⁸⁶ Interview, 2023; written communications, 2024.

⁷⁸⁷ Interview with Al-Hasakah Women's Prison administration, 27 February 2023, Al-Hasakah.

⁷⁸⁸ Interview, 2023.

⁷⁸⁹ Interview, 2024.

is also likely to be considerably harder in Al-Hol camp, for reasons set out above.⁷⁹⁰ A legal organization representing a number of foreign national women in Al-Hol and Roj camps confirmed to Amnesty International that “there seems to be no mechanisms whatsoever to track people when they get moved [to a detention facility]. For instance, when women get moved to ‘prison’ from camps after, for instance, being caught with an illicit phone, they seem to essentially disappear... their families don’t know where they’ve gone and there is no way to find out.”⁷⁹¹ These detentions are incommunicado and may amount to enforced disappearances.⁷⁹²

As noted above in section 4.3, the autonomous authorities, in their written response to Amnesty International, stated that they had opened special offices whose missions are to receive complaints from people of the region, especially complaints related to disappearance. They also said that they had “established special committees whose missions are to follow-up on the affairs of detainees, and facilitate the process of informing families”.⁷⁹³ Amnesty International did not hear about the involvement of these mechanisms in relation to the detention of foreign national women from the camps.

Women who had been detained also raised concerns about the conditions in Al-Hasakah Women’s Prison and in the camp detention facilities. Their accounts indicated that the conditions in Al-Hasakah Women’s Prison varied over time, but one woman said, for example, she was not given any water for two days while there.⁷⁹⁴ Several described being denied milk or diapers for their infants, or having only one mattress to share with their several children.⁷⁹⁵ Another woman said women held in the detention facility in Roj camp were prohibited from speaking to each other for the months she was detained there, that there was inadequate food to properly feed her young daughter and that she and other women lost significant weight while detained there.⁷⁹⁶ In relation to the prison in Al-Hol camp, interviewees said women and their children were held for long periods in a small space without adequate food or being permitted to go outside.⁷⁹⁷

The YPJ told Amnesty International that the US-led coalition is involved in identifying foreign national women for detention in Al-Hasakah Women’s Prison.⁷⁹⁸ They also said that forces from the US-led coalition interrogate foreign national women at the prison,⁷⁹⁹ and specified that the “Brits and the French will

790 MSF also reported that “[r]elatives of people detained report that no information is shared with them for the duration of detention, while many report cases of family members ‘disappearing’ whilst in detention”. The report includes a testimony referring to relatives being denied information about their family member taken from the camp. (“One of my neighbours was arrested seven months ago and no one knew the reason. People are taken to the prison and no one knows where they are. Her relatives asked about her but no one gave them any answers. She has kids and they have been left at home without their mother. When we asked the security forces about her, they told us that she doesn’t exist. It is like she has disappeared.”) MSF, *Between Two Fires* (previously cited), page 26.

791 Email communication with a legal organization, 15 February 2024.

792 See Chapter 10: “Legal Analysis” for the definition of an enforced disappearance under international law.

793 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

794 Interview, 2023. Other women also said they were not given water for a prolonged period.

795 Interviews, 2023, in relation to detentions in 2021 and 2022.

796 Interviews, 2023, in relation to a detention in 2023.

797 Interviews, 2022 and 2023, in relation to detentions in 2021 and 2023.

798 Interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

799 Interview in person with YPJ Military Intelligence, 3 August 2023, Al-Hasakah.

come to hold meetings, or to work on collaboration cases” at Al-Hasakah Women’s Prison.⁸⁰⁰ Amnesty International spoke with several women who had been interrogated by members of the US-led coalition, or knew of specific cases of coalition forces interrogating foreign national women in the prisons.⁸⁰¹

6.7 WOMEN SEPARATED FROM OR DENIED INFORMATION ABOUT FAMILY MEMBERS

WOMEN FORCED TO LEAVE THEIR CHILDREN IN THE CAMP

Judicial and security officials detaining women from Al-Hol camp did not appear to take into consideration the impact of the prolonged detention on the women’s children, as required by international human rights law.⁸⁰²

While some women were permitted to take their children with them when they were transferred to prisons, others were not. Both Syrian and foreign national women who were detained from Al-Hol camp described being forced to leave their children behind without any consideration of the best interests of the child or time for adequate arrangements to be made.⁸⁰³

Five Syrian women told Amnesty International they were forced to leave their children or young siblings they cared for behind in Al-Hol camp when they were arrested.⁸⁰⁴ They expressed fear for the children’s safety, and said they were left without any adult supervision.

Karama, 27, said her 13-year-old sister and four- and five-year-old daughters were left with no guardian – and initially no adult supervision at all – when she was arrested in a night raid in Al-Hol camp in mid-2022.⁸⁰⁵ She said because her phone was confiscated and she had not memorized the phone numbers of her friends or neighbours in the camp, she was not able to check on her sister and children even when she was permitted a phone call. It took five months until the prison administration coordinated with the camp authorities to find her children, and she learned a friend was looking after the children.⁸⁰⁶ She explained: “Finally, over in the camp, [the camp authorities] asked about their names and said I could talk with the friend. When I heard their voices, it was very hard. I was crying. I couldn’t speak.”⁸⁰⁷ A 17-year-old

800 Interview in person with co-chairs of Al-Hasakah Women’s Prison, 27 February 2023, Al-Hasakah.

801 See Chapter 2: “Role of the US Government and Coalition Partners”.

802 As required by the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary (also known as “The Bangkok Rules”), Rule 61 and Rule 64.

803 As required by the Mandela Rules, Rule 29; The Bangkok Rules, Rule 2.

804 Interviews, 2022 and 2023.

805 Interview, 2023.

806 Interview, 2023.

807 Interview, 2023.

girl also told Amnesty International that her 14-year-old brother was looking after their two younger siblings in Al-Hol after she and her mother were arrested a year earlier.⁸⁰⁸

Whether or not women could take their children with them when arrested appeared arbitrary. Another woman explained, for example, “Because [the security forces] came in a hurry, I went with them quickly. If the children had been awake, and crying, maybe they could have come with me.”⁸⁰⁹ A co-chair for the Reform and Rehabilitation Office told Amnesty International that women remained with their children if they were together at the moment of arrest,⁸¹⁰ seemingly confirming a practice not based on human rights or a child’s best interests.

Almost all the Syrian women interviewed by Amnesty International who were being held in detention facilities and had children left in Al-Hol camp said they wanted to arrange for their children to be collected by relatives who live outside the camp.⁸¹¹ However, there has been no mechanism to exempt these children from the general prohibition on leaving the camp. Zayna, 22, said she had been pleading with her family to find a way to rescue her six- and seven-year-old children from Al-Hol after they were left in the camp but her family had not found a way. She said she had no communication with her children in the year since she was arrested, and did she know if they were safe.⁸¹²

WOMEN ARRESTED FROM OTHER COMMUNITIES ALSO FORCED TO LEAVE CHILDREN BEHIND

Women arrested in security force operations outside the camps were also sometimes forced to leave their children behind with no guardian and sometimes no adult supervision at all. When 30-year-old Rabia, a widow, was arrested in Raqqa, her three children, aged 12, 10 and seven, were left on their own in their home which had been partially destroyed several years earlier. She said, “The last visit was last month. Before that, it had been six months... When they come here, I hold their hands, and they are all bones and blood. What should I do? They were very smart at school, but they had to leave. After the visit I am always sick for days.”⁸¹³ Rabia told Amnesty International that during the last visit, only her two youngest children came. They told her that her 12-year-old had gone missing, and that they were now on their own.⁸¹⁴ Three other women in detention gave Amnesty International accounts of being forced to leave their children behind in north-east Syrian communities without adult supervision.⁸¹⁵

808 Interview, 2022.

809 Interview, 2023.

810 Interview in person with co-chairs of the Reform and Rehabilitation Office for north-east Syria, 29 July 2023, Al-Qamishli.

811 Interviews, 2022 and 2023

812 Interview, 2023.

813 Interview, 2023.

814 Interview, 2023.

815 Interviews, 2023.

For foreign national women, the YPJ told Amnesty International that women must leave their boys behind in Al-Hol camp when transferred into detention facilities.⁸¹⁶ Two foreign national women – one who had been detained in Al-Hasakah Women’s Prison, and another in the detention facility in Roj camp – said they had not been allowed to bring their sons or daughters with them.⁸¹⁷ The children were left in a hurried manner with neighbours in the camp. Both women said they were detained for around four months and had no contact with their children during this time.⁸¹⁸

FOREIGN NATIONAL WOMEN FEAR THE REMOVAL OF THEIR SONS

Foreign national women also described living in fear that their sons would be taken away when they reached adolescence, beginning at around age 11 or 12, and moved to “rehabilitation” centres, as described in section 5.1, which includes descriptions of the boys’ own fear.

Many women described this as the most painful and difficult thing about living in the detention camp – the horror of watching their sons grow taller and older, knowing this would mean they would be taken indefinitely from the camps to “rehabilitation” centres or other detention facilities, and further communication would likely be limited indefinitely.⁸¹⁹ They described trying to keep their sons in their tents and limit their son’s movements outside, knowing they could be taken at any time.⁸²⁰

LACK OF INFORMATION ON FAMILY MEMBERS IN DETENTION

Many of the women Amnesty International interviewed in the detention camps had received little information about their husbands, sons and fathers who had been detained since exiting Baghouz in 2019 or before, particularly those detained in facilities run by the security forces.⁸²¹ Several women in the detention camps reported receiving only one or two letters, organised by the ICRC, since this time.⁸²² One foreign national woman told Amnesty International that she had been told her son had died in a SDF-run detention facility, only to be shown a video many months later suggesting he was still alive.⁸²³ Another foreign national woman told Amnesty International that she had been officially informed that her husband had died in IS-controlled territory, only to receive a letter from the ICRC a few months later in which her

816 Interview in person with Al-Hasakah Women’s Prison Administration, 27 February 2023, Al Hasakah.

817 Interview, 2023. In a report issued in November 2022, MSF included a quote from a women detained from the Al-Hol camp annex (which exclusively holds foreign national women) saying her neighbour had been detained for seven months leaving behind her children and no-one knew what had happened to her. MSF, *Between Two Fires* (previously cited), p. 26.

818 Interviews, 2023.

819 Interviews, 2022 and 2023. See section 5.1: “Boys Transferred to Detention Facilities and ‘Rehabilitation’ Centres” for more information on the limited contact women have with boys and young men in detention.

820 Interviews, 2022 and 2023.

821 Interviews, 2022 and 2023.

822 Interviews, 2022 and 2023.

823 Interview, 2023. ICRC is engaged in bilateral discussions with the authorities to strengthen its family links services; information received by Amnesty International on 20 March 2024.

husband confirmed that he was alive, in a SDF-run detention facility.⁸²⁴ As discussed in section 4.3, senior officials from SDF military intelligence confirmed to Amnesty International that there is no system for family visits or phone calls in SDF detention facilities.⁸²⁵

6.8 LIMITED EXIT

As of July 2023, the autonomous authorities had arranged for the permanent exit of at least 10,174 Syrians from Al-Hol camp, predominantly to areas within north-east Syria.⁸²⁶ Exits happen primarily through a vetting process that entails an interview with the camp authorities and approval from the security services.⁸²⁷ The autonomous authorities have not yet established a programme to transfer Syrians held in Al-Hol to areas under the control of other opposition forces or to government-controlled areas.⁸²⁸ Camp authorities estimated that around 80% of the Syrians remaining in Al-Hol camp are from government-controlled areas.⁸²⁹

As of July 2023, around 5,500 Iraqis from Al-Hol camp had been repatriated to Iraq.⁸³⁰ In Iraq, they are transferred to Jeddah 1 camp, in Ninevah governorate, and, after a certain period of time, to other locations inside Iraq.

According to humanitarian organizations and other civil society actors, many Syrians and Iraqis who have left Al-Hol camp have faced serious barriers to reintegration, including lack of access to housing and civil documentation as well as discrimination and harassment from host communities.⁸³¹

To date, around 3,100 foreign nationals from countries other than Iraq have been repatriated to their home countries from Al-Hol and Roj camps.⁸³² Some countries will only repatriate children, forcing women to make an almost impossible decision whether to send their children back and be separated.⁸³³

824 Interview, 2023.

825 Interview, SDF Military Intelligence, 29 July 2023, Al-Hasakah.

826 Information received from DAANES representative, 10 February 2024.

827 Until 2020, exits also occurred through “tribal sponsorship”. For more details on the tribal sponsorship system, see IMPACT - Civil Society Research and Development (CSRD), *Al-Hol Camp: Release, Return and Reintegration of Syrian Residents*, April 2021, https://impactres.org/reports/Return_Reintegration_from_Alhol_situation_analysis_EN.pdf. According to CSRD, a tribal leader in Deir ez-Zor reported that nearly 5,000 families have been released from Al-Hol through tribal sponsorships, including 1,200 families who went to Raqqa. For more details on the discontinuation of tribal sponsorship and on the process of exiting through security vetting, see Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2020, <https://media.defense.gov/2021/Feb/09/2002578750/-1/-1/1/PDF>, p. 68.

828 Interview in person with al-Hol camp authorities, 27 September 2023, Al-Hol camp.

829 Interview in person with Al-Hol camp authorities, 27 September 2023, Al-Hol camp.

830 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 37.

831 Further investigation is needed into the primary obstacles to reintegration for Syrians and Iraqis who have left Al-Hol camp. For available documentation, see, for example, Amnesty International, *The Condemned: Women and Children Isolated, Trapped, and Exploited in Iraq* (Index: MDE 14/8196/2018), 17 April 2018, <https://www.amnesty.org/en/documents/mde14/8196/2018/en>; Amnesty International, *Marked for Life: Displaced Iraqis in Cycle of Abuse and Stigmatization* (Index: MDE 14/3318/2020), 24 November 2020, <https://www.amnesty.org/en/documents/mde14/3318/2020/en>

832 Rights and Security International, “Global Repatriations Tracker”, <https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker> (accessed on 27 January 2024).

833 Interviews, 2022 and 2023.

Hundreds, if not thousands, of people of all nationalities have left Al-Hol camp through smugglers, which is dangerous and can be costly.⁸³⁴ Smuggling routes are arranged by IS affiliates, organized groups and others.⁸³⁵ Some of the routes involve hiding in water tanks, paying guards to exit through the gates or paying humanitarian staff to exit with their convoys.⁸³⁶ People who attempt to be smuggled out of Al-Hol camp take enormous risks, including but not limited to human trafficking, arrest and prolonged detention by security forces. Several people interviewed by Amnesty International said they felt that leaving by smuggling routes was their only option. Jamilah, a 27-year-old Syrian woman, paid a middleman US\$600 to be smuggled out of Al-Hol camp, but he stole the money and disappeared. She said: “It was like when someone is drowning, and this was a stick being held out. Smuggling was our only hope.”⁸³⁷

834 Interview in person with Al-Hol camp authorities, 27 September 2022, Al-Hol camp. Amnesty International does not have information on whether people are also being smuggled out of Roj camp.

835 Interview in person with Al-Hol camp authorities, 27 September 2022, Al-Hol camp.

836 IMPACT CSRD, *Al-Hol Camp: Release, Return and Reintegration of Syrian Residents* (previously cited).

837 Interview, 2023.

7 TRAFFICKING VICTIMS IGNORED

“Sometimes we sit here at night and there are girls who will come and see me, and they’ll talk about their stories... It wasn’t what the world thought – we went through a lot... We were victimized as well.”

Foreign national woman, in Roj camp, referring to forced marriage, marital rape and other gender-based violence under IS rule⁸³⁸

Many people who are being treated as IS affiliates and detained in the detention camps or facilities were, in fact, trafficked by the armed group. While there have been efforts to identify and repatriate Yezidi women and children, described above, there have been no significant efforts to identify and ensure the rights of other people trafficked by IS. Amnesty International’s research indicates that there are likely to be large numbers of other trafficking victims – Syrians and foreign nationals – detained in the detention camps and facilities, mostly women, children and young men.⁸³⁹

Twenty-eight of the people interviewed by Amnesty International in the camps and detention facilities gave accounts indicating that they were victims of trafficking by IS.⁸⁴⁰ These accounts and other interviews highlight that, in addition to the well-documented trafficking and atrocity crimes IS committed against Yezidi and other minority communities, IS also systematically trafficked women and children from both local Sunni communities and third countries into and within the territory under its control. This includes trafficking of women and girls for forced marriage, and trafficking of boys to train and fight. The autonomous authorities failed to identify and ensure the rights of trafficking victims as large numbers

⁸³⁸ Interview, 2023.

⁸³⁹ There are reports that foreign national men may also have been trafficked into IS. For example, OSCE Report, *Trafficking in Human Beings and Terrorism: Where and How They Intersect*, 8 July 2021, <https://www.osce.org/files/f/documents/2/7/491983.pdf>, p. 39.

⁸⁴⁰ Interviews, 2022 and 2023. This includes 10 Syrian women, 13 foreign national women (including three Iraqis), four Syrian boys or young men, and one foreign national boy.

of people came out of IS controlled territory, or in the years since, as required by international law.⁸⁴¹ The result is that trafficking victims were taken alongside other perceived IS affiliates to the camps and detention facilities, and many have remained there.

Where trafficking victims committed crimes under international law, they should be prosecuted for their actions, so long as they were not a direct result of being trafficked. However, trafficking victims also have a range of additional rights to support, justice and remedies that are not being met in the system of detention in north-east Syria, including, crucially in this context, the right to be protected from punishment for actions that were a direct consequence of being trafficked.⁸⁴² States whose nationals or permanent residents were trafficked also have a duty to repatriate them.⁸⁴³

7.1 MANY DETAINED WOMEN AND GIRLS ARE VICTIMS OF TRAFFICKING

FORCED MARRIAGES THROUGH A SYSTEM OF *MADAFAS*

IS trafficked people in different ways. One way involved confining women and girls in a system of so-called women's guesthouses, or *madafas*, until they agreed to marry someone from a list provided. *Madafas* were effectively detention facilities that women and girls could only leave if they married.⁸⁴⁴ One Syrian woman explained:

We could not get out or see anyone from the outside... I tried to escape, but they captured me. I had two choices: marry or be taken to an underground prison... A Kurdish guy [IS member] came and he proposed to me. I accepted. Whoever was in my place would never put up with what I was going through.⁸⁴⁵

Women who Amnesty International interviewed consistently described a system in which all foreign national women were taken to *madafas* on arrival in IS territory.⁸⁴⁶ In most cases, they were not permitted to leave unless a male guardian (*mahram*) collected them. A male guardian could only be a husband,

841 For example, UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee), General Recommendation 38: Trafficking in Women and Girls in the Context of Global Migration, 20 November 2020, UN Doc. CEDAW/C/GC/38, para 86, discussed further below.

842 See, for example, CEDAW Committee, General Recommendation 38 (previously cited), para 98. For a broader overview of the legal standards, see the Special Rapporteur on Trafficking in Persons, Especially Women and Children (Special Rapporteur on Trafficking in Persons), *Report on the Implementation of the Non-Punishment Principle*, 18 May 2021, UN Doc. A/HRC/47/34.

843 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, Adopted 15 November 2000 by General Assembly Resolution 55/25, Article 8.

844 Interviews, 2022 and 2023. The Syria Justice and Accountability Centre (SJAC) recognized *madafas* as part of IS's system of detention facilities. See SJAC, *Unearthing Hope: The Search for Missing Victims of IS*, April 2022.

845 Interview, 2022.

846 Interviews with seven foreign national women who were detained in *madafas* until they married, and with other women who knew such women or themselves passed through *madafas* but were able to leave with a male guardian, 2022 and 2023.

father, uncle, or brother.⁸⁴⁷ Women and girls without a male guardian could only leave the *madafa* if they obtained one through marriage. As a foreign national woman described to Amnesty International:

As soon as you're over that border, you are under their control. They will put you in a *madafa*. You're not allowed to leave... And then from there, they split you: married, not married, children, no children. From there, you're constantly in *madafas* until you have a *mahram*.⁸⁴⁸

Both Syrian and foreign national women also described a system in which women of all nationalities were often forced to *madafas* after their IS husbands were killed in fighting.⁸⁴⁹ A Syrian woman explained, for example:

We were living in Hajin, and I was pregnant. IS came one night, and they said my husband was killed in an air strike. They showed me on a mobile phone. His body was in pieces. There was a *madafa*, and they had us stay there... [The *madafa*] was actually a mosque, and there were 300 women waiting there. They were all widows... We were not permitted to leave.⁸⁵⁰

Seven foreign national and four Syrian women told Amnesty International that they were held in the *madafa* until they “agreed” to marry.⁸⁵¹ At least three were girls at the time.⁸⁵² Other women interviewed, who had been married but had been held or stayed in *madafas* for other reasons, also reported seeing many single women and girls forced to remain in *madafas* until they “agreed” to marry.⁸⁵³

Women described how the windows and doors of *madafas* were locked, and armed guards were positioned outside to stop them escaping.⁸⁵⁴ One woman said looking out of the window was forbidden, and another said they were not permitted to go into the compound's garden.⁸⁵⁵ Conditions were squalid and overcrowded. A foreign national woman described how the *madafa* she was held in was “extremely filthy. There were bedbugs everywhere, just filth everywhere, the toilets were absolutely disgusting. No one was allowed to shower unless they get married.”⁸⁵⁶

847 Interviews, 2022 and 2023.

848 Interview, 2023. Daniel Milton and Brian Dodwell have also published and analyzed a guesthouse registry from one guesthouse – it shows how women received at the *madafa* were registered according to their marital status. “Jihadi Brides? Examining a Female Guesthouse Registry from the Islamic State's Caliphate”, CTC Sentinel 11, no. 5 (2018): 18.

849 Interviews, 2022 and 2023. Over ten interviews. This includes two Yezidi women who also gave Amnesty International reports of IS systems of *madafas*, which align with these accounts. Women who were not forced to go to *madafas* after the death of their husband mostly said it was because they owned their own house, or had other male family members to go back to.

850 Interview, 2023.

851 Interviews, 2022 and 2023.

852 Interviews 2022 and 2023. These three girls were Syrian. Women also reported seeing foreign national girls held in the *madafas* until they married.

853 Interviews, 2022 and 2023. Many foreign national women arriving in north-east Syria described being taken to *madafas* on arrival in IS controlled territory while their husbands were taken to training camps. Amnesty International also heard of a few cases of unmarried or widowed women who could freely enter or exit their *madafa* or who could leave *madafas* without marrying or otherwise having a *mahram*, but such cases appeared exceptional.

854 Interviews, 2022 and 2023.

855 Interviews, 2023.

856 Interview, 2023.

IS recruitment of women and girls emphasised marriage and the importance of domestic duties and child-raising as part of its state-building project. However, some of the foreign national women Amnesty International interviewed who were detained in *madafas* said they had been deceived to enter IS-held territory. Others also said that they did not know when they entered that unmarried or widowed women would be detained until they agreed to marry.⁸⁵⁷ One foreign national woman explained:

In the *madafa*, immediately they told us, ‘If you want to leave here, you have to get married.’ And there was no way backwards... I thought [IS-controlled territory] was a place where we can go in and out... Not that you go there and they lock you there forever and take your passports up, they take your cell phones. And no communication with anyone until you get married, basically.⁸⁵⁸



↑ Women leaving a *madafa*, a woman-only guesthouse run by Islamic State. Illustration by Colin Foo © Amnesty International

Other women also said that for the period of their detention in the *madafa*, their mobile phones were confiscated and they were denied communication with the outside world. Three also said their passports were confiscated.⁸⁵⁹ Women gave accounts of a bureaucratic system in which men applied to the *madafa* to marry, and *madafa* staff organized and accompanied the women to ten-minute “marriage meetings”.

857 Interviews, 2022 and 2023.

858 Interview, 2023.

859 Interviews, 2023.

Several women described the *madafas* as sites of grave danger, where women were at risk of further punishment or abuse. One foreign national woman said she saw a German woman flogged for breaking so-called modesty rules.⁸⁶⁰ The Syria Justice and Accountability Centre reported cases of women being disappeared from one *madafa*.⁸⁶¹

Several other organizations and researchers have identified specific cases or referred to aspects of the *madafa* system.⁸⁶² For example, in an interview with the BBC, Shamima Begum, who is still detained in Roj camp, talked about her experience being taken to a *madafa* on arrival in Syria from the UK when she was 15. She said the only way to leave was “to get married, there is no other way, you have to get married. It felt really dehumanising.”⁸⁶³ She said she and her two friends “agreed” to marry in order to leave.

Women interviewed by Amnesty International referred to numerous *madafas* holding scores of unmarried or widowed women at any one time over the period of several years (particularly 2014-2017), with a high turn-over of women within weeks or months. In cities such as Raqqa, women reported the existence of multiple *madafas*, organised on the basis of nationality and marital status.

LEGAL ANALYSIS

The internationally accepted definition of trafficking is set out in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (also known as the Palermo Protocol).⁸⁶⁴

The Palermo Protocol requires the following three elements to each be met for adults: 1) an action, such as the “recruitment, transportation, transfer, harbouring or receipt of a person” 2) carried out by a particular means including “the threat or use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability” 3) “for the purpose of exploitation”, including slavery or practices similar to slavery.⁸⁶⁵

⁸⁶⁰ Interview, 2023.

⁸⁶¹ See SJAC report, *Unearthing Hope* (previously cited), p. 29. The report specifically mentions disappearances at a *madafa* in Al-Shaddadi.

⁸⁶² See, for example, Commission of Inquiry on Syria report, “*I Lost My Dignity*” (previously cited), para. 87 (“Until September 2017, women living in or displaced to ISIL held areas such as Deir ez-Zor who were widowed or unmarried and unable to stay with relatives were often forced to live in “guesthouses” run by al-Hisbah, where they were vulnerable to further exploitation.”); SJAC report, *Unearthing Hope* (previously cited), p. 29 (refers to *madafas* as “places in which ISIS housed women whom it intended to re-marry to ISIS fighters, and which have received minimal media coverage compared to other [IS] detention facilities... although *madafas* did not hold individuals who had violated any ISIS law, people were still detained in them arbitrarily”); Margolin and Cook, *Agency and Roles of Foreign Women in ISIS* (previously cited), (refer to *madafas* saying that “These houses could also be used for widows until their next marriage... Women would act as guards in the building, and women who tried to escape – both Sunnis and minorities – would be punished”); UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq* (previously cited), para 88, (reported in a section on Sunni women and girls that “Unmarried women and widows, and all of their children, were required to live in a women’s house known as a ‘maqkar’ or a ‘madhafa’, where residents were supervised and had limited freedom of movement.”)

⁸⁶³ BBC, “*I Am Not a Monster, Series 2, Episode 5: ‘Empty Paper’*”, 8 February 2023, <https://www.bbc.co.uk/programmes/p08yblkf>

⁸⁶⁴ Palermo Protocol, Article 3(a). See also CEDAW Committee, General Recommendation 38 (previously cited), which affirms the definition in the Palermo Protocol as including the internationally recognized legal definition in trafficking in persons, para 11.

⁸⁶⁵ Palermo Protocol, Article 3(a).

Only the action and purpose (not the means) elements are required to establish trafficking for children,⁸⁶⁶ as they cannot consent to their intended exploitation.⁸⁶⁷ Additionally, for adults, where any of the “means” are used, any consent they appear to have given to their intended exploitation is “irrelevant”.⁸⁶⁸

The action element of the trafficking definition is met in all cases where women or girls are taken to *madafas*. IS members transported the women and girls to the *madafas* from border areas as foreign national women arrived or from their homes when women became widowed. Women and girls were then received by IS members running the *madafas*, who for example took their phones and told them the rules.⁸⁶⁹ Women were then harboured at the *madafa*.⁸⁷⁰ These women were also recruited for exploitation.⁸⁷¹

The means element is only required in the case of adult women. In many cases, it appears to have been met. Women interviewed by Amnesty International consistently said that unmarried or widowed women who were taken to the *madafa* had no option to refuse. Some explicitly said they themselves or other women were forced to go to the *madafa*. The accounts of some foreign national women also indicate deception.⁸⁷² Women consistently reported that once in the *madafa*, women were in most cases imprisoned, and harboured, by the use of ongoing coercion: women were not allowed out, the *madafa* was locked, and those who tried to flee risked being punished.⁸⁷³

Finally, the purpose of the recruitment, transfer, receipt, and harbouring of unmarried and widowed women in *madafas*, carried out through means including coercion and against girls, was to force them to accept a marriage. These marriages were forced when the women or girls involved were not able to consent fully and freely, particularly in light of the highly coercive circumstances.⁸⁷⁴ Women and girls who refused to be married remained imprisoned in the *madafa* indefinitely. Forced marriage is recognised as a slavery-like practice, which is a form of exploitation specifically recognized in the

866 Palermo Protocol, Article 3(c).

867 Palermo Protocol, Article 3(b).

868 Palermo Protocol, Article 3(b).

869 In addition to Amnesty International interviews, see, for example, Milton and Dodwell, *Examination of a Guesthouse Registry from the Islamic State's Caliphate* (previously cited), which demonstrated how women arriving in *madafas* were registered, and thus received.

870 UNODC has concluded that, despite the lack of an international definition, it may be reasonably inferred that ‘harbouring’ in the Palermo Protocol broadly refers to the accommodation or sheltering of victims. See UNODC Report, *The Concept of Harboring, Issue Paper*, 4 October 2021 p. 16.

871 The Council of Europe and United Nations have stated that recruitment “is to be understood in a broad sense, meaning any activity leading from the commitment or engagement of another individual to his or her exploitation”. Council of Europe and United Nations Report, *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*, 2009, <https://rm.coe.int/16805ad1bb>, p. 78.

872 IS also took advantage of a position of vulnerability that they had themselves created for unmarried or widowed women, for example extreme restrictions on women’s movement and independence, to coerce them into *madafas* following the death of their husbands. Interviews, 2022-2023. For details on IS movement restrictions on women, see Devorah Margolin and Charlie Winter, *The ISIS Files Women in The Islamic State: Victimization, Support, Collaboration, and Acquiescence*, June 2021, <https://isisfiles.gwu.edu/report/f1881k934>

873 Interviews, 2022-2023. The Special Rapporteur on Trafficking in Persons has highlighted that trafficking not only occurs through an exploitative process, but also when an exploitative situation results or is maintained without a proceeding exploitative process. Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), paras 36 and 37.

874 Legally, when any of the listed “means” are used, any consent that women may appear to have given is “irrelevant,” thus any cases where women appear to have agreed to a marriage require close scrutiny as to the real conditions surrounding their experiences.

Palermo Protocol.⁸⁷⁵ Trafficking experts have also identified the connections between forced marriage and other forms of exploitation,⁸⁷⁶ and indeed, the women and girls interviewed often described being forced into other forms of exploitation, including sexual exploitation or domestic servitude, within the forced marriage.

International human rights mechanisms have explicitly advised states not to exclude people with connections to groups they have proscribed as “terrorist” from the definition of trafficking.⁸⁷⁷

Several scholars and civil society organizations have also reached the conclusion that some of the foreign national women who arrived in IS-controlled territory were trafficked.⁸⁷⁸ Research by Reprieve found that at least 63% of British women detained in north-east Syria were trafficked, including several through *madafas*.⁸⁷⁹ The US State Department has also reported, in its annual Trafficking in Persons reports, that some of the people remaining in Al-Hol and Roj camps may be unidentified victims of trafficking in persons.⁸⁸⁰ In its written response to Amnesty International, the US State Department reiterated its concern that victims of trafficking are in Al-Hol and Roj, as well as “possibly inappropriately detained in detention centres”, and encouraged other governments and the autonomous authorities to screen “for trafficking indicators”.⁸⁸¹

OTHER COMMON PATTERNS OF TRAFFICKING OF WOMEN AND GIRLS

Thirteen women and girls interviewed in the detention camps and facilities gave accounts of trafficking for forced marriages outside the *madafa* system.⁸⁸²

875 See, for example, ILO, “50 million people worldwide in modern slavery”, at https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_855019/lang-en/index.htm; and Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences, Report: *Current and Emerging Forms of Slavery*, UN Doc. A/HRC/42/44. More specifically, for the “exploitation” requirement in the UN Trafficking Protocol definition also covering forced marriage into proscribed groups, see UN Special Rapporteur on Trafficking in Persons, *The Intersections Between Trafficking and Terrorism*, 3 August 2021, UN Doc. A/76/263, paras 19, 37-38, 58(a), and UN Special Rapporteur on Trafficking in Persons, *Strengthening Accountability for Trafficking in Persons in Conflict Situations*, 13 July 2023, UN Doc. A/78/172, paras 10 and 12.

876 UNODC, *Interlinkages Between Trafficking in Persons and Marriage: Issue Paper*, 2020.

877 See, for example, UN Special Rapporteur on Trafficking in Persons, *The Intersections Between Trafficking and Terrorism* (previously cited), paras 17-20 and 36-39, and CEDAW Committee, General Recommendation 38 (previously cited), para 17.

878 See, for example, Jayne Huckerby, Duke University School of Law, *When Human Trafficking and Terrorism Connect: Dangers and Dilemmas*, 22 February 2019, Just Security; Written Opinion of Prof. Jayne Huckerby, *In the Matter of an Appeal under Section 2B of the Special Immigration Appeals Commission Act 1997 Between Shamima Begum and Secretary of State for the Home Department*, 1 July 2022, <https://law.duke.edu/sites/default/files/humanrights/Huckerby-Opinion-Appeal-July2022.pdf>; Ashley Binetti, *New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West*, 2015, Georgetown Institute for Women, Peace and Security; interview with Dr Gina Vale, Lecturer of Criminology at the University of Southampton, 18 July 2023.

879 Reprieve, *Trafficked to ISIS: British Families Detained in Syria after Being Trafficked to Islamic State*, April 2021.

880 See, for example, United States Department of State, Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report: Syria*, <https://www.state.gov/reports/2023-trafficking-in-persons-report/syria>

881 Written response from the US government, 1 April 2024. See Annex 2 for more details.

882 Some women and girls were trafficked by IS in numerous ways, for example they were subjected to a forced marriage to IS while they were young, and then subjected for a second or third forced marriage through a *madafa* after they were widowed, and/or trafficked for the purpose of forced criminality.

The Commission of Inquiry on Syria noted that “unmarried women and girls over the age of puberty are perceived by ISIL [IS] as a threat to its ideology and enforced social order”.⁸⁸³ It documented a pattern of forced marriage of Sunni girls aged between 12 and 16 years in areas under IS control.⁸⁸⁴

Seven Syrian and Iraqi women interviewed by Amnesty International said they had been forcibly married to IS members when they were 15 or younger, with the most common age reported being 13 and the youngest being age 11.⁸⁸⁵ One of these women, and another married at age 17, said IS had threatened to kill a family member if they refused marriage.⁸⁸⁶ Five foreign national women told Amnesty International they accepted a marriage offer to avoid being imprisoned in *madafas*, to protect their sons from forced recruitment, or because it was near-impossible to survive as a single woman or female-headed household with the severe restrictions IS imposed on women.⁸⁸⁷ Amnesty International considers the accounts of these women to also indicate that they are victims of trafficking, on the basis that they were recruited by IS, as girls, or by using coercion, deception or the abuse of a position of vulnerability, for the purpose of a forced marriage.

Many of these women also described being subjected to further exploitation within the forced marriage, including sexual exploitation, reproductive exploitation, or domestic work. A 20-year-old Syrian woman told Amnesty International she was forcibly married to a foreign national man who already had a wife and children, when she was 14. She said he took her far from her home and her school, and she lived in what she described as an IS base: “My daily life used to be serving him and his wife and children, day and night, to keep them happy. They didn’t sit with me. [They’d say], ‘You are the youngest, you do all the work.’”⁸⁸⁸

Trafficking can also occur “when an exploitative situation results or is maintained without a proceeding exploitative process”.⁸⁸⁹ The Special Rapporteur on Trafficking in Persons, Especially Women and Children (Special Rapporteur on Trafficking in Persons) has highlighted that a change in circumstances may result in a relationship or marriage that was freely agreed to becoming a situation of trafficking for the purpose of sexual exploitation, forced marriage, forced labour or forced criminality.⁸⁹⁰

Many of the foreign national women and several Syrian women interviewed by Amnesty International gave accounts indicating they were recruited, transported, or harboured into or within IS territory by husbands

883 Commission of Inquiry on Syria, “*I Lost My Dignity*” (previously cited), para. 83.

884 Commission of Inquiry on Syria, “*I Lost My Dignity*” (previously cited), para. 83. See also UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq* (previously cited), section 6.3.

885 Interviews, 2022 and 2023. See also Commission of Inquiry on Syria, “*I Lost My Dignity*” (previously cited), para. 83. According to IS policies, girls were eligible for marriage from as young as age nine.

886 Interviews, 2022 and 2023. In one case, a family member had been accused of spying; in another, the woman was from a non-Yezidi minority community in Iraq.

887 One of these women also said she had been previously detained in a *madafa* until she married.

888 Interview, 2023.

889 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), paras 36 and 37.

890 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), paras 36 and 37.

or other male partners who had deceived or coerced them.⁸⁹¹ The accounts of five of these women indicated they were trafficked because there also appeared to be an exploitative purpose: to force them to remain in a relationship or marriage (including those which started consensually). Each of these women also described being frequently subjected to violence and other abuse within the relationship including, in several cases, sexual exploitation. One foreign national woman described being kidnapped by a boyfriend while studying in Türkiye, being forced across the border and held prisoner by him in areas under IS control, and making repeated desperate (but fruitless) calls for help, including to her country's embassy in Damascus. She said she became pregnant twice in those circumstances.⁸⁹²

Women consistently described the huge danger involved in attempting to escape IS-held territory. Escape attempts often required women to evade their male family members' surveillance, find independent financial resources to pay smugglers, and navigate IS's restrictions on women's travel. Anyone seeking to flee risked execution or imprisonment if caught, and three women with whom Amnesty International spoke said they were imprisoned by IS for trying to escape.⁸⁹³

Finally, trafficking can also occur for the purpose of being exploited to carry out the criminal or military aims of an armed group.⁸⁹⁴ Amnesty International interviewed four Syrian women who described being recruited, through the use of deception, force or threats of force (or a combination), to carry out tasks to support IS's military objectives. In several cases, women said they were deceived or coerced to collect, or to accompany their husbands to collect, bags that contained a personal weapon or money transfers that were used by IS members.⁸⁹⁵

7.2 MANY DETAINED BOYS AND YOUNG MEN ARE VICTIMS OF TRAFFICKING

The UN Commission of Inquiry has reported that IS “used and systematically recruited children for direct participation in hostilities” and established “cubs camps” across its territory where boys of various backgrounds were trained for combat roles and suicide missions.⁸⁹⁶ The Syrian Observatory for Human Rights reported that approximately 1,100 Syrian children under 16 had been recruited by IS between January and July 2015 alone.⁸⁹⁷

891 Several women, both Syrian and foreign-national, also described following their husbands to IS-controlled territory and being unable to leave, because their husbands threatened to keep their children.

892 Interview, 2023.

893 Interviews, 2022 and 2023.

894 See, for example, UN Office on Drugs and Crime, Report, 2018, *Countering Trafficking in Conflict Situations*, page xi.

895 Interviews, 2022 and 2023.

896 Commission of Inquiry on Syria, “*They Have Erased the Dreams of My Children*” (previously cited) para. 41.

897 Syrian Observatory For Human Rights, “More than 50 child soldiers die fighting for ISIS this year”, 16 July 2015, <https://www.syriahr.com/en/25043/>, quoted in ICSR, *Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory*, written by Gina Vale, p. 7. See also Sommerville and Dalati, “An Education in terror”, https://www.bbc.co.uk/news/resources/idd-sh/an_education_in_terror

Four Syrian boys or young men and one foreign national boy in detention facilities told Amnesty International they were recruited into the “cubs” as boys, or otherwise recruited to work for IS. As set out above, the autonomous authorities allege that most of the Syrian and foreign national boys held in Panorama, as well as some in Hourri, Raqqa, and Alaya, fought with the “cubs”.

Sami, who said he was 17, told Amnesty International that IS came to his part of Syria in 2014 and ran courses in the mosque. Initially, he stayed away, but decided to enlist the following year. He described:

It started with a 40-day Sharia course. It was closed, as in, we slept there overnight. Then they let us go home for 15 days, then we started the military camp... learning how to fire, clean weapons... I was sent to my fighting area, for three months, so I didn't go home. Then my father came and took me. He took me home. On the first day, he didn't speak to me. On the second day, he said, you made a mistake. They have brainwashed you.⁸⁹⁸

Sami said he ignored his father and spent most of 2016 fighting. At one point, he stopped, and was visited by IS police who detained him for three days. He returned to IS and was later arrested by the SDF for planting explosives. He described being subjected to such severe torture during interrogation that he wished to die.⁸⁹⁹

Children are trafficked when the action and purpose elements in the Palermo Protocol are met; as noted above, for children the “means” element (coercion, force, deception) is not required. The recruitment and use of children by IS is a violation of international anti-trafficking and other law.⁹⁰⁰ According to consistent descriptions, IS recruited, transported, received and/or harboured boys, including in IS-run training camps for the “cubs of the caliphate”, satisfying the “act” element. The purpose was the use of these children by the armed group, including to prepare for and engage in military operations and for other activities. The recruitment and use of children by armed groups nearly always constitutes trafficking; the action (recruitment) and purpose (exploitation) are intrinsic elements.⁹⁰¹ As a child cannot consent to their own exploitation, whether a child wanted to or appears to have consented to joining IS is not legally relevant.

898 Interview, 2022.

899 Interview, 2022.

900 Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which the Syrian Arab Republic ratified in 2003, prohibits armed groups from recruiting or using in hostilities any child under age 18.

901 Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, 8 January 2018, UN Doc. A/HRC/37/47, para. 16. See also Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), paras 30 and 31, and UN Office on Drugs and Crime, *Countering Trafficking in Persons in Conflict Situations*, p. 16 (“Although the use of children as combatants is not specifically listed as a form of exploitation in the definition of trafficking, it is clear that the recruitment of children (an act) into armed and/or terrorist groups (a purpose of exploitation) is a form of trafficking in persons.”).

7.3 FAILURE TO ENSURE THE RIGHTS OF VICTIMS OF TRAFFICKING

Under international human rights and anti-trafficking laws and standards, victims of trafficking should be identified as early as possible to prevent any further traumatising and to ensure their rights.⁹⁰² The UN Committee on the Elimination of Discrimination Against Women has required all duty bearers to establish “procedures to identify possible victims of trafficking, including those suspected of association with or returning from territory under the control of non-State armed groups” as a first step to ensure their rights.⁹⁰³ Identification should be done by multi-disciplinary teams, including professionals from all relevant fields.⁹⁰⁴

Trafficking victims have a range of rights, including protection through the non-punishment principle. This principle protects them from being re-victimised by being detained, charged or prosecuted for activities that are a “direct result” of being trafficked.⁹⁰⁵ The guarantee of non-punishment covers a range of unlawful acts and, according to the Special Rapporteur on Trafficking in Persons, applies irrespective of the “gravity or seriousness of the offence committed”, including crimes under counterterrorism laws.⁹⁰⁶ It applies to a range of criminal and non-criminal sanctions,⁹⁰⁷ and is engaged where any restrictions on movement that amount to deprivation of liberty are imposed on victims of trafficking.⁹⁰⁸ This includes both the detention camps, and the detention facilities in north-east Syria.⁹⁰⁹

The obligation to identify trafficking victims and ensure their rights falls primarily on the autonomous authorities in north-east Syria, who are responsible for the detention camps and facilities. They should

902 See, for example, CEDAW Committee, General Recommendation 38 (previously cited), para. 38; United Nations High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, 20 May 2022, UN Doc. E/2002/68/Add.1, Guideline 2: Identification of Trafficked Persons and Traffickers; Special Rapporteur on Trafficking in Persons, *Report on Trafficking in Persons, Especially Women and Children*, Annex para 7(b), U.N. Doc. A/69/269, 6 August 2014, (explaining States must ensure trafficking victims “[a]re promptly and accurately identified”).

903 CEDAW Committee, General Recommendation 38 (previously cited), para. 86. Paragraph 17 also affirms that State parties bear a legal obligation to respect and ensure the rights set out in the Convention to anyone within their power or effective control, even if not situated within their respective territories. See also UN Security Council Resolution 2388, U.N. Doc. S/RES/2388, para. 17 (urging member states “to assess the individual situation of persons released from the captivity of armed and terrorist groups so as to enable prompt identification of victims of trafficking, their treatment as victims of crime and to consider, in line with domestic legislation, not prosecuting or punishing victims of trafficking for unlawful activities they committed as a direct result of having been subjected to trafficking”).

904 CEDAW Committee, General Recommendation 38 (previously cited), para. 78, which states that identification should not be led exclusively by law enforcement, or immigration officials (or, by extension, military or national security officials).

905 CEDAW Committee, General Recommendation 38 (previously cited), para. 98 requires that duty bearers ensure “all women and girls who are victims of trafficking, without exception, are not subject to arrest, charge, detention, prosecution or penalty or are otherwise punished for... their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as victims of trafficking”. See also OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (previously cited) *Principle on Protection and Assistance*; Special Rapporteur on Trafficking in Persons *Report on the Implementation of the Non-Punishment Principle* (previously cited), para. 18. In addition, international law and guidelines call for the treatment of children who are accused of crimes during their association with an armed group primarily as victims (Paris Principles, para. 3.6).

906 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), para. 57(b).

907 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), para. 32.

908 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment principle* (previously cited), para. 18.

909 Many formulations of the non-punishment principle include the concept of the trafficking victim being “compelled” to commit a crime, and most refer to the crime being committed as a “direct result” or “direct consequence” of being trafficked. Plainly the level of compulsion required to commit a crime of a low gravity versus a crime of a high gravity will differ, and crimes under international law are at the most grave end of this spectrum. As such, Amnesty International seeks to reconcile these two differing standards by generally requiring the duress standard, as contained in article 31(d) of the Rome Statute, to be met before the organization would consider a war crime to have been “compelled” or to be a “direct consequence/result” of having been trafficked. This requires “a threat of imminent death or of continuing or imminent serious bodily harm” if the crime is not committed.

be supported in such efforts by countries from where people were trafficked by IS, by the UN, and by the US-led coalition which has, in some cases, also had effective control over individuals who may have been trafficked.⁹¹⁰

Amnesty International is not aware of any systematic efforts undertaken by any authorities to identify trafficking victims from local Sunni Muslim or foreign national communities, either when people left IS-controlled territory or in the years since. For example, one young woman told Amnesty International that when she left Baghouz with IS members in 2019, she was investigated by SDF forces who learnt she had been married at age 11 and wanted to know if she was Yezidi; she said that when she explained she was not Yezidi, she was taken to one of the detention camps and that there was no further assessment if she had been trafficked, despite the clear indications.⁹¹¹

In practice, the non-punishment principle is not being applied in the detention camps. There does not appear to have been any effort to release or prioritize trafficking victims for return from Al-Hol camp to communities within north-east Syria or provide other tailored solutions to trafficking victims within the camps.

Along with other provisions of human rights law that provide protection for children accused of committing crimes, the non-punishment principle is not being applied to boys in the detention facilities run by the security forces or in the “rehabilitation” centres. There are over 600 boys (some now young men) detained without charge or trial for multiple years in Panorama detention facility as well as foreign boys held without charge in the “rehabilitation” centres and some DAANES detention facilities, many of whom are likely to be trafficking victims (for more on these boys and facilities, see section 5.1 on boys transferred to the detention facilities and “rehabilitation” centres).

The non-punishment principle is also not being applied in the People’s Defence Courts. For example, Amnesty International interviewed nine Syrian and Iraqi women and four Syrian boys who had been found guilty of terrorism-related offences in the People’s Defence Courts whose accounts indicated they were trafficked.⁹¹² Their status as potential trafficking victims was not considered in decisions around charging, prosecutions or sentencing (see section 8.7 on prosecutions).

In their written response to Amnesty International, the autonomous authorities stated that “[A]ll detainees currently in prisons and camps have been subjected to in-depth and accurate investigations by the relevant security committees and authorities, in addition to collecting the largest possible amount of information about them through human and technical sources to identify those involved in human trafficking operations or those who were victims of these acts.”⁹¹³ While many of the IS trafficking victims

910 See Chapter 2: “Role of the US Government and Coalition Partners” which sets this out, and the legal section below.

911 Interview, 2023.

912 Interviews, 2022 and 2023.

913 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

from foreign national or Sunni Muslim local communities told Amnesty International they had been subjected to interrogations by the autonomous authorities while in detention, they each described such interrogations, carried out by the ISF or YPJ, as hostile and sometimes involving torture or other ill-treatment. None of the questioning appeared to be designed to identify trafficking victims, or led to positive steps to ensure victims' rights.

7.4 FAILURE OF THIRD STATES TO REPATRIATE VICTIMS OF TRAFFICKING

Countries of nationals or permanent residents detained in north-east Syria also have an obligation to identify victims of trafficking, including where persons were allegedly trafficked from those home countries (for example, through online recruitment), and to repatriate them if they wish to return.⁹¹⁴

The Special Rapporteur on Trafficking in Persons has explained that the non-punishment principle applies extraterritorially to identified or presumed victims of trafficking, and that consequently “States are required to fulfil positive obligations to take protective operational measures to ensure non-punishment, including by ending detention or other restrictions on liberty or other forms of punishment such as denial of consular assistance and repatriation”.⁹¹⁵

While Iraq is taking steps to repatriate its nationals, the Iraqi authorities do not appear to be making any significant efforts to screen and developed tailored approaches for trafficking victims.⁹¹⁶ At the current rate, it would take years for all the Iraqi nationals to be returned.

Other states have followed restrictive repatriation policies, for example only repatriating orphans, or children. Where states have made decisions not to repatriate all or certain categories of nationals without a human rights compliant assessment of whether their other nationals may have been trafficked, they may be in breach of their obligations to prevent, investigate and punish trafficking by IS, as well as their obligations to identify and provide remedies for trafficking victims.

Amnesty International is particularly concerned about the situation of foreign national boys who have “aged out” – that is, young men who were brought to IS-controlled territory as children. These young

914 Article 8 of the Palermo Protocol, “Repatriation of victims of trafficking in persons”, holds that “The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.” As noted by OHCHR, “[a] failure to identify a trafficked person correctly is likely to result in a further denial of that person’s rights. States are therefore under an obligation to ensure that such identification can and does take place.” United Nations High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (previously cited), Guideline 2: Identification of Trafficked Persons and Traffickers.

915 Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle* (previously cited), para 44. This text was also cited positively in the guidelines to CEDAW Committee, General Recommendation 38 (previously cited), endorsed by the CEDAW committee. <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/guidelines-cedaw-gr38.pdf>

916 Interview by voice call with UN staff member, 8 February 2024.

men are being excluded from the repatriation policies and practices of some states who are repatriating children, as set out in section 5.4. Amnesty International considers that states have an obligation to repatriate any of their nationals who were children at the time they were detained by the SDF or affiliated security forces. Some of these young men were also victims of trafficking when they were boys, but have not been identified as such. Where states are refusing to proactively identify and repatriate their nationals who may have been trafficked, they are in violation of their international anti-trafficking and human rights law obligations. If girls who “aged out” are also being excluded from repatriation policies, without an assessment of whether they may have been trafficked, this would also be a violation of states’ anti-trafficking and human rights law obligations.

Some foreign national women and children told Amnesty International that they were interviewed by security agencies from their countries.⁹¹⁷ As noted by the Special Rapporteur on Counterterrorism, “no legal advisor, no social or psycho-social support was available in advance of such interviews, a particularly deficient human rights reality when the outcome of such interviews is often to make determinations that justifies their continued indefinite detention in a facility that abjectly fails to meet international human rights standards”.⁹¹⁸ This failure has likely affected many trafficking victims.

Foreign national women often described having little sustained access to their lawyers, and, at best, being dependent on mobile phones they secretly own or borrow from others – in violation of camp rules and at great risk – to be able to speak to their lawyers at any length or in confidence.⁹¹⁹ One woman whose account indicated she was a trafficking victim told Amnesty International: “I don’t have access – official access – to my family, to my lawyer. If someone has to help themselves get out of here, without communication... it’s almost impossible unless people are interested in you from the outside.”⁹²⁰

Even where states have been repatriating their nationals, some appear to be failing to repatriate people who held permanent residency in their country, as opposed to citizenship, before being trafficked, despite an obligation under international law to do so.⁹²¹

Rina, whose account indicates she is a trafficking victim, had moved to a Western European country as a young child and spent most of her life there. She lives in uncertainty as to whether it would ever repatriate her: “I’ve been in this camp for six years. I’ve just been waiting, every day, for someone to come to me and say, today is your day to travel – you and your kids.”⁹²²

917 Interviews, 2022 and 2023.

918 The Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, 21 July 2023 (previously cited), para. 17.

919 Interviews, 2022 and 2023. As set out in section 6.6: “Detention of Women From the Camps”, foreign national women are not permitted to have mobile phones in the camps, and risk being transferred to detention facilities if they are caught. Some communication with family members is permitted through the camps’ money transfer office, but this is limited.

920 Interview, 2023.

921 Article 8 of the Palermo Protocol requires States to repatriate their permanent residents, as well as nationals.

922 Interview, 2022.

Of the foreign national women and children interviewed by Amnesty International who were victims of IS trafficking, repatriation was often the number one priority.

8 UNFAIR TRIALS THAT BRING NO JUSTICE TO IS VICTIMS

“[The interrogator told me] ‘[the court] will never believe you. You are the enemy, and you came from an enemy area. There are no laws to protect you. We do exactly what we want to do with you... You can go to hell.’

If I was a civilian who committed a crime, I would have a lawyer, and bail. But just one word – terrorism – and there is no lawyer, no checks, no bail... Where is the logic of this?”

A 29-year-old woman describes the comments from an interrogator who was threatening her, then reflects on her case before the People’s Defence Courts in north-east Syria⁹²³

In 2014, the Executive Council of the Democratic Autonomous Administration of the Al-Jazira Region, an area under PYD control, issued a counterterrorism law that allowed them to bring members of various armed groups to trial.⁹²⁴ This was followed by the establishment of three anti-terrorism courts: one in Afrin town in the Afrin Region, one in Kobani in the Euphrates Region, and another in Al-Qamishli in the Al-Jazira Region, later collectively titled the People’s Defence Courts by the autonomous authorities.⁹²⁵ These courts try men, women, and children for “terrorist” crimes and crimes connected to national security and function alongside ordinary criminal courts, which have jurisdiction over all other crimes.⁹²⁶

923 Interview, 2023.

924 Omran Center Strategic Studies, *The Autonomous Administration, a Judicial Approach to Understanding the Model and Experience*, 7 March 2022, <https://omranstudies.org/index.php/publications/books/the-autonomous-administration-a-judicial-approach-to-understanding-the-model-and-experience.html>, p. 32.

925 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; DAANES, Social Justice System Charter of the Autonomous Administration of North and East Syria, Chapter 3, on file with Amnesty International.

926 DAANES, Social Justice System Charter of the Autonomous Administration of North and East Syria, 2019, on file with Amnesty International, Chapter 3.

Following the occupation of Afrin by Türkiye and its allied forces in 2018, the court in Afrin is no longer operational.⁹²⁷ There is one court of appeals – the Court of Cassation – in Al-Qamishli for the two remaining People’s Defence Courts. The Social Justice Council of the DAANES – one of the group’s three governing bodies, and its highest judicial authority – appoints the judges and lawyers to the courts, including the People’s Defence Courts.⁹²⁸ Female judges are required in all the courts, at all levels.⁹²⁹ Decisions are typically made through a unanimous or majority decision of a group of either three, five or seven judges.⁹³⁰

All cases brought before the People’s Defence Courts are based on investigations first carried out by either the SDF or ISF, and then by the public prosecution. To date, the ISF is responsible for most of the cases transferred to the court.⁹³¹ A person held in a security force detention facility must be transferred to the custody of the DAANES before their trial can proceed. Space limits in the DAANES facilities have restricted these transfers.⁹³²

According to the information senior judicial officials provided to Amnesty International, the courts have finalized some 8,000 cases of Syrians and a small number of Iraqis related to what the autonomous authorities categorize as terrorism.⁹³³ In their written response to Amnesty International, the autonomous authorities said “the court has prosecuted 9,602 Syrian individuals associated with IS for various offences, including membership, murders, property destruction, terrorist bombings, and other terrorist acts”.⁹³⁴ The trials of Iraqi men stopped after the Iraqi Government demanded the autonomous authorities repatriate Iraqis.⁹³⁵ A judicial official estimated that about 1,500-2,000 cases of Syrians are tried annually in the courts.⁹³⁶

As described in Chapter 1, as of August 2023, the autonomous authorities were holding about 10,000 people for their perceived IS affiliation in various detention facilities. Section 8.4 sets out how no foreign nationals and the majority of Iraqi men have not been charged or tried. According to the autonomous authorities, about 2,000 Syrians detained or surrendered in the last battles of Baghouz and Hajin have not yet been prosecuted.⁹³⁷

927 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli.

928 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; DAANES, Social Justice System Charter of the Autonomous Administration of North and East Syria (previously cited), Chapter 3 and Article 14. Judges must be Syrian citizens or have the right to live in the areas controlled by the DAANES, have at least a bachelor’s degree in law, and pass a security check. They are also required to go through a judicial course, and to pass certain examinations before their appointment.

929 Interview in person with co-chair of the People’s Defence Courts, 8 October 2022, Al-Qamishli.

930 Interview in person with co-chair of the People’s Defence Courts, 8 October 2022, Al-Qamishli; interview in person with the co-chairs of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

931 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2023, Al-Qamishli.

932 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2023, Al-Qamishli. In their written response to Amnesty International, the autonomous authorities said trials of some Syrians in SDF custody have stopped “primarily due to the overcrowding of existing prisons and the Autonomous Administration’s inability to construct new facilities. Consequently, these detainees remain in prisons under the jurisdiction of the Syrian Democratic Forces.” Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

933 Interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli. Data on the number cases tried in the courts is limited because case files are written by hand, and scanned, but they are not tagged or searchable.

934 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

935 Interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli.

936 Interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli.

937 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

The People's Defence Courts operate with limited capacity, in a challenging security environment with no international support or advice. DAANES judges and prosecutors told Amnesty International that they face ongoing security threats to their life and work. In a video shared with Amnesty International by one of the judges, an IS emir called for IS cells to target judges working in the terrorism courts.⁹³⁸

Section 8.1 describes how the DAANES has primarily investigated and prosecuted cases under its terrorism laws, which in some instances include vague, broadly-worded offences it categorizes as terrorism. Section 8.3 outlines how there have been no investigations or trials of IS members in north-east Syria for crimes under international law. Section 8.5 examines how the international community has not established or granted jurisdiction to an international justice mechanism to prosecute crimes committed by IS. As Pari Ibrahim, director of the Free Yezidi Foundation, said, "IS perpetrators in north-east Syria are not being held accountable for the crimes they may actually have committed, largely because the international community has eschewed its responsibility and the local authorities lack the capacity and resources to properly conduct a high number of complex legal trials."⁹³⁹

In addition, section 8.6 details how the trials that have taken place have been tainted by several human rights violations, including a reliance on torture-induced confessions, an absence of lawyers at any stage of the interrogation and trial, and a flawed appeals process that limits people's ability to challenge their convictions and sentences. Defendants broadly lacked the resources and opportunity to stage a meaningful defence. In their written response to Amnesty International, the autonomous authorities stated that the conviction rate in the People's Defence Courts is over 95%.⁹⁴⁰

As set out in section 8.2, Amnesty International found that the absence of fair trial safeguards has allowed the autonomous authorities to instrumentalize accusations of IS affiliation to silence and intimidate people they perceive to oppose them. Amnesty International also found that the autonomous authorities and some members of the general public are using such accusations of IS affiliation to take revenge over personal feuds or clan disputes.

Amnesty International focuses on widespread gender injustice in the trials in section 8.7. In particular, women risk being punished for the acts of their husbands, and also for acts of survival while detained in Al-Hol camp. As discussed in Chapter 7, some of the women, children and young men being prosecuted appear to be survivors of trafficking, yet there is no mechanism to identify trafficking victims and protect them from punishment for acts they committed as a direct result of being trafficked.

Finally, section 8.8 details how children, who are largely tried for more serious crimes, have been subjected to the same due process violations as adults, although under the law applied in the courts,

938 Video on file with Amnesty International.

939 Interview by video call with Pari Ibrahim, Founder and Executive Director of the Free Yezidi Foundation, 24 August 2023.

940 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

they receive a maximum sentence of seven years. At no time are they able to consult with or navigate the criminal proceedings with the support of a parent or guardian.

8.1 OVERBROAD COUNTERTERRORISM LAW

The counterterrorism laws applied in the People's Defence Courts are overbroad, imprecise and prone to misuse.

As described above, in 2014 the Executive Council of the Democratic Autonomous Administration of the Al-Jazira Region issued a counterterrorism law that the autonomous authorities applied in the People's Defence Courts until 2021.⁹⁴¹ In 2021, the autonomous authorities adopted a new counterterrorism law for the entire region under their control, with the aim of addressing some of the shortcomings of the 2014 law.

For people tried today who may have committed crimes before 2021, the co-chairs of the People's Defence Courts explained that they would examine both sets of counterterrorism laws, and apply whichever law had the lowest sentence for the crimes committed by the defendant.⁹⁴² Neither of the counterterrorism laws include the death penalty, and the 2021 law reduced the maximum imprisonment from 20 to 15 years.⁹⁴³ The 2021 law provides a minimum and maximum sentence for each crime – a provision that was lacking in the 2014 law, which seemingly led to wide variations in sentencing for the same crime.

The “principle of legality” under international law requires that criminal laws are sufficiently precise so it is clear what constitutes a criminal offence and what the consequences of committing the offence would be.⁹⁴⁴

This recognizes that ill-defined and overly broad laws are open to arbitrary application and abuse. Laws must be clear and accessible and their application in practice must be sufficiently foreseeable. In particular, they must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly. They must not confer unfettered discretion on authorities, but rather provide sufficient guidance to those charged with their application to enable them to ascertain the sort of conduct that falls within their scope. With regard to criminalization, the principle of legality requires that

941 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

942 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

943 Executive Council of the Democratic Autonomous Administration of the Al-Jazira Region, Anti-terrorism law, No. 244, 31 July 2014, on file with Amnesty International, Article 5(1); DAANES, The Law of Anti-Terrorism, Law No. 7 of 2021, on file with Amnesty International.

944 See Special Rapporteur on Counterterrorism, Report, 28 December 2005, UN Doc. E/CN.4/2006/98, para. 46: “The first requirement of article 15, paragraph 1, [ICCPR] is that the prohibition of terrorist conduct must be undertaken by national or international prescriptions of law. To be ‘prescribed by law’ the prohibition must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct.”

the law classify and describe offences in precise and unambiguous language that narrowly defines the punishable behaviour.

The counterterrorism laws in north-east Syria fall short of international standards in that they are too broad, criminalizing conduct that does not meet the gravity of what can be considered “terrorism”. While there is no internationally agreed upon definition of terrorism-related offences, Amnesty International considers the model definition of the former UN Special Rapporteur on Counterterrorism to be a starting point which must not be broadened.⁹⁴⁵

Both the 2014 and 2021 laws criminalize ancillary offences. These are offences arising from conduct, which to a varying extent, is distant from the principal offence (the “terrorist” act itself). In the 2014 and 2021 laws, such offences include support and membership.⁹⁴⁶ These raise serious concerns as to compliance with the principle of legality. Participation in an association or group for the purpose of terrorism should, as a crime, be confined to participation that is voluntary and with knowledge that the action will significantly contribute to the commission of the principal offence. Such offences should also be subject to specific intent not only to participate in a group’s activities, but also to thereby commit or contribute to the commission of a principal criminal offence.

The laws have been interpreted such that prosecutors can bring charges against people who fall far short of having a demonstrable intent to commit, incite or knowingly aid the perpetration of the principal “terrorist” offence. This happened in two cases documented by Amnesty International: judges found a muezzin (a person responsible for the call to prayer) liable for continuing his job after IS came to his village, and a nurse who, among other allegations, said she was charged with providing health services to members of an IS cell.⁹⁴⁷ As the man who worked as a muezzin told Amnesty International, “If the international community agrees that just living in an area controlled by IS is a crime, then we are sorry. But speaking logically, I’m not convinced I did anything wrong.”⁹⁴⁸

945 While there is no internationally agreed upon definition of terrorism, Amnesty International considers too broad any offence broader than the UN Special Rapporteur on Counterterrorism’s model definition:

“Terrorism means an action or attempted action where: 1. The action: (a) Constituted the intentional taking of hostages; or (b) Is intended to cause death or serious bodily injury to one or more members of the general population or segments of it; or (c) Involved lethal or serious physical violence against one or more members of the general population or segments of it; and 2. the action is done or attempted with the intention of: (a) Provoking a state of terror in the general public or a segment of it; or (b) Compelling a Government or international organization to do or abstain from doing something; and 3. The action corresponds to: (a) the definition of a serious offence in national law, enacted for the purpose of complying with international conventions and protocols relating to terrorism or with resolutions of the Security Council relating to terrorism; or (b) All elements of a serious crime defined by national law.” Special Rapporteur on Counterterrorism, Report, *Ten areas of best practices in countering terrorism*, 22 December 2010, UN Doc. A/HRC/16/51, practice 7, p. 22.

946 DAANES, The Law of Anti-Terrorism, Law No. 7 of 2021, on file with Amnesty International, Article 1 defines a terrorist as “Every natural person who commits or attempts to commit, incites, threatens, or plans inside or outside a terrorist crime by any means, even individually, or contributes to this crime within the framework of a joint criminal enterprise, or taking leadership, management, formation, establishment, or membership in any of the terrorist entities.” Article 3(b) further states, “Anyone who joins a terrorist organization... shall be punished with imprisonment for at least five years”. Executive Council of the Democratic Autonomous Administration of the Al-Jazira Region, Anti-terrorism law, No. 244, 31 July 2014, on file with Amnesty International, Article 3 states, “The following acts are considered terrorist acts:...B - Providing support, financing, guidance, intervention, participation and contribution, verbally or in any way for terrorist acts.”

947 Interviews, 2023.

948 Interview, 2023.

8.2 INSTRUMENTALIZED ALLEGATIONS OF IS AFFILIATION

Accusations of IS affiliation are being instrumentalized in north-east Syria for two primary purposes. First, the autonomous authorities are using accusations of IS affiliation to silence and intimidate people they perceive to oppose them. Second, both members of the general public and the autonomous authorities are using such accusations to take revenge related to personal feuds or clan disputes. False allegations of IS affiliation appear to have been used by lower-level and more senior officials in the autonomous authorities.

Due to the absence of fair trial safeguards, such as the provision of defence lawyers and the systematic use of torture to coerce confessions, simply accusing someone of IS affiliation can condemn them to years of arbitrary detention. In some cases, the US-led coalition has provided military resources and support for the arrest of individuals in cases where there are substantial grounds to believe they have been falsely accused. Specific details of the testimonies included in this section, such as the dates of arrest and the names of detention facilities, have sometimes been omitted to preserve the anonymity of witnesses.⁹⁴⁹

INTIMIDATION AND PUNISHMENT

Amnesty International interviewed six civilians who said they were accused of IS affiliation and arrested because the autonomous authorities wished to intimidate or silence them. Local human rights monitors and analysts indicated that these cases are representative of a broader pattern.⁹⁵⁰ In 2015, Amnesty International documented similar violations carried out in north-east Syria by the Democratic Union Party (PYD)-led autonomous administration.⁹⁵¹

Marwan and Walid, both long-time activists against the Syrian government, were arrested by the SDF in 2019. At the time of their arrest, they were both employees in civil society organizations working to strengthen local governance. During the year before their arrest, they faced intimidation from some DAANES representatives who, according to Marwan and Walid, believed they were interfering in their local governance. The two said they had also refused to bribe officials for approval of their projects.⁹⁵²

949 Amnesty International's research indicates that while affiliation with Islamic State is most often used as a pretext, other terrorist affiliations are also used, such as affiliation with the Free Syrian Army, the Syrian government or Türkiye. According to an analyst with the Syrian Network for Human Rights: "It depends on the situation of that person. If somebody is from Raqqa, the logical thing is IS. If [they have] relatives in Idlib, the logical thing is FSA [Free Syrian Army]. Some people cannot be charged with Islamic State or FSA, for example Kurds... it wouldn't be logical to say Islamic State. So the fake report is to use another thing, like working with Turkish intelligence... The charge of Islamic State is most common." Interview by voice call with SNHR representative, 29 June 2023.

950 Interview by voice call with local human rights activist, 29 March 2023; interview by voice call with local human rights monitor, 7 July 2023; interview in person with analyst on north-east Syria, 1 August 2023.

951 See Amnesty International, "Syria: Arbitrary detentions and blatantly unfair trials mar PYD fight against terrorism", 7 September 2015, <https://www.amnesty.org/en/latest/press-release/2015/09/syria-abuses-mar-pyd-fight-against-terrorism>

952 Interviews, 2023.

They were arrested in an ISF-led raid in 2019. Marwan said that during his detention, he was beaten with guns, water pipes and sticks, and the interrogators accused him of being a member of an IS sleeper cell. After four weeks of detention, they were released.⁹⁵³

Marwan said that he is now unable to work: “Our organization said you must have done something wrong. We can’t continue with you.”⁹⁵⁴ Walid said he has faced “constant intimidation” by the autonomous authorities since his release: “I don’t dare travel outside [my city], or through checkpoints... [Organizations] say they just can’t hire us as [we] will cause them trouble.”⁹⁵⁵

Asad told Amnesty International that he was arrested in 2018. Asad is a lawyer and attended a public meeting in which he said he was extremely critical of the justice system the local authorities planned to establish. Later that day, he attended a private meeting in which local representatives pressured him to attend a training and then to join the Justice Council in his governorate. He refused. On the day the training began, he was arrested from his home by around seven ISF members: “They... put me into a white van... [M]y mother started weeping [and] my kids... [The forces] dragged me to the car. The last words I said were, ‘Don’t be worried, these are ISF forces, I know them.’”⁹⁵⁶

Asad was first brought to an underground site and then to a detention facility. While he was not subjected to physical torture or other ill-treatment during his interrogations, he said that most other people in his cell were.⁹⁵⁷ During his detention, he was subjected to enforced disappearance, as the authorities refused to confirm his whereabouts to his family. After two months of interrogation, he was released, having never faced any legal process. He told Amnesty International: “There was no charge. They were just intimidating me [and] wasting my time... They are arresting people arbitrarily, because they are not going with their system, and bringing IS charges against them.”⁹⁵⁸ Shortly after his release, he left the area due to concerns that he would again be arrested.

Riad, a former local official who has often been publicly critical of the DAANES, was arrested on two different occasions in 2021, the first by ISF forces and the second in a raid carried out jointly by the HAT (ISF special forces) and the US-led coalition.⁹⁵⁹ He said that during one of his interrogations: “The interrogator said, ‘You are now in the court of terrorism cases, I can make you what I want. I can make you ISIS, Nusra, or Qa’ida. I can do what I want with you.’”⁹⁶⁰ Riad told Amnesty International the reasons he believed he was arrested:

⁹⁵³ Interview, 2023.

⁹⁵⁴ Interview, 2023.

⁹⁵⁵ Interview, 2023.

⁹⁵⁶ Interview, 2023.

⁹⁵⁷ See Chapter 4: “Systematic Torture in Security Force Detention” for more details on torture in detention facilities run by the SDF and affiliated security forces.

⁹⁵⁸ Interview, 2023.

⁹⁵⁹ For more details on Riad’s arrest in a raid by the US-led coalition, see Chapter 4: “Systematic Torture in Security Force Detention”.

⁹⁶⁰ Interview, 2023.

[O]ne of the interrogators turned to me and said: ‘The actual reason for your arrest is that you have a long tongue and you criticize the authorities in the conferences you attend’... The best way to stop me was to charge me with IS. Either I will stay a long time under interrogation, and then I am far away from the conferences and meetings, or if I am released after a while, it will be a label that will stick with me... I am active and educated... The best way to stop this type of person is to affect their lives – their social status, their ability to work, their family, everything... You feel your heart and brain will burst. You need to cry, to kill yourself, to hit your head on the wall. They leave you with very narrow options: leave the country or die.⁹⁶¹

Riad was released after more than three months in detention, without being formally charged or tried.

While his arrest and alleged affiliation with IS were published in local media, the autonomous authorities have refused to provide him with a paper attesting that he has a clean security record.⁹⁶² He said he has therefore been unable to secure any employment since his release.

SETTLING SCORES

Amnesty International documented 12 cases in which people said they were falsely accused of IS affiliation as a result of personal feuds or clan disputes.⁹⁶³ The majority of these charges were made by members of the public, though in some cases they were made by officials of the autonomous authorities.

Yahya, a 20-year-old Syrian man, told Amnesty International that he was arrested in 2021 after a rival clan made a false report about him being a member of an IS sleeper cell. “They told the SDF I had links with IS,” he said. “The people who were investigating me were from the same clan as the people [who accused me]... I know [the investigators] were members of the al-Bakara clan, because someone said, ‘I will show you how to make trouble with Al-Bakara.’”⁹⁶⁴ He said that after being subjected to torture over the course of eight months, including beating with sticks and solitary confinement, he gave a forced confession that he was a member of an IS sleeper cell. He was sentenced to 20 years in prison.

Jamilah, a Syrian woman, was imprisoned with her sister, Amal, after two other women submitted a report to the Al-Hol camp authorities about them being affiliated with IS. “If someone doesn’t like someone else, they give a report, and that person can be unfairly imprisoned,” she said.⁹⁶⁵ Jamilah and Amal both said that during their investigations, they were subjected to psychological torture, including threats to Jamilah that her sister was being tortured because she was not confessing, and to Amal that they would kill her daughter.⁹⁶⁶ Both said they gave forced confessions of being involved with IS, and each was sentenced

⁹⁶¹ Interview, 2023.

⁹⁶² Interview, 2023.

⁹⁶³ Interviews with 12 people, 2022 and 2023.

⁹⁶⁴ Interview, 2023.

⁹⁶⁵ Interview, 2023.

⁹⁶⁶ Interviews, 2023.

to 10 years in prison. Jamilah said, “We talked to many NGOs. They all care about the situation in the prison. The focus should actually be on the trials. Why are we even here? We shouldn’t be here in the first place.”⁹⁶⁷

Adham, a 17-year-old Syrian boy, said that he was accused of IS affiliation by his uncle after they feuded over whether they should sell the family house. He was arrested in 2020 and brought to a detention facility run by the ISF. He said that after being subjected to torture over the course of 40 days, including suffocation, hanging by his feet, and beating with cables, he gave a forced confession that he had carried out murders and attacks for IS. Adham was sentenced to seven years in prison. He said that after his release, his hope was to leave Syria. “If I stay here, I will end up in prison again,” he said.⁹⁶⁸

Raed, a 33-year-old Syrian man who was held in a detention facility in Tel Abyad, told Amnesty International that the vast majority of the 35 people in his cell had been arrested as a result of false reports due to personal or family disputes: “Most people had the same story – [their] relative or their friend or someone who they know, they got personal revenge.”⁹⁶⁹

8.3 LACK OF JUSTICE FOR CRIMES UNDER INTERNATIONAL LAW

According to a senior judicial official, the focus of the People’s Defence Courts is on “prosecutions for IS fighters against the SDF or Regime”.⁹⁷⁰ The official noted that this would also include both fighters and members of IS. A second senior judicial official told Amnesty International that the People’s Defence Courts prosecute “terrorism offences” and crimes against the DAANES,⁹⁷¹ and most commonly prosecute “fighters, people who joined ISIS, gave trainings, participated in battles, people who did bombings, and [joined and participated in] sleeper cells, especially after Baghouz as war [against IS] turned into [fighting] sleeper cells”.⁹⁷² In practice, a wide range of crimes under international law such as war crimes, crimes against humanity and what the UN has found amounts to genocide committed by IS are not being investigated or prosecuted at all.⁹⁷³

967 Interview, 2023.

968 Interview, 2023.

969 Interview, 2023.

970 Interview in person with co-chairs of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli. Senior members of the SDF military intelligence also told Amnesty International that their investigations have focused on “two objectives: 1) the day-to-day operations of IS 2) the strategic vision of IS”. Interview, 29 July 2023, Al-Hasakah.

971 Interview in person with the co-chairs of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

972 Interview in person with co-chair of the People’s Defence Courts, 8 October 2022, Al-Qamishli. Another senior judicial official described the main charges as “joining, sleeper cells, financing, mobilizing, spreading ideology, giving trainings with IS”. Interview in person with the co-chairs of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

973 Survivors have the right to truth, justice, reparation and guarantees of non-recurrence. This chapter focuses on criminal accountability. See for example, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

While some crimes under international law directly connected to membership or fighting with IS, such as unlawful killings of people IS accused of spying, or persons *hors de combat*, were prosecuted using the vague and broad provisions of the counterterror laws, other crimes under international law have not been investigated or prosecuted at all.⁹⁷⁴ For example, a senior ISF official and judicial officials told Amnesty International there had been no investigations or prosecutions of IS gender-based violence crimes,⁹⁷⁵ which would include rape, sexual enslavement, forced marriage or torture or other ill-treatment of women for breaching IS's draconian restrictions on women's freedoms. One judicial official reflected that they could potentially use provisions of the counterterror laws to prosecute sexual violence crimes if they were committed "during a battle".⁹⁷⁶ Officials did not appear to otherwise consider gender-based violence committed by IS within the courts' mandate. Likewise, judicial officials confirmed that there had been no prosecutions of crimes committed against the Yezidi community, which would include, for example, the enslavement of women and girls, and the forced recruitment of boys. One judicial official referred to a case in which they had information indicating an Iraqi man had purchased and kept an enslaved Yezidi girl but this was considered only in a decision around sentencing for joining IS, and they indicated that the information available to them was not fully investigated.⁹⁷⁷

In this vein, judicial officials told Amnesty International that where the accused are found to have killed or injured someone, this would inform sentencing decisions.⁹⁷⁸ They said, "While they were fighters, some of them committed the crime of killing and murder", which they estimated to be "about 10% of the crimes committed" and prosecuted through the People's Defence Courts.⁹⁷⁹ However, crimes related to killing or causing injury are not, for example, charged separately as their own crime, and there is no consideration as to whether these acts would amount to crimes under international law. Likewise, judicial officials said that members of IS who forcibly enlisted children could be prosecuted for the general recruitment of people into IS, under the counterterror law, but have not been prosecuted for other offences, such as the war crime of the conscription or enlisting of children under the age of 15 years into an armed group or their use in hostilities.⁹⁸⁰

974 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

975 Interview in person with High Official of the Internal Security Forces of north-east Syria, 5 March 2023, Raqqa. Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

976 Interview in person with co-chair of the People's Defence Courts, 8 October 2022 Al-Qamishli, and in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

977 Interview in person with co-chair of the People's Defence Courts, 8 October 2022. The judicial official noted that the defendant said he had returned the Yezidi child to her parents and they had no information to judge the veracity of this claim. The official also explained: "In the casefiles, [it] would be written[:] member of ISIS, fought in these battles, also enslaved Yezidi women and tried to sell them. This would give us a better overview for the judgement and sentencing. But we wouldn't do a case just of sexual violence."

978 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli; interviews with SDF intelligence officials, 29 July 2023, Al-Hasakah.

979 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

980 Interview in person with the co-chairs for the People's Defence Courts, 7 March 2023, Al-Qamishli. The recruitment of children under 15 years old and their participation in hostilities are both war crimes. Rome Statute of the International Criminal Court (Rome Statute), Article 8(2)(e)(vii). See also ICRC, Customary International Humanitarian Law, Rules 136 and 137.

Despite the lack of capacity in the courts and the DAANES prisons for individuals who are facing trial or serving sentences, there appears to be no system for prioritizing the most serious cases.⁹⁸¹

Senior judicial officials told Amnesty International that they are able to rely on other sources of law, including the Syrian penal code and international criminal law treaties.⁹⁸² In practice, however, they have not tried any crimes under international law.⁹⁸³ Charging IS suspects with terrorism offences, rather than crimes under international law, or the penal code, is often easier as an evidentiary matter. For terrorism offences, prosecutors only have to prove membership or collaboration with IS, as opposed to specific criminal acts. While the authorities are using the overbroad counterterrorism laws to prosecute and punish suspects for perceived affiliation with the IS, they have not investigated many of the most serious crimes of IS or charged the accused in ways that appropriately name or recognize the gravity of crimes against their victims.⁹⁸⁴

As detailed below, trials tend to be very short and characterized by human rights concerns. These trials are not conducive to establishing a judicial record of the wide body of crimes committed by IS, and answering questions of victims and their families, including around the fate of the missing.⁹⁸⁵

Most cases involving IS affiliation have proceeded behind closed doors, without any victim or survivor participation.⁹⁸⁶ A representative of a civil society organization that has coordinated a large network of victims of international crimes in north-east Syria told Amnesty International that while some of the victims in their network had been asked to participate in trials in third countries, none had participated locally.⁹⁸⁷ Some organizations focused on Yezidi issues in north-east Syria and Iraq told amnesty international they did not have any more information on the trials than what they saw in local media.⁹⁸⁸

981 In their written response to Amnesty International, the autonomous authorities said, “The mechanism for trying defendants before the People’s Defence Court follows a structured process based on the date the accused’s arrest and the receipt and registration date of the preliminary investigation file before the Public Prosecution. Trials are conducted in according with the sequence outlined in these records”. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

982 Interview in person with the co-chairs of the People’s Defence Court, 7 March 2023, referring to DAANES, Social Justice System Charter of the Autonomous Administration of North and East Syria (previously cited) Article 7, (“Commitment to international treaties, laws, and agreements related to human rights is mandatory”); and Executive Council of the Democratic Autonomous Administration of the Al-Jazira Region, Anti-terrorism law, No. 244, 31 July 2014, on file with Amnesty International, Article 5(7) (“The provisions of the General Penal Code shall be applied in all that is not stipulated in this law.”).

983 Interview in person with co-chair of the People’s Defence Courts, 8 October 2022; interview in person with co-chairs of the People’s Defence Courts, 7 March 2023.

984 Interviews in person with judicial officials; also documented in several interviews with people in detention convicted for terrorism offences for acts such as killings.

985 The International Commission on Missing Persons (ICMP), an international NGO, has raised concerns that while the numbers of missing in north-east Syria reach into the thousands, the north-east Syrian authorities do not appear to have been questioning people with perceived IS affiliation on the fate of the missing. See ICMP, *Missing Persons in North East Syria: A Stocktaking*, 25 March 2020, <https://www.icmp.int/wp-content/uploads/2020/05/icmp-gr-mena-065-6-w-doc-stocktaking-missing-persons-in-north-east-syria.pdf>

986 A judicial official told Amnesty International that they avoided informing victims’ families of relevant trials in case it led to revenge attacks but said they communicated through NGOs to provide updates on the progress of the courts. They also said their doors were open to organizations, such as Amnesty International, who wanted to watch a trial. Interview in person with co-chair of the People’s Defence Courts, 8 October 2022, Al-Qamishli.

987 Interview with representative from a civil society organization, 28 July 2023, location withheld.

988 Interview in person with Yezidi rights organization, 3 March 2023, Al-Hasakah; interview by voice call with Yezidi rights organization, 3 July 2023.

8.4 NO TRIAL IN SIGHT FOR THOUSANDS

More than five years after the fall of Baghouz, thousands of people with perceived IS affiliation are still being held without charge or trial in detention centres run by the security forces, or in prison-like camps, with no trial in sight.

The vast majority of people tried so far in the People's Defence Courts have been Syrian. The autonomous authorities told Amnesty International that during a brief period in 2018-2019 they had also tried dozens of Iraqis.⁹⁸⁹

Amnesty International interviewed two Iraqi men who stood trial in the People's Defence Courts and were now in a detention facility in north-east Syria. The first had attended two sessions of his trial and had never been sentenced, telling Amnesty International, "Shall I stay here my whole life? I know nothing about the future. I know nothing about my family in Iraq. Every time I see someone leave this prison, my heart breaks. I wonder when I can leave this place. Why can't I leave?"⁹⁹⁰ The second had been tried and served his one-year sentence but had never been released.⁹⁹¹ A third man, Anwar, had been detained in November 2019 but had been unable to stand trial because the DAANES had suspended the trial of Iraqis in the People's Defence Courts.⁹⁹² All three had been in prison for between three or four years by the time they were interviewed by Amnesty International.

Aside from the small number of Iraqi men who were prosecuted in 2018 and 2019, most of the 400 Iraqi men have not been prosecuted or brought to trial and there does not appear to be any plan to try them.⁹⁹³ Some Iraqi nationals are being transferred back to Iraq, where the prospects for criminal accountability for IS crimes under international law are very low.⁹⁹⁴

Likewise, none of the 2,000 foreign national men from other third countries have been charged or tried. The DAANES announced in June 2023 they will start trials of non-Iraqi foreigners, and that these trials will "adhere to international and local laws on terrorism, ensuring the rights of plaintiffs among the victims and their family members are upheld".⁹⁹⁵

As of the end of March 2024, there appeared to be no plans to start these trials. Officials from the justice system described numerous hurdles in successfully taking forward trials of foreigners. They said that to

989 Interview in person with the co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli.

990 Interview, 2023.

991 Interview, 2023.

992 Interview, 2023.

993 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli, who told Amnesty International that some 50-60 cases of Iraqis were prosecuted.

994 See, for example, Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, 5 December 2017, <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>. For concerns that these returns breach international legal prohibitions on non-refoulement, see section 9.1: "Transfers to Iraq".

995 DAANES public statement, 10 June 2023, on file with Amnesty International.

try these cases they needed training for judges and lawyers on international law, access to the biodata and criminal records of foreign nationals from their countries of origin, and financial support for defence lawyers.⁹⁹⁶ They also stated that they needed agreement on where people who are convicted would serve their sentences and where they would go once their sentences are complete.⁹⁹⁷

To date in north-east Syria, no women have been investigated or charged for crimes committed in the so-called caliphate, including possible crimes under international law, despite the fact that scholars, investigators and survivors groups have highlighted the responsibility many women have had for such crimes.⁹⁹⁸ While Amnesty International was informed that 100-200 Syrian women have been prosecuted in the People's Defence Courts for crimes connected to IS,⁹⁹⁹ these are crimes that were allegedly committed within the territory of the DAANES, including Al-Hol camp.¹⁰⁰⁰

8.5 LACK OF INTERNATIONAL SUPPORT FOR JUSTICE SOLUTIONS

The responsibility to investigate and prosecute crimes under international law committed by IS in north-east Syria is a massive task, which would risk overwhelming even the most well-resourced and established justice system. Senior judicial officials told Amnesty International they faced numerous challenges, including the lack of experienced judges, interrogators and lawyers as well as a lack of electronic databases, forensics and witness protection.¹⁰⁰¹

The DAANES has called on the international community to establish an international or a hybrid court to try people accused of committing crimes with IS,¹⁰⁰² and most recently called for international support to start trials of foreign nationals.¹⁰⁰³ As time passes, judicial officials have expressed concern about losing critical evidence and witnesses.¹⁰⁰⁴ The international community may have good reason for not providing legal support to the autonomous authorities, including concerns around legitimising a system run by a non-

996 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli. The co-chair told Amnesty International that the autonomous authorities had reached out to foreign governments to work together to carry out the trials of foreign nationals, ideally in a tribunal or joint court, and had asked for a committee with the US-led coalition to take trials forward.

997 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli.

998 Interview in person with co-chair of the People's Defence Court, 8 October 2022, Al-Qamishli. For information about the role of women as perpetrator of IS crimes, see section 1.4: "Who is in the Detention System".

999 Interview in person with co-chair of the People's Defence Court, 8 October 2022, Al-Qamishli; interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli.

1000 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview with the co-chair for the People's Defence Courts, 8 October 2022, Al-Qamishli. For more details on the prosecution of women, see section 8.7: "Injustice in the Prosecution of Syrian Women" below.

1001 Interview, Co-Chairs of the Justice Council of North-East Syria, 4 and 7 March 2023, Al-Qamishli.

1002 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview with the co-chair of the Foreign Relations Department, 28 February 2023, Al-Qamishli.

1003 DAANES public statement, 10 June 2023, on file.

1004 Interview in person with co-chair of the Justice Council of north-east Syria, co-chair of the Justice Council of the Al-Jazira region, and co-chair of the People's Defence Court, 29 July 2023, Al-Qamishli.

state actor and, more importantly, supporting a system rife with the violations documented in this report. However, they have failed to establish or even offer a strategy or plan for any alternative mechanisms for justice. In particular, US-led coalition engagement in north-east Syria has primarily focused on short-term goals, such as increased securitization, improving detention conditions and containing the ongoing threat of IS, with limited efforts to facilitate accountability and justice for crimes under international law committed by IS.¹⁰⁰⁵

The US has repatriated most of its nationals, including men, and advocated for and provided logistical support for some other states to do the same. However, a large number of people detained for perceived IS affiliation are Syrian (including from Syrian government-controlled areas), or from countries where returning them would breach non-refoulement obligations, including Iraq.¹⁰⁰⁶ Moreover, the US is an outlier in terms of repatriations. In practice, very few other states have repatriated men from detention facilities in north-east Syria.¹⁰⁰⁷

8.6 FAIR TRIAL RIGHTS VIOLATIONS

Under the basic principles of the Social Contract of the Democratic Autonomous Administration of the North and East Syria Region, “Everyone has the right to a fair trial.”¹⁰⁰⁸ However, Amnesty International documented numerous fair trial concerns in the People’s Defence Courts. This section focuses on three of the most egregious. Amnesty International’s additional concerns about the fair trial rights of children and of women are discussed following this section.

RELIANCE ON EVIDENCE OBTAINED THROUGH TORTURE OR OTHER ILL-TREATMENT

All cases brought before the People’s Defence Courts are based on interrogations first carried out by either the SDF or ISF, and then by the public prosecution. Most of the terrorism trials conducted by these courts are investigated by the ISF.¹⁰⁰⁹

In interviews with Amnesty International, senior judicial officials in the autonomous authorities said the majority of prosecutions rely primarily on confessions, social media posts and audio-visual evidence

1005 Interviews in person with judicial officials in north-east Syria. The US has, however, funded some efforts to find the missing as well as documentation efforts by organizations in Syria and Iraq. See, for example, ICMP, Missing Persons in North East Syria: A Stocktaking (previously cited).

1006 See Chapter 9: “Transfers From North-East Syria to Torture and Death”.

1007 See, for example, Rights and Security International, “Global Repatriations Database”, <https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker> (accessed on 25 February 2024). In an interview with Amnesty International, the co-chair of the Foreign Relations Department also warned that, at their current rate, repatriations would take around 20 years to complete. Interview, 28 February 2023, Al-Qamishli.

1008 DAANES, The Social Contract of the Democratic Autonomous Administration of the North and East Syria Region, 2024, on file with Amnesty International, Article 56.

1009 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2023, Al-Qamishli.

gathered from the mobile phones and laptops of the accused and others allegedly in IS.¹⁰¹⁰ In their written response to Amnesty International, the autonomous authorities stated that “many of those convicted were apprehended either in the act or on battlefields...Arrests often occurred during raids on terrorist cells, with weapons, ammunition, and explosives seized from their possession”.¹⁰¹¹

Among the 41 people interviewed by Amnesty International who had been tried and/or sentenced in the People’s Defence Courts¹⁰¹², at least 27 (about 65.9%) said the prosecution and judges had relied on their confession at trial.¹⁰¹³ Of that group, 22 people (81%) said their confessions were obtained through torture or other ill-treatment.¹⁰¹⁴ In some cases, the prosecution also relied on the testimonies of other individuals.¹⁰¹⁵

Senior justice officials described numerous limitations in acquiring broader evidence for trials. According to the co-chair of the Justice Council of north-east Syria, only five people in the region have the capacity to examine forensic evidence, although in an interview with National Public Radio, one of the judges in the People’s Defence Court stated that representatives have no capacity to analyse fingerprints or DNA evidence.¹⁰¹⁶ Senior judicial officials also told Amnesty International that the People’s Defence Court is also unable to offer witness protection, making it difficult for witnesses to come forward for trial.¹⁰¹⁷

As such, the court is heavily reliant on confessions to secure convictions, but has done little to investigate or respond to allegations that many confessions were obtained through torture. In none of the cases documented by Amnesty International did the prosecution take action to respond to allegations that people’s confessions had been obtained through torture. Sami, a teenager, told Amnesty International that when he spoke to the prosecutor about his torture, the man responded, “[I]f you say this again, I will take you back for more interrogations and beating. Go outside and think about it.”¹⁰¹⁸ He stated that when the judges asked about the details in his confession he felt he could not say much to defend himself because he feared he would be sent back to interrogation and beaten.¹⁰¹⁹ The judges ultimately sentenced him to seven years, the maximum under the region’s juvenile law.

1010 Interview in person with co-chair of the People’s Defence Court, 8 October 2022, Al-Qamishli; interview in person with the co-chair of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

1011 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1012 While most people Amnesty International interviewed went through a formal trial and sentencing, two people from this group said they were sentenced following a meeting the prosecution, without a trial, and one Iraqi man said he went through the trial process but was never sentenced because the People’s Defence Courts discontinued the trial of Iraqis.

1013 Amnesty International estimates that this figure is likely to be higher. In some interviews, Amnesty International researchers did not discuss the details of the evidence presented or the person interviewed did not understand what evidence had been used against them at trial. Two people stated that despite the prosecution gathering their testimony, they had no trial.

1014 For more information on torture to extract confessions see section 4.3: “Torture in Other Security Force Detention Facilities”.

1015 Interviews, 2022 and 2023.

1016 Interview in person with the co-chair of the Justice Council of north-east Syria, 7 March 2023 Al-Qamishli; NPR, “‘Revenge Is for the weak’: Kurdish courts in northeastern Syria take on ISIS cases”, 29 May 2019, <https://www.npr.org/2019/05/29/727511632/revenge-is-for-the-weak-kurdish-courts-in-northeastern-syria-take-on-isis-cases>

1017 Interview in person with the co-chairs of the Justice Council of north-east Syria, 7 March 2023 Al-Qamishli.

1018 Interview, 2022.

1019 Interview, 2022.

In a case tried a few years later, Yassin, another teenager, said he was sent back to solitary confinement for a few days after being accused of lying about being tortured.¹⁰²⁰ Four people interviewed by Amnesty International said a fear that the prosecution might send them back for interrogation was enough to prevent them from raising their torture with prosecutors.¹⁰²¹

Representatives from the People's Defence Courts said allegations of torture were rarely raised at trial.¹⁰²² Judges told Amnesty International that if a defendant said they were pressured to confess, then they had the opportunity at trial to provide "the correct information" and the judges would look at other evidence in the case to determine if the confession was false.¹⁰²³ In their written response to Amnesty International's findings and questions, the autonomous authorities further stated that "confessions were made before judicial bodies rather than solely during initial investigations".¹⁰²⁴

Amnesty International interviewed five people who said they had raised being tortured during their trials; they said that in response, the judges had treated the information with indifference, told the defendant to appeal the case, or accused the defendant of lying.¹⁰²⁵

The nature of the collaboration between the prosecution and interrogators, and the prosecution's reliance on the testimony gathered by interrogators, likely disincentives prosecutors from robustly investigating claims of torture. In one case, Amal told Amnesty International that the prosecution had declared the interrogators "experts" even after she told the prosecution that the interrogators had threatened to torture her or separate her from her daughter in order to force her to confess to filming an IS video found on her phone.¹⁰²⁶ In another case, security forces tortured Rabia for about a month, forcing her to make a video confession that led to a five-year sentence for what she described as dealing with IS. After she raised the torture with the court, the judges stated they had checked with the interrogator and he had denied it.¹⁰²⁷ The absence of an effective response to allegations of torture has allowed interrogators to act with a sense of impunity.

As shall be further discussed in section 10.1 below, the prohibition of torture is a peremptory norm of international law, which means it applies universally on all authorities, as does the duty to investigate claims of torture and to bring those responsible for its use to justice.

1020 Interview, 2023.

1021 Interviews, 2022 and 2023.

1022 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli. In their written response to Amnesty International, the autonomous authorities stated that "there is no evidence of physical torture prior to prosecution before the Public Prosecution" and that "competent courts" had not received complaints from people who were subjected to torture. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1023 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

1024 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1025 Interviews, 2023.

1026 Interview, 2023.

1027 Interview, 2023.

LACK OF ACCESS TO LEGAL COUNSEL

Among the 41 people interviewed who had been tried or sentenced by the People's Defence Courts, 38 stated they had no lawyer.¹⁰²⁸ In the three remaining cases, Amnesty International did not explicitly discuss whether the person had a lawyer. Under the 2019 Social Justice System Charter of the Autonomous Administration of North and East Syria, the DAANES guarantees all people the right to a legal defence and a fair trial.¹⁰²⁹

These rights are also enshrined in human rights law and international humanitarian law, which not only guarantees the right to assistance of counsel during trial, but also during the initial period of questioning and investigation, by parties like the ISF and SDF, as a safeguard against torture, coerced confessions, enforced disappearance and other human rights violations.¹⁰³⁰ A person who is arrested, charged or detained must have assigned counsel provided free of charge if they cannot afford to pay.¹⁰³¹

Despite these guarantees under international law, the overwhelming perception and experience among people interviewed was that lawyers were not allowed in the People's Defence Courts. In eight cases, people interviewed by Amnesty International said they directly asked authorities, including members of the judiciary, about legal representation, and they were told they could not access a lawyer, even with their own funds. Riad, a 58-year-old man detained in 2021, said he had asked his interrogators for a lawyer, and that they "laughed and laughed, and said: 'Here is the Anti-Terrorism Interrogation Department, and there is no lawyer at all, and in the terrorism law, there is no defence lawyer at all.'"¹⁰³² A young woman told Amnesty International that she and a group of other women in prison had written letters to a prison authority requesting a lawyer and that they had received no response.¹⁰³³

Officials from the justice system suggested that the lack of defence lawyers in the People's Defence Courts was due to a lack of resources. They said that, as of July 2023, there were only about 400 lawyers registered with the Lawyers Union of the Autonomous Administration for North and East Syria to practice

¹⁰²⁸ Among these individuals, one person had not been sentenced, and another said the evidence had been presented but there was no formal trial.

¹⁰²⁹ DAANES, Social Justice System Charter of the Autonomous Administration of North and East Syria (previously cited), Article 3.

¹⁰³⁰ ICCPR, Article 14(3)(d); HRC, General Comment 32, para. 34; HRC, General Comment 20, para. 11; ICRC, Customary International Humanitarian Law, Rule 100; UN Human Rights Council (UNHRC), Resolution 13/19: *Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers*, adopted on 15 April 2010, UN Doc. A/HRC/RES/13/19, operative para. 6; HRC, Concluding Observations: Japan, 18 December 2008, UN Doc. CCPR/C/JPN/CO/5, para. 18; HRC, Concluding Observations: Netherlands, 25 August 2009, UN Doc. CCPR/C/NLD/CO/4, para. 11; HRC, Concluding Observations: Georgia, 5 May 1997, UN Doc. CCPR/C/79/Add.75, para. 27; HRC, Concluding Observations, 25 August 2009, Netherlands, UN Doc. CCPR/C/NLD/CO/4, para. 11; Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Question of the Human Rights of all Persons Subjected to Any Form of Detention or Imprisonment, in Particular: Torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc. E/CN.4/1992/17, 27 December 1991, para. 284; see also United Nations Office on Drugs and Crime (UNODC), *Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, 2013, https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf, Guideline 3, para. 43(b).

¹⁰³¹ HRC, Concluding Observations: Tajikistan, 18 July 2005, UN Doc. CCPR/CO/84/TJK, para. 11; HRC, Concluding Observations: Slovenia, 25 July 2005, UN Doc. CCPR/CO/84/SVN, para. 9.

¹⁰³² Interview, 2023.

¹⁰³³ Interview, 2022.

in the region.¹⁰³⁴ One reason it is difficult to attract new lawyers into the union is because the Syrian Bar Association (SBA) deems participation in the DAANES courts by its members to be illegal, and has threatened to expel from the SBA any lawyers who work there, potentially affecting job prospects in Syrian government-controlled areas.¹⁰³⁵

In addition, among registered lawyers, some have been directly affected by IS and are reportedly reluctant to take on the cases of suspected IS members.¹⁰³⁶ Some also have security concerns with working with the court.¹⁰³⁷ Even if they were willing, justice officials stated the DAANES does not have the resources to hire lawyers for the defendants and that people on trial seldom had the means to pay for their own lawyer.¹⁰³⁸ In their written response to Amnesty International, the autonomous authorities stated that “recently, efforts have been made to streamline the presence of lawyers before the People’s Defence Court through collaborative arrangements between the Justice Council and the Bar Union”.¹⁰³⁹

A judge from the People’s Defence Courts claimed that in the absence of legal counsel, they provided defendants as much time as possible to defend themselves, without pressure or humiliation.¹⁰⁴⁰ However, some people told Amnesty International that they were not given the chance to speak at all, or lacked sufficient time for presenting their defence (trials sometimes lasted less than 15 minutes).¹⁰⁴¹

Several people also described other challenges to defending themselves during trial, including a lack of clarity on the legal procedures and the nature of the charges against them.¹⁰⁴² In one example, Amara, 23, described how she received no information in advance about how a co-defendant was planning to accuse her of making lists of people for IS to kill, leaving her unsure how to respond and without enough time to bring witnesses to speak in her defence.¹⁰⁴³ Some people told Amnesty International that they chose not to defend themselves because they believed it would have little effect.¹⁰⁴⁴

1034 Interview in person with the co-chair of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli; interview in person with co-chair of the Justice Council of north-east Syria, the co-chair of the People’s Defence Court, and the co-chair of the Justice Council of the Al-Jazira region, 29 July 2023, Al-Qamishli. See also International Legal Assistance Consortium, *ILAC Rule of Law Assessment Report: Syria 2021*, 2021, <http://ilacnet.org/wp-content/uploads/2021/06/ILAC-Rule-of-Law-Assessment-Syria-2021-.pdf>, p. 161, which reports that estimates for membership in the Lawyers Union ranged between 200- 500 people.

1035 Interview in person with co-chair of Justice Council of north-east Syria, co-chair of the People’s Defence Court, and co-chair of the Justice Council of the Al-Jazira region, 29 July 2023, Al-Qamishli; see also International Legal Assistance Consortium, *ILAC Rule of Law Assessment Report: Syria 2021* (previously cited), pp. 163-164.

1036 Interview in person with co-chair of Justice Council of north-east Syria, co-chair of the People’s Defence Court, and the co-chair of the Justice Council for the Al-Jazira region, 29 July 2023, Al-Qamishli.

1037 Associated Press, “Syria’s Kurds put IS on trial with focus on reconciliation”, 7 May 2018, <https://apnews.com/article/after-the-caliphate-islamic-state-group-syria-ap-top-news-international-news-d672105754434b738c8e5823233572c9>

1038 Interview in person with co-chair of the People’s Defence Court, 8 October 2022, Al-Qamishli; interview in person with co-chair of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli; interview in person with the co-chairs of the People’s Defence Court, 7 March 2023, Al-Qamishli. See also written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1039 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1040 Interview in person with the co-chairs of the People’s Defence Courts, 7 March 2023, Al-Qamishli.

1041 Interviews, 2023.

1042 Interviews with five people, 2023.

1043 Interview, 2023.

1044 Interviews, 2023.

Some people told Amnesty International that they were not given the chance to speak at all, or lacked sufficient time for presenting their defence (trials sometimes lasted less than 15 minutes), while others said they chose not to defend themselves because they believed it would have little effect.¹⁰⁴⁵ The one-sided system of prosecution leaves people largely reliant on prosecutors to investigate and gather the evidence needed for their defence. Many people did not get to read the details of their interrogation files and coerced confessions, key documents for mounting an effective defence. One person described trying to provide the prosecution with witnesses and other information that could support his case the first time he went to court, but said that soon after he was sentenced without appearing before the judges again.¹⁰⁴⁶ Another person told Amnesty International that the power imbalance between him and the prosecution made it difficult to challenge or correct the confession the prosecution developed for the court.¹⁰⁴⁷

INEFFECTIVE RIGHT TO APPEAL

Despite the requirement under international human rights law that everyone convicted of a criminal offence has the right to have the conviction and sentence reviewed by a higher tribunal,¹⁰⁴⁸ when the People's Defence Courts first began trying "terrorism" cases, there was no right to appeal.¹⁰⁴⁹ In their written response to Amnesty International, the autonomous authorities said that in 2020, they put in place a system to allow people tried in the People's Defence Courts to appeal their cases.¹⁰⁵⁰ They also stated they had "mechanisms" in place to suspend final judgments after an individual who has been sentenced has served three-quarters of their sentence and demonstrated "good behaviour during their imprisonment" or for medical parole.¹⁰⁵¹

According to senior justice officials, prosecutors and defendants have the right to appeal the decision of the First Instance Court by filling out a form within 10 days of sentencing.¹⁰⁵² If this action is taken, the Court of Cassation will review any cases appealed and either confirm or revise the judgment and sentence. People interviewed by Amnesty International described being told about the right to appeal by someone affiliated with the People's Defence Courts, like a judge or prosecutor, by the prison administration, or by other people detained in the same detention facility.¹⁰⁵³ Officials from the justice system said that during an appeal, judges consider not only procedural issues but also, for example, new evidence in the case.¹⁰⁵⁴

1045 Interviews, 2023.

1046 Interview, 2023.

1047 Interview, 2023.

1048 ICCPR, Article 14(5); CRC, Article 40(2)(b)(v); Arab Charter, Article 16(7).

1049 AP, "A look at the Kurdish-run courts trying IS in northern Syria", 7 May 2018, <https://apnews.com/article/after-the-caliphate-islamic-state-group-syria-middle-east-international-news-2dc5bcceeeea407e836030bc28a2b231>

1050 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1051 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. In the written response, the autonomous authorities stated that 386 people had their sentences suspended after serving three-quarters of their sentence and demonstrating "good behavior during their imprisonment".

1052 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

1053 Interviews, 2022 and 2023.

1054 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview in person with co-chairs of the Justice Council of north-east Syria, 7 March 2023, Al-Qamishli.

In their written response to Amnesty International's findings and questions in March 2024, the autonomous authorities stated 3,505 appeals have been filed by defendants or by the public prosecution.¹⁰⁵⁵ Of the 41 people interviewed by Amnesty International who were tried and/or sentenced in the People's Defence Courts, 24 said they filed an appeal and five said they chose not to. Five others said they were not given the option to appeal,¹⁰⁵⁶ and Amnesty International did not discuss the appeals process with seven people interviewed. According to one report, about 60% of cases are appealed by the defendant.¹⁰⁵⁷ Among those who did not appeal, some felt that the process was futile, while others worried about the possibility of receiving a longer sentence. Among the 24 cases appealed, most sentences remained the same, but three people received a longer sentence and three others received a shorter sentence.¹⁰⁵⁸ One case resulted in a substantial increase from one to 10 years, with the woman saying she did not understand why.¹⁰⁵⁹

Under international law, states have an obligation to guarantee that the right to appeal can be accessed and exercised effectively, including through the review of the trial transcript and judgement.¹⁰⁶⁰ According to the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, anyone charged with a crime punishable by imprisonment is entitled to legal aid during appeal.¹⁰⁶¹

Limitations of the judicial system notwithstanding, the autonomous authorities could take further steps to better promote an effective appeals process. The majority of people asked did not receive a hearing on appeal where they had the opportunity to explain themselves.

For the remainder, their appeal was limited to a box on a one-page piece of paper. Many people described challenges in filing their appeal form and confusion about what to write.¹⁰⁶² Amnesty International saw a copy of the appeals form, which only explains to defendants the period of time they have for appeal and who can file an appeal. Several people interviewed by Amnesty International relied on other people in the detention facility, or a prison authority, to complete the appeal form for them because they were illiterate or otherwise felt they needed support with the process.¹⁰⁶³

1055 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1056 For four of these cases, it is likely the court had not yet put in place the appeals system.

1057 International Centre for Counter-Terrorism, "New kid on the block: Prosecution of ISIS fighters by the Autonomous Administration of North and East Syria", 16 March 2021, <https://www.icct.nl/publication/new-kid-block-prosecution-isis-fighters-autonomous-administration-north-and-east-syria>

1058 In 15 cases, the sentence remained the same and in the three other cases, Amnesty International did not gather sufficient information to determine whether their sentences had been changed following appeal. Interviews 2022 and 2023.

1059 Interview, 2023.

1060 HRC, General Comment 32, para. 49; HRC, Views: *Mennen v. the Netherlands*, adopted on 24 August 2019, UN Doc. CCPR/C/99/D/1797/2008, para. 8.2; HRC, Views: *Lumley v. Jamaica*, adopted on 30 April 1999, UN Doc. CCPR/C/65/D/662/1995, para. 7.5; HRC, Views: *Henry v. Jamaica*, adopted on 29 May 1987, UN Doc. CCPR/C/43/D/230/1987, para. 8.4; and HRC, Views: *Little v. Jamaica*, adopted on 19 January 1988, UN Doc. CCPR/C/43/D/283/1988, para. 8.5.

1061 UNDOC, *Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* (previously cited), Principle 3, para. 20.

1062 Interviews, 2022 and 2023.

1063 Interviews, 2022 and 2023.

8.7 INJUSTICE IN THE PROSECUTION OF SYRIAN WOMEN

Senior judicial authorities told Amnesty International that 100-200 Syrian women have been prosecuted in the People's Defence Courts for crimes connected to IS.¹⁰⁶⁴ Most are adult Syrian women, but a smaller number are girls, or women from Iraq. The prosecutions have related to acts or omissions women and girls are accused of committing in territory run by the autonomous authorities, particularly in Al-Hol camp or in local communities.¹⁰⁶⁵

The DAANES policy and practice to ensure one woman judge is always present among the panel of the People's Defence Courts indicates a commitment to bringing consideration of gender and women's unique circumstances into the justice process. However, Amnesty International's findings still suggests widespread gender injustice in the trials.

Eleven of the 19 women and girls Amnesty International interviewed who had been convicted for IS crimes described being forced to "confess" through torture or other ill-treatment, including being subjected to electric shocks and beatings.¹⁰⁶⁶ Rabia told Amnesty International that when she was arrested in 2022:

They blindfolded me, and they were beating me and beating me. They took me to interrogation... They put my arms in the scorpion position. They were hitting me on my head, and lifting me in the air by my hair. They were using bad swear words, and they were shocking me with the electricity. I was bleeding... They were threatening me and my kids, and asking me, "Where is their father, where was this dog killed.""¹⁰⁶⁷

Many of these women said they had been subjected to domestic violence and other abuse by their husbands or other family members for many years. One woman told Amnesty International that during her interrogation, "They were beating me. So, I told them, I'm so used to being beaten, this won't get you anywhere."¹⁰⁶⁸ She said she was also put in stress positions and threatened with electric shocks.¹⁰⁶⁹

In addition to physical violence during interrogations, five women prosecuted in the People's Defence Court's described being forced to watch or listen to their family members being tortured or said they were threatened that their children would be taken away from them.¹⁰⁷⁰

1064 Interview in person with co-chair of the People's Defence Court, 8 October 2022, Al-Qamishli; Interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli. In their written response to Amnesty International, the autonomous authorities stated that: "As for the women who have been prosecuted before this court, their number has reached 163 since the establishment of the court. The majority of them are women affiliated with the Hisba of the Islamic State organization, and they have been detained for documented crimes. Among them are those who were members of cells and committed crimes such as murder or burning of tents in the al-Hol camp, or other witnessed felonies. Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. As noted above in section 6.6: "Detention of Women From the Camps", there were approximately 80 women and girls in detention in north-east Syria convicted of counterterrorism offences connected to IS when Amnesty International visited in March 2023.

1065 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli; interview in person with co-chair of the People's Defence Courts, 8 October 2022, Al-Qamishli.

1066 Interviews, 2022 and 2023.

1067 Interview, 2023.

1068 Interview, 2023.

1069 Interview, 2023.

1070 Interviews, 2022 and 2023.

As noted in section 4.3, women also reported being subjected to sexual threats or mockery or said they were beaten or subjected to electric shocks despite their interrogators knowing they were pregnant.¹⁰⁷¹ Like men and boys, the women said they had been denied or had otherwise not had legal counsel at any stage.¹⁰⁷²

Women are also disproportionately affected by the unfair appeals process requiring many defendants to write their appeal on a single-page form instead of receiving a hearing, and without any legal support, as described above. According to World Bank data, only 80.9% of women in Syria are literate, compared to 91.6% of men.¹⁰⁷³ Several women told Amnesty International they struggled to fill out the appeals form as they did not know how to write.¹⁰⁷⁴

WOMEN UNFAIRLY CONVICTED FOR ACTS OF THEIR HUSBANDS

Five women said they were convicted of “terrorism” crimes connected to the acts of their husband, including for “failing to inform” on their husband,¹⁰⁷⁵ or for collaborating with IS through collecting weapons or money for their husband’s IS-linked activities.¹⁰⁷⁶ The women reported receiving sentences of four to 10 years imprisonment, often for a combination of these charges.¹⁰⁷⁷

The prevalent use of torture or other ill-treatment to extract confessions means that women whose husbands are active in IS are at risk of being convicted for collaborating with them, regardless of any actual involvement. Reem told Amnesty International: “They brought my husband and put a gun [to] his head. They told me, ‘If you don’t confess, [we] will shoot him. Your husband is the prince of an IS cell, and you are the princess.’”¹⁰⁷⁸ Reem said she signed off on a “confession” in order to stop the torture, which she said also included being subjected to electric shocks, stress positions, beatings, and putting her with her young child in what she described as a very cold solitary confinement cell.¹⁰⁷⁹ Two other witnesses corroborated Reem’s account of being subjected to torture.¹⁰⁸⁰ Reem said she was not permitted to speak at her first instance trial and was only able to raise the torture or other ill-treatment at the appeal

1071 Interviews, 2022 and 2023.

1072 Interviews, 2022 and 2023.

1073 World Bank, Gender Data Portal, Syrian Arab Republic, <https://genderdata.worldbank.org/countries/syrian-arab-republic>. Note this data is from 2014.

1074 Interviews, 2023.

1075 DAANES, The Law of Anti-Terrorism, Law No. 7 of 2021, on file with Amnesty International, Article 14: “Any Syrian or foreigner residing in north and east Syria who is aware of one of the crimes stipulated in this law and does not inform the concerned authority at the time shall be punished by imprisonment from one to three years.”

1076 Several of these women may also have been trafficking survivors.

1077 Interviews, 2022 and 2023.

1078 Interview, 2023.

1079 Interview, 2023.

1080 One woman said she witnessed Reem being beaten and put in stress positions, and another woman said she saw Reem immediately after being tortured on several occasions. Amnesty International interviewed these women separately from each other and from Reem in 2023.

stage, where it was quickly dismissed. She said she was convicted for “joining IS, dealing with IS and communicating with IS” and sentenced to multiple years of imprisonment.¹⁰⁸¹

Women’s accounts also underscored how the unequal relationships between men and women created by law, policy and practice, and the gendered forms of coercion they were subjected to, were not always given sufficient or consistent consideration by the courts. These included heavy financial and other forms of dependency on their husbands, fear of losing custody of their children if they left their husbands, and ongoing domestic violence and other abuse.¹⁰⁸²

Manal told Amnesty International that her relationship with her husband broke down after he surrounded himself with a new group of men whom she later learnt were IS members.¹⁰⁸³ She said he became violent with her, including when she asked questions about what he was doing.¹⁰⁸⁴ She described being misled into being involved in his activities:

One evening, he said, let’s go to [a local town] and have a kebab. I understood he was trying to reconcile. But on the way, he went another direction. He stopped in a house... He came back with a bag and put it on his motorcycle. I was so upset, this wasn’t supposed to be the reason we went out. He drove back home... He put the bag down and I didn’t think more about the bag.¹⁰⁸⁵

Manal said that after they were both arrested by the ISF, interrogators told her that the bag she picked up with him had a weapon in it.¹⁰⁸⁶ Interrogators also told her that a money transfer she had collected for her husband some months previously was for his IS-linked activities.¹⁰⁸⁷ She said she was brought to trial on charges of IS membership and of “failure to inform” on her husband, and was given a multiple-year sentence, without adequate consideration of whether she was herself committed to IS or of why she did not try to stop or inform on his IS activity.¹⁰⁸⁸ She described what happened at court:

They read my file and were cruel to me. They said I knew what was in the bag, that I knew what the money was for... I told them that my husband had been beating me, that I had no power over him. I said, please check, I have scars on my head from the beatings... I said there are circumstances that you need to consider, that I didn’t have control over my husband, and that it’s not in my file. I said I told the prosecution this. But the judges didn’t ask me further about it or let me explain.¹⁰⁸⁹

1081 Interview, 2023.

1082 Interviews, 2022 and 2023.

1083 Interview, 2023.

1084 Interview, 2023.

1085 Interview, 2023.

1086 Interview, 2023.

1087 Interview, 2023.

1088 Interview, 2023.

1089 Interview, 2023.

Manal added that, at one point, interrogators offered to release her if she agreed to divorce her husband, which she refused to do. Two other women likewise reported being judged harshly during interrogations for not divorcing their husbands.¹⁰⁹⁰

Judicial officials told Amnesty International they undertook proactive efforts to understand the context that defendants acted in, including any coercion to which they were subjected.¹⁰⁹¹ They stressed, for example, that they would consider the will of the defendant, and if they intended to commit the crime or were forced.¹⁰⁹² Several women interviewed by Amnesty International in detention did mention that judges asked if they had acted of their own free will.¹⁰⁹³ Judicial officials did not, however, indicate any special efforts to recognize and consider the particular circumstances of women, such as gender-based violence or the financial or other forms of dependency some women may have had on their husbands that constrained their freedom to refuse their husbands' demands, have full information on their husbands' activities, or inform on their husbands to the authorities. Further, Amnesty International considers that the right to private and family life protects spouses against being called to give evidence against each other, with very limited exception.¹⁰⁹⁴ The lack of legal counsel was a particular concern in these contexts, as it meant the unique contexts women faced were not always brought to the courts' attention.

CRIMINALIZING WOMEN FOR ACTS OF SURVIVAL IN AL-HOL CAMP

Women are also at risk of being accused and convicted of “terrorism” offences for non-violent acts they committed in order to survive Al-Hol camp. The arbitrary detention of tens of thousands of people in violent and underserved camps (see Chapter 6) has created conditions that have forced people to commit crimes to protect themselves or their family members or to access basic goods and services. Women are the overwhelming majority of the adult population of Al-Hol camp and much of the violence perpetrated in the camp by IS members is directed towards restricting and punishing women and girls, thus using the counterterrorism law to criminalize acts of survival in the detention camp is likely to disproportionately affect women and girls.¹⁰⁹⁵

Amna told Amnesty International how she was given a one-year sentence for smuggling for IS after helping a smuggler get women out of Al-Hol camp – a deal she made in an effort to then get herself and her children out of the camp. She said she made this deal after she was attacked and threatened by men

1090 Interviews, 2023.

1091 Interview in person with co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

1092 Interview in person co-chairs of the People's Defence Courts, 7 March 2023, Al-Qamishli.

1093 Interviews, 2023.

1094 See ICCPR, Article 23. In the European Court of Human Rights case of *Van Der Heijden v. The Netherlands* (Application no. 42857/05) the court provided analysis of Article 8 of the European Convention, which is analogous with Article 23, and established the prevalence of the rule against compelling spouses to provide evidence.

1095 The issue of criminalizing women for acts of survival is not an issue in Roj camp because the women in Roj camp are, with few exceptions, foreign national women, and foreign national women are not prosecuted before the People's Defence Courts. Detention of foreign national women for perceived misconduct such as mobile phone ownership is discussed in Chapter 6: “Violent and Inhumane Detention Camps”.

she believed to be IS members in the camp and the security forces did not protect her.¹⁰⁹⁶ Amna said she had agreed to host women in her tent until they were picked up for smuggling, and that in lieu of payment, the smugglers had agreed to take her and her children out of the camp. She was arrested while hosting women and children in her tent. Explaining the violence and desperation that led her to work with a smuggler, she said: “After being beaten by [an IS] sleeper cell many times I was stabbed with a knife... They thought I was giving information to security. I told the security about what happened to me. Later I received more threats. They [the IS sleeper cells] told me not to leave my tent or they would brutally beat me, break my bones.”¹⁰⁹⁷

Some of these women have also been convicted for omission – for “failure to inform” about terrorism offences they were allegedly aware of – even though people who approached the authorities were at high risk of IS retaliation.¹⁰⁹⁸ For example, as mentioned above, one woman said she had facilitated the purchase of a tent in Al-Hol camp for a man she knew to be an IS member, afraid that he would otherwise steal the tent she and her children lived in.¹⁰⁹⁹ She said he warned her that if she informed on him, she would be beheaded.¹¹⁰⁰

Senior judicial authorities told Amnesty International that they recognized there were cases from Al-Hol where women would be scared to inform the authorities.¹¹⁰¹ One official said, “If they were forced, then we reduce the sentence.”¹¹⁰² However, Amnesty International is concerned that the context and circumstances of women’s and girls’ actions in these situations have not been given sufficient consideration by the courts. More broadly, Amnesty International is also concerned that imposing criminal penalties on women and girls for not informing on others in Al-Hol, where they have been arbitrarily detained and are given inadequate protection from possible reprisals, again risks criminalizing women for trying to survive the precarious situation they have been unlawfully put in.

FAILURE TO APPLY NON-PUNISHMENT PRINCIPLE TO TRAFFICKING VICTIMS

The accounts of nine women who were interviewed by Amnesty International after being convicted for IS crimes indicate they may be survivors of trafficking in persons. In seven cases, the accounts indicated the women were trafficked by IS for the purpose of forced marriage.¹¹⁰³ In two of these cases and two others, the accounts indicated they were trafficked for the purpose of being exploited to support IS’s criminal

¹⁰⁹⁶ Interview, 2022

¹⁰⁹⁷ Interview, 2022.

¹⁰⁹⁸ A senior ISF official told researchers, in relation to reporting sexual violence, that “if a woman wants to approach our forces to give them information, she will be killed [by IS]”. Interview in person with High Official of the Internal Security Forces of north-east Syria, 5 March 2023, Raqqa. This was also confirmed in interviews with several women who had recently been in Al-Hol camp.

¹⁰⁹⁹ Interview, 2023

¹¹⁰⁰ Interview, 2023

¹¹⁰¹ Interview, co-chairs of the People’s Defence Courts, 7 March 2023, Al-Qamishli.

¹¹⁰² Interview, co-chairs of the People’s Defence Courts, 7 March 2023, Al-Qamishli.

¹¹⁰³ Interviews, 2022 and 2023.

or military acts.¹¹⁰⁴ Most of these women were convicted in relation to acts that involved assisting their husbands engage in criminal or military acts to further IS objectives, failure to inform on their husbands, or for acts of survival in Al-Hol camp, without adequate consideration of the circumstances.

As discussed in Chapter 7, according to the non-punishment principle for trafficking victims, a victim should not be detained or prosecuted for crimes committed as a “direct result” of being trafficked.¹¹⁰⁵ However, Amnesty International’s interviews with women in detention and with prosecution and judicial officials indicate there have been no efforts to identify women who were trafficked to protect them from revictimization in this way.¹¹⁰⁶ Their status as potential trafficking victims was not being considered in decisions around charges, prosecutions or sentencing, at least not in a systematic way beyond the discretion of the individual officials or judges. Some of these women reported being subjected to torture or other ill-treatment in detention.

8.8 INJUSTICE IN THE PROSECUTION OF SYRIAN CHILDREN

After the fall of Baghouz in 2019, Syrian children detained in ongoing operations are often transferred to the DAANES authorities for trial. Judicial officials in north-east Syria estimate they have put on trial about 100-200 children.¹¹⁰⁷ In their written response to Amnesty International, the autonomous authorities indicated that it has only prosecuted 54 minors to date, though that total appears low given that the estimated number of Syrian children charged with “terrorism” crimes and held in detention facilities run by the DAANES in 2023 likely exceeded this number.¹¹⁰⁸ Moreover, the co-chair of Hourri Juvenile “Rehabilitation” Centre estimated about 40-50 Syrians who were charged as children from that centre alone had left the facility.¹¹⁰⁹

As described in Chapters 4 and 5 above, security forces have subjected Syrian children to the same torture or other ill-treatment as adults to coerce confessions for trial.

1104 Interviews, 2022 and 2023.

1105 See, for example, OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. For an overview of the legal standards, see also Special Rapporteur on Trafficking in Persons, *Report on the Implementation of the Non-Punishment Principle*.

1106 Interviews, 2022 and 2023. One judicial official, did, however, tell Amnesty International, “For the women, if [they] were forced to marry an IS member and then they were arrested, then I would look to see if they were only married, or if they were actually involved. But the women in al-Hol are quite radical.” Interview in person with co-chairs of the People’s Defence Courts, 7 March 2023, Al-Qamishli.

1107 Interview in person with co-chair of the People’s Defence Court, 8 October 2023, Al-Qamishli; interview in person with co-chairs of the Justice Council of north-east Syria, 4 March 2023, Al-Qamishli.

1108 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details. According to interviews conducted by Amnesty International, Syrian children charged with “terrorism” crimes and held in detention facilities run by the DAANES in 2023 include most of about 66 children held in Raqqa, Manbij, and Kobani, a number of children in Alaya Central Prison (one estimate was 14 children, others suggested more), and approximately 13 Syrian children in Hourri Rehabilitation Centre.

1109 Interview in person with co-chair of the Hourri Juvenile “Rehabilitation” Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourri Juvenile “Rehabilitation” Centre.

Under its 2022 Children’s Rights Law, the DAANES has committed to uphold the rights of children, “as outlined in the Convention on the Rights of the Child and other relevant international agreements”.¹¹¹⁰ In exceptional circumstances where the criminal prosecution of children may be appropriate, international law calls for the prosecutions to be in specialized courts or by trained personnel.¹¹¹¹ During an interview with Amnesty International, a justice official said the DAANES has discussed the possibility of a separate children’s court for children charged with committing crimes under the counterterrorism law, but because of capacity constraints, such children are currently tried with adults in the People’s Defence Courts.¹¹¹²

Judges apply elements of the “Delinquent Juvenile Law” for the Al-Jazira region in cases where the prosecution has charged an individual for committing a crime as a child.¹¹¹³ The decree establishes the minimum age of criminal responsibility at age 10, several years below international guidance.¹¹¹⁴ It sets a maximum sentence of seven years for a crime committed as a child, unlike the maximum 15-year sentence for adults.¹¹¹⁵ In their written response to Amnesty International, the autonomous authorities stated that a minor may be released “after serving three-quarters of their imposed sentence and demonstrating good behaviour during their imprisonment”.¹¹¹⁶ The Delinquent Juvenile Law also calls for relevant authorities to appoint lawyers to represent children, if one is not hired by their caregiver.¹¹¹⁷

Amnesty International interviewed nine Syrians who had been charged as children for crimes related to their alleged affiliation with IS between 2019 and 2022, and one young woman who claimed she should have been charged as a child.¹¹¹⁸ The youngest age of arrest among this group was about 13 or 14 years old.

A judicial official stated they pursued cases of a violent nature.¹¹¹⁹ Six of the nine people charged as children had allegedly committed crimes that involved murder or some other violence, resulting in five of the individuals receiving the maximum seven-year sentence for children.¹¹²⁰ In addition, one 18-year-old stated he was charged with being a member of an IS “sleeping cell” when he was a child and received a seven-year sentence; he did not provide details about whether the prosecution also brought charges for committing violent crimes.¹¹²¹

1110 DAANES, Child Law in the Autonomous Administration of North and East Syria, Law No. (7) of 2022, on file with Amnesty International, Article 3.

1111 Committee on the Rights of the Child, General Comment no. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, UN Doc. CRC/C/GC/14, paras 27-29.

1112 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022 Al-Qamishli.

1113 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited).

1114 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited), Article 15; CRC, General Comment 24 on children’s rights in the child justice system, 18 September 2019, UN Doc. CRC/C/GC/24, para. 22.

1115 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited), Article 35; DAANES, Law of Anti-Terrorism (previously cited).

1116 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1117 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited), Article 18.

1118 Interviews, 2022 and 2023.

1119 Interview in person with co-chair of the Justice Council of the Al-Jazira region, 8 October 2022, Al-Qamishli.

1120 Interviews, 2022 and 2023; Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited), Article 35.

1121 Interview, 2022.

In the other two cases, people detained as children were charged with lesser offences: one 18-year-old said she had been charged for filming herself raising an IS flag, while a 16-year-old stated he had been charged with having pro-IS videos on his phone.¹¹²²

Like adults, the legal process for Syrian children in the People's Defence Courts lacks fair trial guarantees, including protections specific to children. Seven of the nine cases documented by Amnesty International relied exclusively or in part on coerced confessions, and no children had a lawyer or even a parent, guardian, or relative present during the criminal proceedings, including during interrogation.¹¹²³ Four of the people charged as children described their confessions as completely false.¹¹²⁴

One older teenager, who had been tried at about 13 or 14 years old, described his sense of confusion with the legal process: "I don't know the system or the articles they were relying on for the sentence."¹¹²⁵ In two cases, the people interviewed said their mothers had tried to find lawyers to assist them, but were told by the SDF that there were no lawyers for terrorism cases.¹¹²⁶ One of the mothers reportedly even tried to go to the court herself, but she was not allowed in.¹¹²⁷ All children interviewed by Amnesty International who filed an appeal were expected to do so themselves. Some attended school for a few years only or had never attended one at all to learn to read or write. As one teenager said, "I did not know what an appeal was."¹¹²⁸

Once the trial is complete, most Syrian children are sent to a DAANES-controlled facility to serve their sentences. There are currently no support services offered to children who have been charged with IS affiliation when they are released to their community of origin after serving their sentences, despite the stigmatizing effects of such charges.¹¹²⁹

1122 Interviews 2022 and 2023.

1123 Interviews, 2022 and 2023.

1124 Interviews, 2022 and 2023.

1125 Interview, 2023.

1126 Interviews, 2023.

1127 Interview, 2023.

1128 Interview, 2023.

1129 Interview in person with co-chair of the Hourri Juvenile "Rehabilitation" Centre and the co-chair of the Reform and Rehabilitation Office, 2 October 2022, Hourri Juvenile "Rehabilitation" Centre.

9 TRANSFERS FROM NORTH-EAST SYRIA TO TORTURE AND DEATH

“As prisoners, there is no free will... If you send me to my death, I will go to death... Our fate is in the hands of the international community.”

A man held in Panorama detention facility¹¹³⁰

Some foreign nationals held in detention facilities and detention camps in north-east Syria are at risk of serious human rights violations if they are returned to their home countries, including violations of the right to life as well as freedom from torture or other ill-treatment. In addition, under the principle of non-refoulement, states are prohibited from transferring an individual from one state to another if there are substantial grounds for believing that the individual would face torture or other ill-treatment, arbitrary deprivation of life through a death sentence applied without the fundamental guarantees of fair trial or other serious human rights violations.¹¹³¹ According to this principle, states as well as parties to a conflict are required to assess whether there are substantial grounds to believe the person would be subject to these violations after transfer, and if so, the person must not be transferred while these risks remain.¹¹³²

As detailed below, in at least their involvement in transfers to Iraq and Saudi Arabia, the autonomous authorities have likely breached their obligations to respect these rights as well as the principle of non-refoulement. The US government has also likely violated the principle of non-refoulement when they facilitated the transfer of Iraqi and Saudi men to their home countries and, in cases in which those men have been within the effective control of the US, has further violated their rights to life as well as to freedom from torture or other ill-treatment and other serious violations.

¹¹³⁰ Interview, 2023.

¹¹³¹ For more details on non-refoulement, see Chapter 3: “Standards of Law” and Chapter 10: “Legal Analysis”. Arbitrary deprivation of life includes “a death sentence applied without the fundamental guarantees of fair trial”. ICRC, Commentary on Common Article 3, para. 709. Amnesty International opposes the death penalty in all circumstances.

¹¹³² ICRC, Commentary on Common Article 3, 2016, para. 715.

As this chapter details, in January 2022, the US-led coalition struck a deal with the SDF and the Iraqi authorities, according to which hundreds of Iraqi men have been transferred from detention facilities in north-east Syria to Iraq. Iraq has a long track record of using torture to extract “confessions”, particularly for people with perceived affiliation to IS, and for applying the death sentence on the basis of these forced confessions. Amnesty International documents below the cases of seven Iraqi men who were transferred from north-east Syria to Iraq. According to their family members, six were tortured by the Iraqi security forces after their transfer to Iraq, to extract their forced confessions, and one gave a forced confession due to the threat of torture. They are all now either awaiting execution or serving lengthy sentences in life-threatening conditions.

Although the UN’s Global Framework for United Nations Support on Syria / Iraq Third Country National Returnees was launched in Iraq in 2021, the UN is not currently specifically monitoring Iraqi men transferred from north-east Syria, and the US-led coalition has likewise not established any monitoring system for these men.

As detailed below, the US government and possibly other members of the US-led coalition have also been involved in the transfers of Saudi men to Saudi Arabia, where Amnesty International and other monitors have established that trials are grossly unfair, and that the death penalty is routinely handed down following “confessions” extracted through torture.

Given the violations documented in this report, there is an obvious rationale for the US government to facilitate the transfer of detainees out of north-east Syria. However, by facilitating the transfer of these men to Iraq and Saudi Arabia, the US has left these men at grave risk of serious human rights violations that are likely to lead to their death.

9.1 TRANSFERS TO IRAQ

“I am particularly optimistic about our ability to facilitate transfers and repatriations of Iraqis to either face justice or be effectively reintegrated back into communities. I would like to applaud the Government of Iraq for its efforts and willingness to confront this problem directly and for the work they have already done to repatriate more than 600 fighters from SDF detention...”

Timothy Alan Betts, Acting US Coordinator for Counterterrorism and Acting Special Envoy for the Global Coalition against Daesh, addressing attendees of the 2022 conference “Resolving the Detainee Dilemma: What Next for the Men, Women & Children of Islamic State”¹¹³³

“Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered. Numerous reports... indicated that [Iraqi] government officials employed torture...”

US State Department 2022 Country Reports on Human Rights Practices: Iraq¹¹³⁴

In January 2022, according to multiple sources interviewed by Amnesty International, the SDF, the Iraqi authorities, and the US-led coalition came to a new agreement: each month, 50 Iraqi men from detention facilities in north-east Syria would be transferred to the Iraqi authorities for prosecution or release.¹¹³⁵ Each month, 150 families from Al-Hol camp who undergo an initial screening would also be transferred to Jeddah camp in Iraq, to be prepared for eventual reintegration into their communities of origin or other locations in Iraq.¹¹³⁶ Hundreds of Iraqi male detainees have been transferred from north-east Syria into the custody of the Iraqi authorities under this deal.¹¹³⁷ In July 2022, an additional 203 boys and young men

1133 US State Department, Remarks from Timothy Alan Betts, 13 July 2022, <https://www.state.gov/resolving-the-detainee-dilemma-what-next-for-the-men-women-children-of-the-islamic-state-2>

1134 US Department of State, “Iraq”, 2022 Country Reports on Human Rights Practices: Iraq, Bureau of Democracy, Human Rights, and Labor, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/iraq>

1135 Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah; interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah; interview in person with SDF focal point to the US-led coalition, 3 August 2023, Al-Hasakah; interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil.

1136 Interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah; interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah; interview in person with SDF focal point to the US-led coalition, 3 August 2023, Al-Hasakah. While Iraqis transferred from Al-Hol camp have faced obstacles with reintegration in Iraq, which are discussed in section 6.8: “Limited Exit”, Amnesty International has not yet documented or received reports of specific violations against this group of people by the Iraqi authorities, beyond the violations and discrimination faced by anyone with perceived affiliation to IS in Iraq. However, further investigation into this issue is merited.

1137 Interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil; interviews with humanitarian actors, 2023.

who were boys at the time of their arrest were also transferred from detention facilities in north-Syria to the Iraqi authorities.¹¹³⁸

Amnesty International has serious concerns about the fate of the Iraqi men and boys who have been transferred to Iraq as a result of this agreement, namely that the autonomous authorities and the US-led coalition have knowingly transferred them to a state where they face an extremely high risk of being subjected to torture or other ill-treatment to extract confession, and on the basis of that confession, sentenced to death by execution or to life imprisonment in life-threatening conditions.

Through their involvement in this agreement, the US government and US-led coalition may have been attempting to pursue an alternative for these Iraqi men to the detention system in north-east Syria, which, as detailed throughout in this report, is marked by serious violations. However, in the absence of rights-based protections for transferees, the US and the US-led coalition have facilitated the transfer of these men to a state where they are likely to face further torture or other ill-treatment, arbitrary deprivation of life or other serious violations.

According to representatives of the SDF, the US-led coalition was heavily involved in the negotiations that led to the agreement, and they also have played a key role in the physical transfers of the men and boys from detention facilities. General Mazloun Abdi, Commander-in-Chief of the SDF, told Amnesty International:

We have an agreement with the Iraqi authorities... [The] Americans are the third party. They take responsibility. It is us, the Iraqis, and the coalition, including the Americans and the British... The SDF deliver the prisoners to the Iraqis directly. We deliver them to the border, and the Iraqis take them. The SDF deliver [and] the coalition gives aerial protection for the transfer. The coalition are the ones who negotiated [this]. The three parties decided on the details.¹¹³⁹

Another SDF representative said, “They are taken in city buses to the border, and then [the Iraqi authorities] receive them. The coalition escorts the buses with drones, airplanes and armoured cars.”¹¹⁴⁰ A third SDF representative said of the process, “We go to the joint operations room [with the US-led coalition], and the Military Intelligence will determine 50 names, and then verify them. We do a joint investigation [with the US-led coalition] again.”¹¹⁴¹ An Iraqi advisor for the US-led coalition added that during the physical transfer of the Iraqi men by bus in north-east Syria, “US forces are monitoring them on the ground and [from] the sky. They protect them with a coalition convoy.”¹¹⁴²

1138 Interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil.

1139 Interview in person with General Mazloun Abdi, 10 March 2023, Al-Hasakah.

1140 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

1141 Interview in person with two representatives of the SDF Military Intelligence, 29 July 2023, Al-Hasakah.

1142 Interview by voice call with Iraqi advisor for the US-led coalition, 26 February 2024.

In its written response to Amnesty International, the US government said “repatriations of Iraqis are conducted based on arrangements made between the SDF and Government of Iraq”.¹¹⁴³ However, in their written response to Amnesty International, the autonomous authorities said, in line with their earlier statements, “The transfer is conducted in collaboration with the international coalition... who, in turn, oversee the implementation of the provisions and treatment.”¹¹⁴⁴ The Iraqi government, in its response, likewise stated that the “coordination” between the autonomous authorities and the Iraqi government was “facilitated by the international coalition”.¹¹⁴⁵

According to the Iraqi authorities, as of June 2023, more than 3,000 Iraqi male detainees had been transferred from north-east Syria to Iraq.¹¹⁴⁶ This means it is likely hundreds of Iraqi men were transferred before 2022, in addition to the hundreds of Iraqis transferred under the deal with the US-led coalition.



↑ Iraqi men being transferred from north-east Syria by the autonomous authorities, escorted by forces of the US-led coalition. Illustration by Colin Foo © Amnesty International

Amnesty International has not been able to determine the extent of the involvement of the US-led coalition in pre-2022 transfers, and further research on this issue is merited.

1143 Written response from the US government, 1 April 2024. See Annex 2 for more details.

1144 Written response from the autonomous authorities, 24 March 2024. See Annex 1 for more details.

1145 Written response from the Iraqi government, 4 April 2024. See Annex 4 for more details.

1146 Rudaw, “Iraq says over 3,000 ISIS fighters repatriated from Syria”, 8 June 2023, <https://www.rudaw.net/english/middleeast/iraq/080620231>

The Iraqi advisor for the US-led coalition told Amnesty International the Iraqi men transferred from north-east Syria are taken by bus to a crossing near the village of Al-Walid in Nineveh governorate, where they are met by Iraqi national security and intelligence officials. The advisor said the men are then transferred to the “terrorism” court in their governorate, where they are investigated and tried; if they are found guilty, they are sent to prisons under the authority of the Ministry of Justice to serve out their sentences or await execution.¹¹⁴⁷ In its written response to Amnesty International, the Iraqi government confirmed that “suspects are transferred to the Ministry of Interior / Federal Intelligence and Investigation Agency, which conducts investigations and then presents them to the Iraqi judiciary”.¹¹⁴⁸

The Iraqi advisor for the US-led coalition said that the men who are convicted are usually sent to Babel Central Prison or Nasiriyah Central Prison (also referred to as “Al-Hout” or “the Whale”, because of its reputation for swallowing people up and never spitting them out).¹¹⁴⁹

According to a former Iraqi government official, people who are sentenced to death in Iraq are granted a period of review that usually lasts between three and five years.¹¹⁵⁰ This involves several steps before an execution is carried out, including “cassation”, or appeal; presidential approval; and referral to and approval by the Ministry of Justice.¹¹⁵¹

The Iraqi authorities have been shown to regularly use torture or other ill-treatment to extract confessions, particularly for people with perceived affiliation to IS, and to apply the death sentence on the basis of these forced confessions. According to one media report from 2018, the conviction rate in Iraq for cases involving affiliation with IS was 98%.¹¹⁵² Since 2014, the Iraqi authorities have executed thousands of men with perceived affiliation to IS.¹¹⁵³ A report from Iraq’s High Commission for Human Rights, cited in a report from the US State Department, said that 900 people who were accused of joining IS were tried in specialized terrorism courts in 2019; a total of 794 people in this group were sentenced to death, meaning that the Iraqi authorities applied the death penalty in 88% of cases.¹¹⁵⁴

Multiple human rights and media reports have documented these patterns of violations in Iraq, as well as other serious violations of fundamental guarantees of fair trial, particularly for people with perceived

1147 Interview by voice call with Iraqi advisor for the US-led coalition, 26 February 2024.

1148 Written response from the Iraqi government, 4 April 2024. See Annex 4 for more details.

1149 Interview in person with Iraqi advisor for the US-led coalition, 6 August 2023, Erbil. The official said men who receive a sentence of 15 years or fewer are usually sent to Babel Prison, and men who receive a death sentence or a sentence of 20 years, which is considered a life sentence, are usually sent to Nasiriyah Prison. For more details on the resumption of mass unlawful killings at Nasiriyah Prison, see Human Rights Watch, “Iraq: Unlawful mass executions resume”, 24 January 2024, <https://www.hrw.org/news/2024/01/24/iraq-unlawful-mass-executions-resume>

1150 Interview by voice call with former Iraqi official, 23 October 2023.

1151 Interview by voice call with the same official, 19 December 2023.

1152 New Yorker, “Iraq’s post-ISIS campaign of revenge”, December 2018, <https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>

1153 Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, December 2017, <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>

1154 US Department of State, *2020 Country Reports on Human Rights Practices: Iraq*, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/iraq>

affiliation to IS.¹¹⁵⁵ These violations were covered in-depth in the Lead Inspector General report on Operation Inherent Resolve, which was released publicly and provided to the US Congress in July 2019.¹¹⁵⁶

Amnesty International received, from a former government official, what appears to be an official government document summarizing the numbers and types of detainees in the prisons run by the Ministry of Justice in Iraq. According to this document, which was current as of May 2023, 11,345 men of the 12,258 men held at Nasiriyah Prison have been convicted of “terrorism”. The document lists a staggering 9,297 of the men held at Nasiriyah as “sentenced to death”.¹¹⁵⁷

TORTURED TO CONFESS, SENTENCED TO DEATH

Amnesty International spoke with the family members of seven Iraqi men who were transferred from north-east Syria to Iraq. Of these, six confirmed that their family member had either been tortured or otherwise ill-treated during their interrogation in Iraq, and one said that their family member confessed due to the threat of torture. All six who said their family member had been tortured said their confessions were extracted by torture or other ill-treatment, including severe beating, electric shocks and sexual violence. Four of these men are now on death row. Two of them were transferred after January 2022, under the transfers deal agreed to by the US-led coalition, the SDF and the Iraqi authorities. According to their family members, both of these men were tortured to confess and sentenced to death.¹¹⁵⁸

Zina told Amnesty International that as a result of the conflict with IS, she and her family had fled to live with relatives in Deir ez-Zor governorate. When the area became insecure, the family fled to Al-Hol camp. From there, her 42-year-old brother was arrested by the SDF in 2021, along with other Iraqi men. He was held at Panorama detention facility, where he was deprived of food, water, and healthcare and subjected to regular beating. In June 2022, he was transferred to Iraq in a convoy. He was sent to Mosul and then to a detention facility in Baghdad. He told Zina that he was subjected to daily torture for one month, including by electric shocks with Tasers, before he finally gave a forced confession that he was affiliated with IS.¹¹⁵⁹

1155 See, for example, Amnesty International, *Broken Bodies, Tortured Minds: Abuse and Neglect of Detainees in Iraq* (Index: MDE 14/001/2011), February 2011, <https://www.amnesty.org/en/wp-content/uploads/2021/06/mde140012011en.pdf>; UN Assistance Mission for Iraq (UNAMI), *Human Rights in the Administration of Justice in Iraq: Trials Under the Antiterrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL*, January 2020, https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf; Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq* (previously cited); Human Rights Watch, “Everyone Must Confess”: *Abuses Against Children Suspected of ISIS Affiliation in Iraq*, March 2019; New Yorker, “Iraq’s post-ISIL campaign of revenge” (previously cited).

1156 A 2019 Lead Inspector General report on Operation Inherent Resolve Quarterly Report to the US Congress included the following summary: “The NGO Human Rights Watch reported that alleged ISIS affiliates are often denied due process in trials and subjected to torture and coercion to elicit confessions, inhumane detention facilities, and arbitrary sentencing. After monitoring several hundred trials of alleged ISIS affiliates, the UN Assistance Mission for Iraq (UNAMI) human rights office in Baghdad cited significant procedural and policy concerns about the trials. UNAMI cited the overuse of the association clause of the Iraqi counterterrorism law, which allows for individuals with as many as four ‘degrees of separation’ from a known ISIS affiliate to be convicted of being a terrorist associate and sentenced to death. According to the UN Special Rapporteur on Extra-Judicial, Summary, or Arbitrary Executions, any executions resulting from the current ISIS trials may be designated as arbitrary government-sanctioned killing... According to the DoS [Department of State], prison and detention centre conditions were harsh and even life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.” https://media.defense.gov/2019/Aug/09/2002169448/-1/-1/1/Q3FY2019_LEADIG_OIR_REPORT.PDF, p. 53.

1157 Document received on 16 July 2023, on file with Amnesty International. Amnesty International asked the Iraqi authorities about the accuracy of these figures in an email sent on 28 March 2024. At the time this report was finalized, no response had been received.

1158 Interviews, 2022 and 2023.

1159 Interview, 2023.

Zina told Amnesty International: “In the investigation, he was... forced to say things he had no idea about. He said, ‘I didn’t even know what I said’... The judge made his decision, without my brother having any lawyer, and in two weeks, they gave him a death sentence, without an appeal. In one court session, they made the decision... It was less than 10 minutes.”¹¹⁶⁰ He is now awaiting execution at a prison run by the Iraqi Ministry of Justice, where he is facing inhumane and degrading conditions. When asked how she felt about her brother’s situation, Zina said, “Because of the air strikes, thousands moved to Al-Hol camp. It didn’t mean they were with IS. From the beginning, he had nothing to do with IS. He was a police officer... I want them to review all the cases of Iraqis sent from Syria to Iraq... If my heart was made of iron it would still melt from his situation.”¹¹⁶¹

Fadia, a 31-year-old woman from Anbar, said that she and her family fled from Iraq to Al-Hol camp in 2018. One month after they arrived, her brother, 38, was arrested with other Iraqi men and detained by the SDF. He was transferred to Iraq in May 2022. When Fadia first visited her brother, he told her that he had been tortured to confess. “We could see his nose was broken, his hand was twisted, and his leg was injured, all from the torture,” she explained. “He said in his trial, he faced the judge in a group of men, and everyone in his group was sentenced to death... [He said] ‘we had no chance.’”¹¹⁶²

Fadia’s brother is now being held in Nasiriyah Prison, awaiting execution. “He got a death sentence, and we also have a death sentence – the whole family,” Fadia said. “He was a football player, and he had a dream to play for Iraqi National Team... I just hope that the authorities in Iraq and the US look at these cases very seriously... They should check the court, the law, and they should seriously check the judges.”¹¹⁶³

Nihad told Amnesty International that her husband, a 58-year-old school teacher and principal, was arrested with other Iraqi men from Al-Hol camp in 2018 by the security forces in north-east Syria.¹¹⁶⁴ According to Nihad, in 2019, her husband was told he would be transferred to his family in Al-Hol camp, and instead, he was transferred by bus to Iraq. After entering Iraqi custody, he was transferred to Al-Baghdadi base in Anbar, and then by helicopter to a prison at Baghdad airport. Nihad told Amnesty International:

They were telling him, ‘We’re going to torture you until you confess. If you give [your confession] now, it’s better for you. If you don’t, you’ll give it later.’... [People] see blood on wall, the nails of people that have been pulled out. [So] they give fake confessions... He said, ‘When I arrived, I found my case written, and they told me to give my fingerprints.’... There were a lot of people who died because of torture in front of him. So he said, ‘I don’t have a choice to say no. I had to say I was with IS, to save my own life.’¹¹⁶⁵

¹¹⁶⁰ Interview, 2023.

¹¹⁶¹ Interview, 2023.

¹¹⁶² Interview, 2023.

¹¹⁶³ Interview, 2023.

¹¹⁶⁴ Interview, 2023.

¹¹⁶⁵ Interview, 2023.

Nihad said that on the basis of her husband's coerced confession, he was sentenced to 15 years in prison. Nihad was transferred from Al-Hol camp to Iraq in 2019, and she was finally allowed to visit her husband in February 2023. She told Amnesty International, "My husband was the principal of a school. He raised a generation. Everyone loved him in the community."¹¹⁶⁶

Yasser told Amnesty International that his father, an 86-year-old Iraqi man, was arrested in 2018 by security forces in north-east Syria as he was fleeing the war and attempting to reach Al-Hol camp. He was transferred to Iraq later that year and eventually sent to a prison at the Baghdad airport. While in extended pre-trial detention, Yasser said his father faced severe beating to extract his confession, on the basis of which he was sentenced to 20 years in prison. Yasser said his father had worked as a groom for race horses, but had long since retired when he was arrested. Yasser explained, "He was a very old person when he was fleeing... They accused him of being an IS member. He told them that we are civilians, living our normal lives. We were running away from the battles."¹¹⁶⁷

Amnesty International interviewed the family members of four other Iraqi men with perceived affiliation to IS who are detained in Nasiriyah prison. These men were not transferred to Iraq from north-east Syria; however, their cases were analysed to better understand the possible violations Iraqi detainees transferred from north-east Syria are likely to face in Iraq. All family members said their relatives had been convicted on the basis of torture-tainted confessions. All also said that the conditions in Nasiriyah Central Prison were life-threatening and inhumane, and that their family members were being deprived access to adequate food, water, sanitation and healthcare.¹¹⁶⁸

MONITORING AND CAPACITY BUILDING

In 2021, the UN Office of Counter-Terrorism (UNOCT) and UNICEF launched the Global Framework for United Nations Support on Syria / Iraq Third Country National Returnees. This Framework claims to enable "all-of-UN" support to Member States on individuals returning from Iraq and Syria, "combining rights-based, age appropriate and gender-responsive approaches".¹¹⁶⁹ In 2022, the UN stated that the Global Framework was being implemented for Iraqis transferred from north-east Syria to Iraq.¹¹⁷⁰

¹¹⁶⁶ Interview, 2023.

¹¹⁶⁷ Interview, 2023.

¹¹⁶⁸ Interviews, 2021 and 2023.

1. ¹¹⁶⁹ UNOCT, "Launch of the Global Framework for United Nations support on Syria / Iraq third country national returnees", 29 September 2021, <https://www.un.org/counterterrorism/ru/node/18675>

¹¹⁷⁰ UNOCT, "Statement by Mr. Raffi Gregorian, Deputy to the Under-Secretary-General and Director, United Nations Office of Counter-Terrorism", 21 September 2022,

https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/220916_-_dusg_statement_unga_side_event_prr.pdf. In these remarks, a representative of the UNOCT commended Iraq's "commendable and courageous decision to bring home its citizens – suspected foreign terrorist fighters, women, and children".

However, to Amnesty International's knowledge, no UN body or agency is specifically monitoring the Iraqi men who have been transferred from detention facilities in north-east Syria to Iraq, and no international body is currently monitoring the Iraqi authorities' treatment of these men during their interrogation, trials or sentencing. According to a high-level UN staff member, "there are zero guarantees, and no oversight" of this population by the UN, adding, "This is all a black hole."¹¹⁷¹ Another analyst told Amnesty International, "It should be many people's jobs [within the UN] to look after them."¹¹⁷²

It also appears that no monitoring system has been put in place by the US-led coalition for the Iraqi men who were transferred following their agreement with the SDF and the Iraqi authorities. According to the Iraqi advisor for the US-led coalition, the coalition does not monitor the detainees after they enter Iraq: "When the Iraqi [officials] take the prisoners, the coalition work is done."¹¹⁷³

Other non-Iraqi foreign nationals have been transferred from north-east Syria to Iraq, and in some cases the US-led coalition or its member states have been directly involved in these transfers. This includes France, which was involved in the transfer of at least 11 French citizens from north-east Syria to Iraq in 2019.¹¹⁷⁴ Such cases could amount to breaches of states' non-refoulement obligations.¹¹⁷⁵

When conducting a risk assessment for detainee transfers, states or detaining authorities sometimes seek diplomatic assurances as a way to lessen the likelihood of the violations transferees are likely to face in a third state.¹¹⁷⁶ Amnesty International considers diplomatic assurances against torture or other ill-treatment to be inherently unreliable. In the case of Iraq, the authorities have an established track record of committing serious violations against detainees in their custody, and in particular committing violations against people with perceived IS affiliation. Even if the US-led coalition and the autonomous authorities in north-east Syria sought assurances from the Iraqi authorities that Iraqi men and boys transferred from north-east Syria would not be subjected to serious violations such as torture and arbitrary deprivation of life, such assurances mean little, particularly when coupled with a total absence of post-transfer monitoring.¹¹⁷⁷

1171 Interview by voice call with UN staff member, 9 May 2023.

1172 Interview by video call with analyst on north-east Syria, 31 March 2023.

1173 Interview by voice call with Iraqi advisor for the US-led coalition, 26 February 2024.

1174 Interview by voice call with lawyers for the French detainees in Iraq, 21 July 2023; for more details, see Lead Inspector General, *Quarterly Report*, April - June 2019 (previously cited), p. 24; New York Times, "France hands ISIS suspects to Iraq, which sentences them to hang", 29 May 2019, <https://www.nytimes.com/2019/05/29/world/middleeast/france-iraq-isis-trials.html>

1175 Human Rights Watch, "Transfer of ISIS suspects, including foreigners, to Iraq raises torture concerns", 4 March 2019, <https://www.hrw.org/news/2019/03/04/transfer-isis-suspects-including-foreigners-iraq-raises-torture-concerns>

1176 For more details on Amnesty International's position on this issue, see Amnesty International, *Diplomatic Assurances Against Torture – Inherently Wrong, Inherently Unreliable* (Index: IOR 40/6145/2017), 28 April 2017, <https://www.amnesty.org/en/documents/ior40/6145/2017/en>

1177 Amnesty International, *Diplomatic Assurances Against Torture* (previously cited).

9.2 TRANSFERS TO OTHER STATES

The detention camps and facilities in north-east Syria hold people from several other states who would face serious risks of grave rights violations if they were transferred back to their home countries. For these people, the SDF and the US-led coalition are obligated to respect the principle of non-refoulement and therefore avoid transfers of custody in these cases.

Under international human rights law and standards, a refoulement risk is determined on a case-by-case basis. Evaluations of the human rights situation in some states can indicate that human rights violations are so pervasive and widespread that serious risks affect anyone in the country. To adhere to the principle of non-refoulement in such situations, a policy should be established to ban any and all returns to that state.¹¹⁷⁸ Those at particular risk in north-east Syria include people from China who are members of the Uyghur community and people from Russia who are from the North Caucasus.

The autonomous authorities said they had transferred men from detention facilities in north-east Syria to Saudi Arabia, including a group of 18 men transferred around May 2023.¹¹⁷⁹ A Lead Inspector General report for Operation Inherent Resolve confirmed that the US government “facilitated the transfer” of these 18 men.¹¹⁸⁰ According to the SDF, the US-led coalition transferred these 18 men by air. The men likely transited through Kuwait, which the US State Department has said serves as a hub for US-assisted transfers from north-east Syria.¹¹⁸¹

Amnesty International’s prior research shows that terrorism-related trials in Saudi Arabia are grossly unfair, and the death penalty is routinely handed down following confessions extracted through torture or other ill-treatment.¹¹⁸² These transfers therefore likely violate the US government’s and the autonomous authorities’ obligation to respect the principle of non-refoulement.

Amnesty International spoke with two people held in detention facilities run by the security forces who were likely to face egregious rights violations, including torture and arbitrary deprivation of life, if they were transferred back to their home countries. Akim, a young man from Russia, shared his concerns about

1178 CAT/C/GC/4: General comment No. 4 (2017) on the implementation of Article 3 of the Convention in the context of article 22, para. 13: “Each case should be examined individually, impartially and independently by the State party through competent administrative and/or judicial authorities, in conformity with essential procedural safeguards, notably the guarantee of a prompt and transparent process, a review of the deportation decision and a suspensive effect of the appeal. In each case, the person concerned should be informed of the intended deportation in a timely manner.” See also, paras 27-30.

1179 Interview in person with two representatives of SDF Military Intelligence, 29 July 2023, Al-Hasakah, and interview in person with SDF focal point to the US-led coalition, 3 August 2023, Al-Hasakah. For confirmation of the fact that the autonomous authorities transferred Saudi nationals prior to the May 2023 transfer, interview in person with General Mazloum Abdi, 10 March 2023, Al-Hasakah.

1180 Lead Inspector General, *Quarterly Report*, April - June 2023 (previously cited), p. 32.

1181 Interview in person with two representatives of SDF Military Intelligence, 29 July 2023, Al-Hasakah, and interview in person with SDF focal point to the US-led coalition, 3 August 2023, Al-Hasakah. For details on the role of Kuwait, see US State Department, “Ian Moss fireside chat with Matthew Levit” (previously cited).

1182 For more details on these violations in Saudi Arabia, see Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia’s Specialized Criminal Court*, 2020, <https://www.amnesty.org/en/documents/mde23/1633/2020/en>; Amnesty International, “Saudi Arabia: Imminent execution of seven young men would violate kingdom’s promise to abolish death penalty for juveniles”, 15 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/saudi-arabia-imminent-execution-of-youths-would-violate-kingdoms-promise-to-abolish-death-penalty-for-juveniles>

being transferred back: “I would not like to go back to Russia... In 2019, there was a list of Russians [whom] Putin wanted to repatriate. They took one or two people [and] I don’t know what happened to them. I am from Dagestan, I know the Russian treatment.”¹¹⁸³ Hamza, a young man from China who was brought to north-east Syria at the age of 13 by his family, told Amnesty International, “I am so scared to go back to China.”¹¹⁸⁴

1183 Interview, 2023.

1184 Interview, 2023.

10 LEGAL ANALYSIS

10.1 VIOLATIONS BY THE AUTONOMOUS AUTHORITIES

The autonomous authorities in north-east Syria are exercising sufficient control to be bound by both international human rights law and international humanitarian law in their treatment of people with perceived IS affiliation in the detention facilities and detention camps in north-east Syria. As a result, Amnesty International believes the DAANES have responsibilities akin to a state and the security forces have responsibilities akin to state forces.

UNLAWFUL KILLING

Under international human rights law, the autonomous authorities must protect and ensure that no one is arbitrarily deprived of their right to life.¹¹⁸⁵ The UN Human Rights Committee, a body of independent experts established under the International Covenant on Civil and Political Rights (ICCPR) to monitor states' implementation of that treaty, has provided clear requirements for detaining authorities. It states that parties to the ICCPR "have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the state" and that "they may not rely on lack of financial resources or other logistical problems to reduce this responsibility".¹¹⁸⁶ The duty to protect life includes providing people who have been detained with medical care and appropriate regular monitoring of health.¹¹⁸⁷ The Committee considers it "of the utmost gravity" if state security forces deprive a person of their life.¹¹⁸⁸

Under international humanitarian law, the autonomous authorities must also ensure that all persons in their power who are not taking part in the hostilities, including people who are *hors de combat*, are

1185 ICCPR, Article 6; Universal Declaration of Human Rights (UDHR), Article 3.

1186 UN Human Rights Committee (HRC), General Comment 36, Article 6: Right to Life, 3 September 2019, UN Doc. CCPR/C/GC/36, para. 25.

1187 HRC, General Comment 36, para. 25.

1188 HRC, General Comment 36, para. 19.

treated humanely.¹¹⁸⁹ International humanitarian law prohibits, at any time and in any place, violence to life and person, in particular murder of all kinds, and such acts may amount to war crimes under the Rome Statute.¹¹⁹⁰

The findings of this report show that the autonomous authorities have violated their obligation to respect, protect and fulfil the right to life. The failure to provide adequate food, water, ventilation and healthcare in Sini detention facility by security forces, leading to widespread deaths, amounts to mass arbitrary deprivation of life.

The autonomous authorities have also likely committed the war crime of murder in Sini detention facility. The legal requirements for the war crime of murder include showing that: 1) the perpetrator(s) killed one or more persons, 2) who were *hors de combat* or civilians not taking active part in hostilities, 3) the perpetrator(s) were “aware of the factual circumstances that established” the protected status of these individuals, 4) the conduct took place in the context of a non-international armed conflict, and 5) “the perpetrator was aware of factual circumstances that established the existence of an armed conflict”.¹¹⁹¹

The war crime of murder also requires that the perpetrators acted with “intent and knowledge”.¹¹⁹² The perpetrator must have “(i) meant to kill or to cause the death of one or more persons or (ii) was aware that the death(s) would occur in the ordinary course of events”.¹¹⁹³

In this context, security forces have failed to provide people held in Sini of resources essential to life, leading to large-scale deaths of people who were *hors de combat* or protected as civilians not taking part in hostilities. As these people are held in detention, the autonomous authorities are aware of their protected status. Finally, as established in Chapter 3, the SDF and US-led coalition are involved in a non-international armed conflict with IS, in which they continue to engage in large-scale operations.

In addition, the security forces in Sini had knowledge of the conditions. The waves of mass deaths caused by the severe overcrowding, lack of ventilation and limited provision of food and water strongly suggest the security forces at some point became aware that their ongoing actions would cause death. The deaths occurred over the course of several years, including during the period of research for this report. As discussed in section 4.1, there is credible evidence of a mass grave within the complex of Sini detention facility, further indicating that the authorities have been aware that large-scale death had occurred, and would continue to occur, due to the facility’s conditions.

1189 Common Article 3.

1190 Common Article 3; Rome Statute, Article 8(2)(c)(i).

1191 International Criminal Court, *Elements of Crimes*, <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>, Article 8 (2)(c)(i)-1 War crime of murder.

1192 Rome Statute, Article 30(1). A person has intent when, “(a) In relation to conduct, that person means to engage in the conduct;” and “(b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.” A person has knowledge when the individual has “awareness that a circumstance exists or a consequence will occur in the ordinary course of events”. See Rome Statute, Article 30(2)-(3).

1193 International Criminal Court, *The Prosecutor V. Jean-Pierre Bemba Gombo*, Case ICC-01/05-01/08, Trial Chamber III judgment, 21 March 2016, para. 96.

ARBITRARY DETENTION

As outlined in section 3.2, the autonomous authorities are prohibited from depriving anyone of their liberty except on such grounds and in accordance with procedures established by law.¹¹⁹⁴ The authorities are required to inform any individual who is arrested of the reason for their arrest, to bring promptly before a judge any person arrested on a criminal charge and to ensure a trial within a reasonable time or release.¹¹⁹⁵

For those detained on security grounds, the detaining powers must provide all persons deprived of liberty with an opportunity to challenge the lawfulness of their detention.¹¹⁹⁶ Amnesty International opposes administrative forms of detention where individuals are detained by state authorities based on secret security grounds that the defendant and their lawyer cannot review, effectively circumventing due process guaranteed for all persons deprived of their liberty under international law.

DETENTION FACILITIES

In their written response to Amnesty International, the autonomous authorities said they consider “most of the detainees in the Autonomous Administration’s detention facilities and prisons [to be] members of a terrorist organization” who they are holding until their legal status is decided.¹¹⁹⁷ To date, none of the foreign national men, women and children in their detention system have been charged or tried, except for a few Iraqis.¹¹⁹⁸ Most but not all Syrians have been tried. Following the fall of Baghouz in 2019, about 6,000 men and boys with perceived IS affiliation were taken into security force custody, overwhelming the detention system. To be tried, security forces must transfer an individual from their custody to the DAANES. Such transfers have been limited despite the stated desire of local authorities to pursue the prosecution of all perceived IS fighters, in part because of restrictions in the capacity of DAANES-run facilities and courts. Calls from the autonomous authorities for an international solution to try foreigners have been largely ignored.

In addition, the autonomous authorities have not granted many of the thousands of people who have been held in detention facilities an opportunity to challenge the legality of their detention. With the exception of US nationals, the vast majority have not had access to a lawyer. The autonomous authorities have arbitrarily deprived the liberty of many men, women, and children in their detention system because of their failure to offer and implement some type of due process, particularly for foreign nationals, and because of the amount of time that has passed. The failure to prosecute within a reasonable time means people held in the detention facilities should be urgently tried or released.

1194 ICCPR, Article 9(3).

1195 ICCPR, Article 9(3); ICRC, Customary international humanitarian law, Rule 99.

1196 ICCPR, Article 9(4); ICRC, Customary international humanitarian law, Rule 99.

1197 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1198 Interview with the co-chair of the Justice Council of north-east Syria, 7 March 2023.

The detention of foreign national women in the detention facilities, particularly Al-Hasakah Women's Prison, with no charge or trial, is also unlawful because many of the detentions appear to be for the purposes of intelligence gathering, which is not a lawful justification for detention, or for acts that do not constitute a recognizable criminal offence, such as mobile phone ownership.

As stated above, Amnesty International does not accept the administrative detention of individuals for imperative security reasons. In this case, even if the autonomous authorities argued that the individuals were being lawfully interned – a form of administrative detention for security reasons in armed conflict – the Human Rights Committee maintains that prompt and regular review by a court, or other tribunal possessing the same attributes of independence and impartiality as the judiciary, is necessary to prevent arbitrary deprivation of liberty.¹¹⁹⁹

DETENTION CAMPS

The autonomous authorities have held tens of thousands of people – primarily women and children – in two camps they are prohibited from leaving. In addition, foreign nationals are not allowed to have mobile phones, and no one in the camp can receive visitors, limiting communication with family members and the community outside the camps. The population at Al-Hol camp includes a range of people, from those who lived in IS-held territory, to family members of IS fighters, to those who have no links to IS.

No one in the camps has been screened to determine if there is any credible evidence they have committed a crime – instead, people in Roj and Al-Hol camps are being held in a blanket manner and without any apparent intention to try them for crimes potentially committed in IS-held territory. Their detention is thus unlawful.

Again, even if the autonomous authorities argued that they were interning people in Al-Hol and Roj camps – a legal framework opposed by Amnesty International – it would not justify the detention of the tens of thousands of people as documented above. The laws of war prohibit collective punishment.¹²⁰⁰ Because the autonomous authorities and their partners have neither established a process to determine the individual security threat posed by people in the camps, nor offered them an opportunity to challenge the legality of their detention, even under an administrative detention framework, all people in the camps would still be found to have been arbitrarily deprived of their liberty.¹²⁰¹ Children in particular can only be detained as a measure of last resort, for the shortest possible period of time.¹²⁰²

1199 See HRC, General Comment 35, Article 9, Liberty and security of person, para. 15

1200 Additional Protocol II, Art. 4(2)(b).

1201 The international humanitarian law rules applicable to conditions of internment in non-international armed conflict are based on parallels drawn from the ICCPR's state of emergency provision and the Geneva Convention provisions applicable to international armed conflict. According to the ICRC's compilation of customary international human law rules, interned people have the right, among others, to judicial review of the reasons for and the conditions of internment. ICRC, Customary international humanitarian law, Rule 99. See also HRC General Comment 35 (previously cited), para. 15; ICRC, *Detention by Non-State Armed Groups, Obligations under International Humanitarian Law and Examples of How to Implement them*, 4 April 2023, <https://shop.icrc.org/detention-by-non-state-armed-groups-obligations-under-international-humanitarian-law-and-examples-of-how-to-implement-them-pdf-en.html>, Rule 11, pp. 55-57.

1202 CRC, Article 37(b).

Moreover, Syrian and Iraqi nationals who arrived in the camps as internally displaced people or refugees could not be lawfully placed in administrative detention, unless a past association with IS represents an imperative security threat. While Syrians from north-east Syria and Iraqis have slowly been allowed to leave, Syrians from Syrian government and other opposition-controlled areas are not permitted to leave. Those among them who were IDPs would also be considered as being arbitrarily deprived of their liberty under this framework. In addition, the continued deprivation of liberty of Iraqi refugees, considering the slow pace of repatriations, would likely also amount to an arbitrary deprivation of liberty.

ENFORCED DISAPPEARANCE

Enforced disappearance is defined as the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the state... followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.¹²⁰³ The prohibition of enforced disappearance is a non-derogable, *jus cogens* norm binding on both state and non-state actors.¹²⁰⁴ It implicates a number of rights enshrined in the ICCPR, including the right to life; the right to liberty and security of person; the right to be free from arbitrary detention; and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.¹²⁰⁵ Enforced disappearance is also prohibited under customary international humanitarian law.¹²⁰⁶

An enforced disappearance may cause such severe mental distress as to breach the family members’ right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.¹²⁰⁷

As discussed in Chapter 4, the SDF and affiliated security forces are holding the vast majority of people in their custody incommunicado, with no access to the outside world. In many cases documented by Amnesty International, when family members have approached the security forces to inquire about the fate of their loved ones, the security forces have either refused to acknowledge or have concealed the identities of the people in their custody. These actions meet the threshold for enforced disappearance under international law.¹²⁰⁸

1203 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Article 2

1204 ICCPED; *Chapman Blake v Guatemala*, IACtHR (1998).

1205 ICCPR, Articles 1, 7, 9, and 14.

1206 ICRC, Customary International Humanitarian Law, Rule 98.

1207 See, for example, ECtHR, *Ashlakhanova v Russia*, 18 December 2012, *Orhan v Turkey*, 18 June 2002, and *Imakayeva v Russia*, no. 7615/02, ECHR 2006-XIII, *Kurt v Turkey*, 25 May 1998; IACtHR, *Godonez Cruz Case*, Compensatory Damages (Article 63(1) American Convention on Human Rights), Judgment of 21 July 1989, IACtHR (Ser. C) No. 8 (1990), paras 48-9; UN Human Rights Committee, *Celis Laureano v. Peru*, Communication 540/1993, Views, 25 March 1996, para. 8.5, *Katombe L. Tshishimbi v Zaire*, Communication 542/1993, Views, 26 March 1996, para. 5.5, *Youssef El-Megreisi v the Libyan Arab Jamahiriya*, Communication 440/1990, para. 5.4, *Mojica v Dominican Republic*, Communication 449/1991, para. 5.7.

1208 The Special Rapporteur on Counterterrorism has also found that foreign national women and children held in the “annex” at Al-Hol are being subjected to mass disappearance, given their denial of contact with the outside world and the authorities’ failure to keep records of persons in their custody and stated lack of knowledge as to who was in custody. See *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, July 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>

TORTURE OR OTHER ILL-TREATMENT

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as any act which causes severe pain or suffering, physical or mental, by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity for the purposes of obtaining a confession, punishment, intimidation, or coercion, or for any reason based on discrimination of any kind.¹²⁰⁹ All forms of torture or other cruel treatment are prohibited by the Convention against Torture¹²¹⁰ and other treaties such as the International Covenant on Civil and Political Rights¹²¹¹, and by customary international law.¹²¹² The prohibition of torture is a non-derogable, *jus cogens* norm binding on all state and non-state actors.

Common Article 3 of the four Geneva Conventions and Additional Protocol II prohibit parties to a conflict from carrying out violence to life and person, including cruel treatment and torture of people who are not directly participating in hostilities.¹²¹³

Under the Rome Statute, the legal requirements for cruel treatment require showing that: 1) “the perpetrator[s] inflicted severe physical or mental pain or suffering upon one or more persons” 2) who were *hors de combat* or civilians not taking active part in hostilities, 3) the perpetrator(s) were “aware of the factual circumstances that established” the protected status of these individuals, 4) the conduct took place in the context of a non-international armed conflict, and 5) “the perpetrator was aware of factual circumstances that established the existence of an armed conflict”.¹²¹⁴ The legal requirements for torture under the Rome Statute require the same elements, as well as evidence that the physical or mental pain was imposed to obtain “information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind”.¹²¹⁵

Elements (2) – (5) have been established in section 10.1.1 above on unlawful killing for individuals in detention facilities. Elements (2) – (5) would similarly apply to people held in the camps because they are *hors de combat* or civilians, and authorities are aware of this protected status.

Violent acts by security forces in Sini and other detention facilities to punish or to coerce or intimidate people in their custody to confess to committing crimes have caused severe physical and psychological pain and anguish, amounting to torture in violation of international law and a war crime.

1209 Convention against Torture, Article 1.

1210 Convention against Torture, Article 16.

1211 ICCPR, Article 7.

1212 ICRC, Customary International Humanitarian Law, Rule 90.

1213 Common Article 3(1)(a); Additional Protocol II, Article 4(2)(a).

1214 International Criminal Court, *Elements of Crimes*, Article 8 (2)(c)(i)-3 War crime of cruel treatment.

1215 International Criminal Court, *Elements of Crimes*, Article 8 (2)(c)(i)-4 War crime of torture.

The failure of the autonomous authorities to provide adequate food, water, ventilation, and healthcare in Sini, which has led to mass death as well as severe pain and suffering, should be investigated as the war crime of torture. Absent a finding of the autonomous authorities' intent to punish or intimidate the population, their actions amount to cruel treatment, also a war crime.

Several other acts by the autonomous authorities also amount to the war crime of cruel treatment. This includes enforced disappearance, as detailed in the section above. Most people in security force detention facilities have been separated from their family members, with little or no contact, causing immense psychological anguish.

It also includes the dire conditions in the detention camps, where people have been subjected to indefinite arbitrary detention, inadequate services, and violence, including gender-based violence and sexual exploitation in heavily securitized conditions, all of which combined and individually amount to cruel treatment.

Finally, it may also include exposure to tuberculosis. As described in section 4.2, in their written response to Amnesty International, the autonomous authorities stated that some infected detainees in Panorama were isolated from others while receiving treatment, but also acknowledged that tuberculosis had spread within the detention system because of a “shortage” of medical supplies, including medicines, to treat tuberculosis as well as overcrowding and “lack of capabilities to isolate everyone”.¹²¹⁶ When Amnesty International visited Panorama detention facility in August 2023, it found that despite adequate accommodation arrangements, the autonomous authorities had not taken measures to prevent the spread of tuberculosis, including by separating and housing infected people together. Ongoing exposure to the disease, as well as to people dying from the disease, has caused people held in Panorama physical suffering and psychological distress that may amount to cruel treatment.¹²¹⁷

UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

As detailed in Chapter 4, the actions of the SDF in Sini detention facility violate several of the rules set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (“Mandela Rules”).

¹²¹⁶ Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

¹²¹⁷ The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has stated that the denial of pain medication could meet the definition of torture or other ill-treatment “when the suffering is severe and meets the minimum threshold under the prohibition against torture and ill-treatment; when the State is, or should be, aware of the suffering, including when no appropriate treatment was offered; and when the Government failed to take all reasonable steps to protect individuals physical and mental integrity”. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1 February 2013, UN Doc. A/HRC/22/53, para. 54. Applying these factors, the failure to address the tuberculosis outbreak in Panorama may also amount to torture, because of the likelihood of death from tuberculosis, the autonomous authorities' knowledge of the high prevalence of tuberculosis in Panorama, and the failure of the security forces to limit the spread of the disease by separating individuals in the detention facility or providing them with a way to leave.

These violations include the failure to provide adequate food and water,¹²¹⁸ adequate space and ventilation,¹²¹⁹ and adequate sanitary installations and washing facilities.¹²²⁰

The SDF also failed to uphold international standards related to healthcare in Sini and Panorama. These standards are codified in the Mandela Rules and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which call for detainees to be given or offered a medical examination as promptly as possible after admission to a place of detention.¹²²¹ These international standards also provide that health care should be provided subsequent to admission in order to address medical needs. The Mandela Rules provide the level of healthcare should be comparable to “the standards of health care that are available in the community”.¹²²² They also state that there must be a healthcare team,¹²²³ and that all those detained must have access to urgent care where needed.¹²²⁴

OUTRAGES ON PERSONAL DIGNITY

International human rights, humanitarian and customary law prohibit outrages on personal dignity, including humiliating and degrading treatment.¹²²⁵ Such acts are also a violation of the Rome Statute and considered a war crime.¹²²⁶ They require perpetrators to have “humiliated, degraded or otherwise violated the dignity of one or more persons” and to have acted knowing the possible consequences of their actions.¹²²⁷ In addition, the severity of the perpetrators’ acts must rise to “such [a] degree as to be generally recognized as an outrage upon personal dignity”.¹²²⁸ Courts have relied on survivors’ subjective evaluations, as well as objective criteria, such as the duration and intensity of the suffering, to determine if the threshold for the crime has been met.¹²²⁹

1218 See Mandela Rules, Rule 22, which provides that “(1) every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served; 2) Drinking water shall be available to every prisoner whenever he or she needs it”.

1219 See Mandela Rules, Rule 13, which provides that “all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation”.

1220 See Mandela Rules, Rule 15, which provides that “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner” and Rule 16, which provides that “adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate”.

1221 Mandela Rules, Rule 30; and UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 24.

1222 Mandela Rules, Rule 24.

1223 Mandela Rules, Rule 25.

1224 Mandela Rules, Rule 27.

1225 Convention against Torture, Article 16; ICCPR, Article 7; Common Article 3(1)(c); Additional Protocol II, Article 4(2)(a); ICRC, Customary International Humanitarian Law, Rule 90.

1226 Rome Statute, Article 8(2)(c)(ii).

1227 International Criminal Court, *Elements of Crimes*, Article 8 (2)(c)(ii), War crime of outrages upon personal dignity; International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic*, Case IT-96-23, Appeals Chamber judgment, 12 June 2002, <https://www.icty.org/x/cases/kunarac/acjug/en>, paras 164-166.

1228 International Criminal Court, *Elements of Crimes*, Article 8 (2)(c)(ii), War crime of outrages upon personal dignity.

1229 ICTY, *Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic*, Appeals Chamber judgment (previously cited), para. 162; ICTY, *Prosecutor v. Zlatko Aleksovski*, Case IT-95-14/1-T, Trial Chamber judgment, 25 June 1999, <https://www.refworld.org/cases,ICTY,4146e8ba2.html>, paras 56-57.

As described in Chapter 4, former detainees held in Sini described the guards limiting their access to the toilet to humiliate them. People held in the facility would sometimes defecate on themselves because they could not wait to use the bathroom.

In addition, a man and woman held in security force detention facilities described being forced to undress as punishment. Amnesty International also received several accounts of security forces making sexual threats or mocking women.

In these cases, security forces appear to be acting to humiliate detainees, causing severe physical or mental pain that may amount to outrages on personal dignity.

NON-REFOULEMENT

Under the principle of non-refoulement, states are prohibited from transferring a person from one state to another if there are substantial grounds for believing that person would be at risk of serious human rights violations in that state, including torture or other ill-treatment; arbitrary deprivation of life; or persecution on account of race, religion, nationality, membership of a particular social group or political opinion.¹²³⁰ Amnesty International opposes any transfer that could result in the transferee being subjected to the death penalty. The prohibition of refoulement to torture or other ill-treatment is a jus cogens principle of customary international law.¹²³¹ It is contained, with “some variation in scope... in [international] humanitarian law, refugee law, human rights law and some extradition treaties”.¹²³²

Common Article 3, which is applicable in situations of non-international armed conflict like the one ongoing in north-east Syria, does not explicitly prohibit refoulement. However, the ICRC has stated that the categorical prohibitions in Common Article 3 also prohibit transfers to places or authorities where “there are substantial grounds for believing that they will be in danger of being subjected to violence to life and person, such as murder or torture and other forms of ill-treatment”.¹²³³ The principle of non-refoulement is also enshrined in Article 5(4) of Additional Protocol II to the Geneva Conventions, which requires

1230 Convention Against Torture, Article 3; Committee Against Torture, General Comment 4, On the implementation of Article 3 of the Convention in the context of Article 22, 4 September 2018, UN Doc. CAT/C/GC/4, para. 10; Human Rights Committee, General Comment 20, Prohibition of torture and cruel treatment or punishment, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add 13, para. 12, and General Comment No. 31, Nature of the general legal obligation imposed on states parties to the Covenant, 28 July 1994, UN Doc. HRI/GEN/1/ Rev.1, p. 31, para. 12; International Convention For the Protection of All People from Enforced Disappearances, Article 16(1). The ICRC has also stated that Common Article 3 is largely considered as incorporating the principle of non-refoulement. See ICRC, 2020 Commentary on Common Article 3, para. 744.

1231 See, for example, Convention Against Torture, Article 3; Committee Against Torture, General Comment 4, *On the implementation of Article 3 of the Convention in the context of Article 22*, 4 September 2018, UN Doc. CAT/C/GC/4, para. 10; Human Rights Committee, General Comment 20, *Prohibition of torture and cruel treatment or punishment*, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add 13, para. 12, and General Comment No. 31, *Nature of the general legal obligation imposed on states parties to the Covenant*, 28 July 1994, UN Doc. HRI/GEN/1/ Rev.1, p. 31, para. 12; International Convention For the Protection of All People from Enforced Disappearances, Article 16(1). The ICRC has also stated that Common Article 3 is largely considered as incorporating the principle of non-refoulement. See ICRC, Commentary on Common Article 3, para. 744.

1232 ICRC, Commentary on Common Article 3, 2020, para. 745.

1233 ICRC, Commentary on Common Article 3, 2020, para. 746

authorities who decide to transfer a person to another detaining authority to take “necessary measures to ensure their safety”.¹²³⁴

The SDF has transferred at least 3,000 Iraqi men and at least 18 Saudi Arabian men in their custody to the authorities of their home countries.¹²³⁵ Based on the long-established practices of each state, which have been documented by Amnesty International and other human rights monitors, it is clear that these men are likely to face serious human rights violations, including torture or other ill-treatment to extract “confessions”, and arbitrary deprivation of life. Where torture is systemic, including in these two countries, Amnesty International considers that any diplomatic assurance that individuals would not be subjected to these violations would have little meaning and would be inadequate – all the more so where there has been an absence of post-transfer monitoring by the SDF, the US-led coalition and the United Nations.¹²³⁶ In the case of Iraqi and Saudi nationals, and possibly others that are not yet known to the public, the SDF, with support from the US-led coalition, has violated their obligation to respect the principle of non-refoulement. In cases where the SDF has violated the principle of non-refoulement, they also likely violated these individuals’ rights to life and to freedom from torture or other ill-treatment, as well as other serious human rights under international human rights law relevant to their situation.

FAIR TRIAL RIGHTS

ARBITRARY ARREST

Under the International Covenant on Civil and Political Rights, an individual may only be lawfully deprived of his or her liberty on grounds and according to procedures established by law.¹²³⁷ No one shall be subjected to arbitrary arrest or detention.¹²³⁸ The Human Rights Committee has clarified that the term “arbitrary” must be interpreted broadly to include elements of inappropriateness, injustice and lack of predictability.¹²³⁹

As described in section 8.2, Amnesty International documented cases of the autonomous authorities using allegations of IS affiliation to arrest, intimidate and silence civilians. In all of the cases, the autonomous authorities held the individuals in various detention facilities, where they were sometimes subjected to torture or other ill-treatment and never formally prosecuted prior to their release. The abuse of the authorities’ power to intimidate or silence perceived opponents in the population is a violation of international law.

1234 Additional Protocol II, Article 5(4).

1235 See Chapter 9: “Transfers From North-East Syria to Torture and Death” for more details.

1236 Amnesty International, *Diplomatic Assurances Against Torture – Inherently Wrong, Inherently Unreliable* (Index: IOR 40/6145/2017), 28 April 2017, <https://www.amnesty.org/en/documents/ior40/6145/2017/en>

1237 ICCPR, Article 9(1).

1238 ICCPR, Article 9(1).

1239 HRC, Views: *Mukong v. Cameroon*, adopted on 21 July 1994, UN Doc. CCPR/C/51/D/458/1991, para. 9.8, HRC, Views: *Fongum Gorji-Dinka v. Cameroon*, adopted on 17 March 2005, UN Doc. CCPR/C/83/D/1134/2002, para. 5.1; HRC, Views: *Marinich v. Belarus*, adopted on 16 July 2010, UN Doc. CCPR/C/99/D/1502/2006, para. 10.4.

In addition, Amnesty International documented credible reports of members of the public, and in some cases the autonomous authorities, falsely accusing people of IS affiliation as a result of personal feuds and clan disputes, leading to their arrest. The ease with which the autonomous authorities relied on these false reports, without sufficiently interrogating their veracity, also amount to cases of arbitrary arrest.

OVERBROAD COUNTERTERRORISM LAW

Under the principle of legality in international law, no one shall be held guilty for an act or omission that was not a criminal offence at the time it was committed, and the definition of criminal acts must be clear and precise to enable an individual to regulate his or her conduct accordingly.¹²⁴⁰

As described in section 8.1, the counterterrorism laws in north-east Syria are overly broad, criminalizing conduct that goes far beyond the UN Special Rapporteur Counterterrorism's model definition of terrorism.¹²⁴¹ The law in north-east Syria criminalizes ancillary offences, such as incitement, support and membership, which arise from conduct which is distant from the principal (terrorist) offence and are more undefined and vague. The law should require, for these offences, specific intent to incite or participate in the activities of the group and to commit or contribute to the principal criminal offence. Amnesty International interviewed people whose acts appear to fall far short of a demonstrable intent to commit or incite any principal terrorist offence.

Finally, the 2014 counterterrorism law for the Al-Jazira region, still used at times in the People's Defence Courts, does not provide maximum sentences for each crime, potentially causing a disparity in sentences between people sentenced in similar circumstances.¹²⁴²

VIOLATIONS DURING TRIALS

International humanitarian law does not clearly allow or prohibit non-state armed groups from establishing courts. Moreover, it does not also explicitly require them to assume judicial functions. However, under Common Article 3 of the Four Geneva Conventions, parties to a conflict are prohibited from "the passing of sentences and the carrying out of executions without previous judgment pronounced by a *regularly constituted court*, affording all the judicial guarantees which are recognized as indispensable by civilized peoples".¹²⁴³ The ICRC's Commentary on Common Article 3 highlights: "[A]lthough the establishment of such courts may raise issues of legitimacy, trial by such means may constitute an alternative to summary

1240 ICRC, "General principles of international criminal law," March 2014, <https://www.icrc.org/en/document/general-principles-international-criminal-law-factsheet>, p. 3; ICCPR, Art. 15; HRC, General Comment 34, Article 19: Freedom of opinion and expression, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 25. See Special Rapporteur on Counterterrorism, Report, 28 December 2005, UN Doc. E/CN.4/2006/98, para. 46: "The first requirement of article 15, paragraph 1, [ICCPR] is that the prohibition of terrorist conduct must be undertaken by national or international prescriptions of law. To be 'prescribed by law' the prohibition must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct".

1241 Special Rapporteur on Counterterrorism, Report, *Ten areas of best practices in countering terrorism* (previously cited), p. 22.

1242 Executive Council of the Democratic Autonomous Administration of the Al-Jazira region, Anti-terrorism law, No. 244, 31 July 2014, on file with Amnesty International, Article 5(1).

1243 Common Article 3(1)(d) (emphasis added).

justice and a way for armed groups to maintain ‘law and order’ and to ensure respect for humanitarian law.”¹²⁴⁴ Some provisions of the Rome Statute of the International Criminal Court – about the responsibility of military commanders¹²⁴⁵ and passing of sentences and carrying out of executions¹²⁴⁶ – appear to justify the exercise of judicial functions by non-state armed groups that are parties to non-international armed conflicts.

The autonomous authorities have established the People’s Defence Courts to try cases connected to national security. For the court to comply with Common Article 3, it should be capable of “affording all judicial guarantees”, including the right of everyone to be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.¹²⁴⁷ Failure to guarantee these rights means the trials carried out by the People’s Defence Courts violate international human rights and humanitarian law.

Among some of these guarantees is the right to assistance of counsel during trial.¹²⁴⁸ According to the Human Rights Committee, a person who is arrested, charged or detained must have assigned counsel provided free of charge if they cannot afford to pay.¹²⁴⁹ Under the 2024 Social Contract of the DAANES and the 2019 Social Justice Charter, the DAANES guarantees all people the right to a fair and public trial.¹²⁵⁰ However, no one interviewed by Amnesty International had a lawyer for trial, in violation of international law. As noted below, women and children were subjected to specific forms of discrimination and injustice in the judicial process.

In addition, international human rights law requires that everyone convicted of a criminal offence has the right to have the conviction and sentence reviewed by a higher tribunal.¹²⁵¹ States have an obligation to guarantee that the right to appeal can be accessed and exercised effectively.¹²⁵² While in 2020 the autonomous authorities established an appeals process, as described in section 8.6, most people interviewed by Amnesty International said they could only appeal their judgments by completing a form provided to them after sentencing, consisting of a box on a single piece of paper, and the majority had their appeal rejected without a hearing. Three people told Amnesty International they received a longer sentence as a result of their appeal. The system in place fails to provide people with a meaningful opportunity to file an appeal, in violation of international law.

1244 ICRC Commentary of 2016, Geneva Convention I, Article 3, para. 689.

1245 Rome Statute of ICC, Article 28(a)(ii).

1246 Rome Statute of ICC, Article 8(2)(c)(iv).

1247 Common Article 3(1)(d); See also ICCPR, Article 14.

1248 ICCPR, Article 14(3)(d); HRC, General Comment 32, para. 34.

1249 HRC Concluding Observations: Tajikistan, 18 July 2005 (previously cited), para. 11; HRC Concluding Observations: Slovenia, 25 July 2005 (previously cited), para. 9.

1250 DAANES, The Social Contract of the Democratic Autonomous Administration of the North and East Syria Region, 2024, on file with Amnesty International, Article 56; DAANES, The Social Justice System Charter of the Autonomous Administration of North and East Syria (previously cited), Article 3.

1251 ICCPR, Article 14(5); CRC, Article 40(2)(b)(v); Arab Charter, Article 16(7).

1252 HRC, General Comment 32 (previously cited), para. 49; HRC, Views: *Mennen v. the Netherlands* (previously cited), para. 8.2; HRC, Views: *Lumley v. Jamaica* (previously cited), para. 7.5; HRC, Views: *Henry v. Jamaica* (previously cited), para. 8.4; and HRC, Views: *Little v. Jamaica* (previously cited), para. 8.5.

FAILURE TO ENSURE THE RIGHTS OF IS VICTIMS

The absence of investigation and prosecution of crimes under international law allegedly committed by IS members is undermining the rights of victims, who have a right to justice and accountability, including criminal accountability.¹²⁵³ While there have been 9,602 individuals allegedly connected to IS tried through the People's Defence Courts, the vast majority have been for broadly worded counterterrorism related offences, and all have been conducted with numerous fair trial rights violations. In the absence of a fair trial, justice will not be served, nor will facts be established and fair restitution provided.¹²⁵⁴ Moreover, there appear to be no efforts to investigate or prosecute crimes under international law that are less directly connected to IS's fighting against SDF and Syrian forces, such as the killings and enslavement of members of the Yezidi and other minority populations, and forced marriages including of Sunni Muslim, foreign national and other women and girls.

Victims of IS crimes under international law are also being arbitrarily detained in the detention camps and facilities along with other perceived and actual IS members. Victims include thousands of foreign national and local Sunni Muslim women and children subjected to forced marriages or child recruitment. Duty bearers, including the autonomous authorities, and states whose citizens or permanent nationals are affected, have also failed to adequately identify trafficking victims and ensure their rights.

OTHER VIOLATIONS RELATED TO CHILDREN

Children affected by armed conflict are entitled to special respect and protection.¹²⁵⁵ International human rights law calls for children recruited and used by armed groups to be treated as victims first and foremost, and for detention to be used as a measure of last resort, for the shortest possible time.¹²⁵⁶ Every child deprived of their liberty has the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of their liberty.¹²⁵⁷ Criminal responsibility is individual, must be proven, and cannot be based on family ties.¹²⁵⁸

1253 See ICCPR, Article 2(3), and other specialized conventions such as CAT, Article 14, and CPAED, Article 24. See also CEDAW Committee, General Recommendation 33 on Women's Access to Justice, 3 August 2015, UN Doc. CEDAW/C/GC/33; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted 15 December 2005 by General Assembly resolution 60/147.

1254 Amnesty International has long documented the misuse of terrorism-related offences that circumvent fair trial standards. See, for example, Amnesty International, *Dangerously Disproportionate: The Ever Expanding National-Security State in Europe* (Index: EUR 01/5342/2017), 17 November 2017, and Amnesty International, *Permanent State of Exception: Abuses by the Supreme State Security Prosecution* (Index: MDW 12/1399/2019), 27 November 2019.

1255 ICRC, Customary International Humanitarian Law, Rule 135.

1256 CRC, Article 37(b); United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules"), Rule 13.1; Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("Paris Principles"), February 2007, <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>, para. 3.6.

1257 CRC, Article 37(d). See also ICCPR, Article 9; ICRC, Customary International Humanitarian Law, Rule 99.

1258 ICRC, Customary International Humanitarian Law, Rule 102.

The autonomous authorities have not charged or provided an opportunity to contest their detention to children held in the camps, to foreign national children in detention facilities, or to the over 300 Syrian children in Panorama – failing to treat them primarily as victims and depriving them of their liberty in violation of international law.¹²⁵⁹

As stated in the section above on torture or other ill-treatment, the dire conditions for children in the detention camps and the immense psychological toll suffered by foreign children held indefinitely in detention facilities, separate from their families, amount to cruel treatment, a war crime. The anguish of ongoing exposure to tuberculosis in Panorama, without adequate efforts to separate those infected or to allow boys and men originally detained as boys to leave, likely also amounts to the war crime of cruel treatment. Children in the camps and detention facilities are also being deprived of their economic and social rights, including the rights to health and to education.¹²⁶⁰

As described in Chapter 5, the autonomous authorities have removed some adolescent foreign national boys from the camps, transferring them to youth “rehabilitation” facilities where they cannot leave unless their countries of origin choose to repatriate them.

Despite legitimate concerns about the safety of some boys in the camps, under Article 9 of the Convention on the Rights of the Child, children should only be separated from their parents when competent authorities, subject to judicial review, determine that doing so is in the best interests of the child.¹²⁶¹ The current process for the separation lacks transparency and does not provide parents, guardians and children avenues to challenge the removals, violating international standards.

Finally, the few Syrian boys who have faced trial in the People’s Defence Courts have been subjected to the same fair trials rights violations as men, as described above, including torture or other ill-treatment to coerce “confessions” for trial. International human rights law recognizes that children differ from adults in their physical and psychological development and are entitled to additional child justice protections.¹²⁶² Under international human rights law, authorities should consider alternatives to formal judicial proceedings and priority should be given to rehabilitation in a non-custodial setting.¹²⁶³ Children should not be prosecuted merely for their association with an armed group.¹²⁶⁴ Under its 2022 Children’s Rights Law, the DAANES commits to the rights of children, “as outlined in the Convention on the Rights of the Child (CRC) and other relevant international agreements”.¹²⁶⁵

1259 ICCPR, Articles 9 and 10; CRC, Articles 37 and 40, Paris Principles, para. 3.6.

1260 CRC, Articles 28 and 24.

1261 CRC, Article 9.

1262 ICCPR, Article 24(1); CRC Preamble and Article 3(2); Arab Charter, Article 17.

1263 CRC, Articles 40(3)(b), 40(4); Paris Principles, para. 3.7; Beijing Rules, Rule 11.

1264 Paris Principles, para. 8.7.

1265 DAANES, Child Law in the Autonomous Administration of North and East Syria (previously cited), Article 3.

For children, as described in section 8.8, the prosecutorial authorities in north-east Syria appear to have primarily pursued cases of violent crimes, but Amnesty International also documented cases where children were charged with lesser offences.

In addition, the Committee on the Rights of the Child, which interprets and monitors the implementation of the CRC, states that children below the age of 14 should not be held responsible in criminal law proceedings or subject to child justice procedures, due to their immaturity.¹²⁶⁶ However, in violation of this standard, decree No. 8 of 2017 for the Al-Jazira Region establishes the minimum age of criminal responsibility at age 10.¹²⁶⁷

While the capping of the maximum prison sentence at seven years and the decision to primarily pursue violent crimes may go some way to recognizing that children are primarily victims rather than perpetrators, it is not in itself sufficient to ensure the rights of children trafficked to IS.¹²⁶⁸ As outlined in Chapter 7, under international human rights and anti-trafficking laws, victims of trafficking should be protected from the revictimization of being detained, charged, or prosecuted for activities they were compelled to do as a “direct result” of being trafficked.¹²⁶⁹

GENDER INJUSTICE AND OTHER VIOLATIONS RELATED TO WOMEN

Women and girls have faced a range of international human rights and humanitarian law violations including arbitrary detention, torture or other ill-treatment, and possible enforced disappearances. In addition, women and girls are also facing a number of unique and additional gender-specific violations.

Syrian and Iraqi women and girls are subjected to further human rights violations in their trials. The prevalence of torture and the heavy reliance by the courts on torture-induced confessions has left women at risk of being convicted of IS crimes because of the actions of male family members. Moreover, the denial of adequate opportunities for the accused to defend themselves, including the denial of legal representation in the People’s Defence Courts, has meant that gendered forms of duress women may have been subjected to by husbands or other male family members are not being heard by the court. Criminalizing “failure to inform” is also likely to disproportionately affect women, who are at risk of being killed or otherwise harmed if they inform on others in Al-Hol camp, and whose right to a family life may

1266 CRC, General Comment No. 24 (previously cited), para. 22.

1267 Joint Governance of the Al-Jazira region, Delinquent Juvenile Law (previously cited), Article 2, on file with Amnesty International.

1268 See Chapter 7: “Trafficking Victims Ignored” for further information on how children who were recruited and used by IS qualify as victims of trafficking.

1269 Special Rapporteur on Trafficking, *Report on the Implementation of the Non-Punishment Principle* (previously cited), para. 18. In addition, international law and guidelines call for the treatment of children who are accused of crimes during their association with an armed group primarily as victims (Paris Principles para. 3.6), and for their detention to take place as a measure of last resort, for the shortest period of time, and in line with international child justice standards which aim to promote children’s recovery and reintegration (CRC, Articles 37(b), 40(1)). During release from an armed group, children should be handed over to an independent civilian process, and the majority of children should be returned to their family and community, or a family and community environment, as soon as possible (Paris Principles, paras 7.21, 7.45). Wherever appropriate and desirable, the CRC calls for “measures for dealing with such children without resorting to judicial proceedings” and for states to make available alternatives to institutional care. CRC, Articles 40(3)(b), 40(4).

be violated where the “duty to inform” involves informing on their spouses.¹²⁷⁰ Human rights law requires duty-bearers to abolish discriminatory criminalization and review and monitor all criminal procedures to ensure that they do not directly or indirectly discriminate against women.¹²⁷¹ Human rights law also requires prosecutors and judicial officials to apply a “gendered lens” in judicial processes.¹²⁷²

As discussed in section 4.3, among other forms of torture, Amnesty International documented eight cases of gender-based violence against women by the security forces, mostly during interrogations, each of which is a violation of the autonomous authorities’ obligations to ensure the respect of the prohibition on torture or other ill-treatment under international humanitarian law and international human rights law, and the human rights law prohibition on gender-based violence.

Within the detention camps, the autonomous authorities have also failed to act with due diligence to adequately protect those at risk of gender-based violence by members of IS and by community and family members. This is a violation of their obligations to address torture and all forms of ill-treatment, and to prevent and address gender-based violence. Under human rights law, the autonomous authorities are required to take comprehensive measures to prevent and address gender-based violence, including by addressing root causes, establishing systems to protect those at risk, prosecuting perpetrators in a manner that centres the rights and priorities of survivors, and ensuring reparation.

In addition, the numerous ways women in the detention system are at risk of being separated from their children and other family members, in violation of international law, also amount to torture or other ill-treatment. Women in the camps face severe suffering and anguish when their sons are taken from them as part of the policy of transferring foreign national boys into “rehabilitation” centres when they reach adolescence;¹²⁷³ when they are forced to leave their children without a guardian or other adult supervision as they themselves are transferred to detention facilities; or where they have received little communication or incorrect information about their loved ones in detention, many of whom have been detained since 2019 or before.¹²⁷⁴ Some of these actions and omissions likely constitute the war crime of cruel treatment.

Women with older sons who have not yet been removed from the camp into “rehabilitation” centres also face cruel, inhuman and degrading treatment, living with the anxiety and psychological harm that their sons may be taken away at any moment, or when they grow older, indefinitely and with limited contact.¹²⁷⁵

1270 The doctrine of spousal immunity has been recognized by courts internationally, including the European Court of Human Rights, as having its foundation in the right to a private and family life, a right echoed in Article 23 of the ICCPR.

1271 CEDAW Committee, General Recommendation 33 (previously cited), para. 51(I).

1272 See, for example, CEDAW Committee, General Recommendation 30 (previously cited), para. 15(c), which requires duty bearers to “Ensure that justice system professionals handle cases in a gender-sensitive manner” and Interim Report of Special Rapporteur on Independence of Judges and Lawyers, 10 August 2011, UN Doc. A/66/289, para. 102, which set out the need for gender sensitivity in sentencing.

1273 Special Rapporteur on Counterterrorism, *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement*, 21 July 2023 (previously cited), para. 11.

1274 See, for example, the UN Working Group on Enforced or Involuntary Disappearance, General Comment 10, on the Right to Truth in Relation to Enforced Disappearances, 26 January 2011, UN Doc. A/HRC/16/48, para. 4.

1275 The former Special Rapporteur on Counterterrorism, in her *Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement* (previously cited), notes, for example, “The profound and intentional psychological harm to mothers and children from the threat of separation meets the threshold of torture, inhuman and degrading treatment under international law”, para. 10.

10.2 VIOLATIONS BY THE US AND OTHER COALITION MEMBERS

INTERNATIONAL LAW APPLICABLE TO MEMBERS OF THE COALITION

DUTY TO ENSURE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

As noted above, member states of the US-led coalition engaged in military activity in north-east Syria are bound by international humanitarian law. International humanitarian law regulates how states may provide support or assistance to the autonomous authorities. Under Common Article 1 of the Geneva Conventions, which is also a norm of customary international humanitarian law, states are bound to “ensure respect” for the provisions of international humanitarian law “in all circumstances”.¹²⁷⁶ This provision contains both negative and positive aspects, in terms of requiring states to abstain from certain conduct, and requiring them to proactively undertake certain actions.¹²⁷⁷

In terms of negative obligations, the obligation to “ensure respect” requires that states neither encourage nor aid or assist in violations of international humanitarian law.¹²⁷⁸ For instance, a state must “refrain from transferring weapons if there is an expectation, based on facts or knowledge of past patterns, that such weapons would be used to violate the Conventions”.¹²⁷⁹ In the context of the present report, the obligation to “ensure respect” under Common Article 1 prohibits states from providing such financial and material support to the autonomous authorities for the detention facilities and the detention camps if and when they have knowledge that such support would aid or assist in violations of international humanitarian law.¹²⁸⁰

In terms of positive obligations, Common Article 1 requires states, who are not necessarily party to a conflict, to ensure that international humanitarian law is not violated by a party to a conflict.¹²⁸¹ In this respect, the International Committee of the Red Cross (ICRC) affirmed that states “must exert their influence, to the degree possible, to stop violations of international humanitarian law”.¹²⁸² Specifically, they “must take proactive steps to bring violations of the Conventions to an end and to bring an erring Party to a conflict back to an attitude of respect for the Conventions, in particular by using their influence on that Party”.¹²⁸³

¹²⁷⁶ Common Article 1 of the Geneva Conventions; ICRC, Customary International Humanitarian Law, Rule 144.

¹²⁷⁷ ICRC 2020 Commentary on Common Article 1 of the Third Geneva Convention (ICRC, 2020 commentary to CA1), paras 186.

¹²⁷⁸ ICJ, *Military and paramilitary activities in and against Nicaragua case*, Judgment of 27 June 1986, para. 220; ICRC 2020 commentary to CA1, para. 191.

¹²⁷⁹ ICRC 2020 commentary to CA1, para. 195.

¹²⁸⁰ Applying the standard of ICRC, 2020 commentary to CA1, para. 195. Similarly, under Article 16 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts by the International Law Commission (ILC), states may be held responsible for knowingly aiding or assisting in the commission of violations of international law. The Draft Articles include as examples situations where a state provides an essential facility or finances the activity in question. ILC, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Article 16, p. 66, para. 1.

¹²⁸¹ ICJ, *Legal consequences of the construction of a wall in the Occupied Palestinian Territory*, Reports of judgement, advisory opinion and orders (previously cited), para. 158.

¹²⁸² ICRC, Customary International Humanitarian Law, Rule 144.

¹²⁸³ ICRC, 2020 commentary to CA1, para. 197.

Common Article 1 requires a state to prevent international humanitarian law violations by a party to a conflict, whenever it is in a position to do so. According to the ICRC, Common Article 1 prescribes “an obligation to prevent violations when there is a foreseeable risk that they will be committed and to prevent further violations in case they have already occurred”.¹²⁸⁴ The ICRC explained that this is a due diligence obligation, meaning that “its content depends on the specific circumstances, including the gravity of the breach, the means reasonably available to the State, and the degree of influence it exercises over those responsible for the breach”.¹²⁸⁵ This is an obligation of means, and not of result, according to which a state is required to endeavour to the best of its abilities, based on the concrete circumstances, to prevent a violation from occurring, and it cannot be held “responsible for a possible failure of their efforts as long as they have done everything reasonably in their power to bring the violations to an end”.¹²⁸⁶

One of the standards to assess due diligence with regard to the positive obligations under Common Article 1 is whether a state has the capacity to effectively influence the action of a party to a conflict, and whether it has used all the available means at its disposal to exert such influence.¹²⁸⁷ According to the ICRC, the duty to act with due diligence to “ensure respect” for international humanitarian law is particularly strong in the case of a partner in a joint operation: “[Where a state] participates in the financing, equipping, arming or training of the armed forces of a Party to a conflict, or even plans, carries out and debriefs operations jointly with such forces, it is in a unique position to influence the behaviour of those forces, and thus to ensure respect for the Conventions.”¹²⁸⁸ The ICRC has also noted that the duty of a partner in a joint operation “is closely related to the negative duty neither to encourage nor to aid or assist in violations of the Conventions”.¹²⁸⁹

VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND THE PRINCIPLE OF NON-REFOULEMENT

As noted above, member states of the US-led coalition are also bound by international human rights law where they exercise “effective control” over individuals or territory.¹²⁹⁰ This includes where member states of the US-led coalition arrest or detain individuals during operations and hold them in their custody.¹²⁹¹ Accordingly, once a state in the US-led coalition has custody of an individual for any purpose, it is obligated to respect and protect that individual’s right to life, freedom from torture or other ill-treatment, and other serious human rights under international human rights law relevant to their situation.¹²⁹²

¹²⁸⁴ ICRC, 2020 commentary to CA1, para. 197.

¹²⁸⁵ ICRC, 2020 commentary to CA1, para. 198.

¹²⁸⁶ ICRC, 2020 commentary to CA1, para. 198.

¹²⁸⁷ ICRC, 2020 commentary to CA1, paras 198-199. In its interpretation of Common Article 1, the ICRC reinforced its interpretation by referring to the reasoning of the ICJ in the *Bosnia v. Serbia* case. See ICJ, *Case concerning application of the convention on the prevention and punishment of the crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment of 26 February 2007, paras 430-431.

¹²⁸⁸ ICRC, 2020 commentary on CA1, para. 200.

¹²⁸⁹ ICRC, 2020 commentary on CA1, para. 200.

¹²⁹⁰ See also HRC, Concluding Observations USA 2023, 3 November 2023, CCPR/C/USA/CO/5, para. 5: “[T]he Committee recalls and underscores that the Covenant applies with regard to all conduct by the State party’s authorities or agents adversely affecting the enjoyment of the rights enshrined in the Covenant by persons under its jurisdiction, regardless of the location”.

¹²⁹¹ See, for example, HRC, General Comment 35, para. 63; Committee Against Torture, General Comment 2, para. 16.

¹²⁹² See, for example, HRC, General Comment 36, para. 63; HRC General Comment 31, para 10.

In light of their human rights law obligations applicable in these circumstances, states are prohibited from transferring an individual under their effective control to the autonomous authorities in north-east Syria or to another state where there are substantial reasons to believe they would face torture or other ill-treatment, violations of their right to life, enforced disappearance, arbitrary detention or other serious violations. Prohibited transfers would violate the international law principle of non-refoulement, which is grounded in each state's obligation to respect and protect the human rights of those within its custody.¹²⁹³

For the purpose of a state determining whether there are substantial reasons to believe that an individual would face serious human rights violations if they were transferred, states are required to take into account all relevant considerations, including, where applicable, the existence of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.¹²⁹⁴

Any state that transfers an individual in violation of the non-refoulement principle should still continue monitoring the fate of anyone transferred and must provide an effective remedy and adequate reparation to the affected individual(s).¹²⁹⁵

VIOLATIONS BY THE US GOVERNMENT

While the US-led coalition is made up of 29 troop-contributing states,¹²⁹⁶ the US government is by far its most powerful member. Since the US Department of Defense established the US-led coalition in 2014, the US government has led the decision-making, strategy, planning, resourcing and implementation of its mission. An expert on Syria told Amnesty International that the forces of only three states are present in north-east Syria – the US, the UK, and France – of which at least 90% are US forces.¹²⁹⁷ The current and all previous commanders of the US-led coalition are US nationals and, between 2015 and March 2024, about 70% of the other leadership has also been US nationals.¹²⁹⁸

¹²⁹³ See, for example, Convention Against Torture, Article 3; Committee Against Torture, General Comment 4, *On the implementation of Article 3 of the Convention in the context of Article 22*, 4 September 2018, UN Doc. CAT/C/GC/4, para. 10; HRC, General Comment 20, *Prohibition of torture and cruel treatment or punishment*, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, para. 12, and General Comment No. 31, *Nature of the general legal obligation imposed on states parties to the Covenant*, 28 July 1994, UN Doc. HRI/GEN/1/ Rev.1, p. 31, para. 12; International Convention For the Protection of All People from Enforced Disappearances, Article 16(1). The ICRC has also stated that Common Article 3 is largely considered as incorporating the principle of non-refoulement. See ICRC, 2020 Commentary on Common Article 3, para 744.

¹²⁹⁴ See, for example, International Convention For the Protection of All People from Enforced Disappearances, Article 16(2); Committee Against Torture, General Comment 4, para. 29.

¹²⁹⁵ See, for example, Concluding Observations on the Human Rights Committee, USA, 18 December 2006, UN Doc. CCPR/C/USA/CO/3/Rev.1 para. 16, which required the US to investigate unlawful transfers carried out in the past in violation of the non-refoulement principle, provide a remedy to victims, and “adopt... effective mechanisms to monitor scrupulously and vigorously the fate of the affected individuals”; UN Basic Principles and Guidelines on Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law, and Serious Violations of International Humanitarian Law (previously cited), Articles 11(6) and 19, setting out victims’ right to restitution as a form of reparation.

¹²⁹⁶ Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October – December 2023, https://media.defense.gov/2024/Feb/09/2003391885/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF, p. 8.

¹²⁹⁷ Interview by voice call with Syria analyst, 29 February 2024.

¹²⁹⁸ According to open source research conducted by Amnesty International in February and March 2024, 36 out of 46 current and former representatives of the coalition leadership are US nationals. This excludes spokespeople (who are all also US nationals). The remaining 10 current and former representatives of the coalition leadership are British. Among the websites Amnesty International reviewed, see, for example, Operation Inherent Resolve, “Leadership”, <https://www.inherentresolve.mil/About-Us/Biographies> (accessed on 7 April 2024); Jerusalem Post, “US appoints new commander for anti-ISIS mission in Kurdistan”, 27 August 2023, <https://www.jpost.com/middle-east/isis-threat/article-756358>; US Central Command, “Coalition welcomes new commander, continues mission”, 10 September 2021, <https://www.centcom.mil/MEDIA/NEWS-ARTICLES/News-Article-View/Article/2771191/coalition-welcomes-new-commander-continues-mission>

Due to the US government's leading role in the coalition, Amnesty International is focusing its analysis of possible violations committed by the US government.

As detailed below, under Common Article 1 of the Geneva Conventions, the US government is obligated to ensure respect for international humanitarian law by the autonomous authorities. The US has taken some steps to prevent violations against people held in detention facilities and camps, or to reduce the severity and scale of such violations. However, when set against the scale and the gravity of the violations described in this report and the strength of influence and means of the US government in north-east Syria, such steps have not been sufficient.

The US government is also obligated to respect and protect the international human rights of those within its effective control, including the rights to life as well as freedom from torture or other ill-treatment and other serious human rights violations. It must itself ensure that these rights are respected and protected and, under the international law principle of non-refoulement, cannot transfer individuals to others when there are substantial reasons to believe that they would face serious violations of their rights. Amnesty International found that the US likely breached the principle of non-refoulement, and violated the rights to life, freedom from torture or other ill-treatment, as well as other serious international human rights, of those within its effective control, when it transferred people it was interrogating at coalition bases to the SDF and affiliated security forces. It likely also violated these rights, as well as the principle of non-refoulement, when it assisted the return of Iraqi and Saudi male detainees to their home countries. Once it has effective control over these individuals, whether during interrogations or other operations, it has the obligation to protect their life and ensure that they are not subjected to torture or other ill-treatment, and other serious human rights violations.

DUTY TO ENSURE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

The US government has likely failed to comply with its obligation to “ensure respect” for international humanitarian law by providing assistance to violations committed by the SDF and affiliated forces, and by failing to take adequate steps within its powers to exert influence to stop ongoing violations and prevent future ones.

US forces likely breached the negative obligations of the duty to “ensure respect” where they participated in joint operations, or provided intelligence to the SDF and affiliated forces, that led to the detention of people for perceived IS affiliation. In these situations, the US would have been aware, based on knowledge of past patterns, that people with perceived IS affiliation in security force detention facilities are subjected to enforced disappearance and, in some cases, arbitrary detention. It is likely they were also aware of other violations documented in this report, particularly in more recent years (see text box below for more details).

The US may have likewise breached this negative obligation in their financial and material support to the detention facilities and camps. While the intended purpose of the support may have been to improve prison conditions and mitigate violations, some of this support also helped establish and expand the

system of detention in north-east Syria, which has been marked by, and which the US would have known has been marked by, widespread arbitrary detention, among other violations.

The US government may have failed to meet its positive obligations to “ensure respect” for international humanitarian law, with respect to the detention system, by not using the full extent of its influence and means to bring the autonomous authorities into compliance. The US has taken some actions to prevent violations against people held in detention facilities and detention camps, or to reduce the severity and scale of such violations. For example, as set out in Chapter 2, the US has provided assistance and technical support to the SDF and affiliated security forces to improve conditions in the detention facilities and camps, and has provided trainings to guards and forces securing the detention facilities and camps. The US has also been working at the diplomatic and operational level to promote repatriations of some foreign nationals, in some cases leading to an end to their indefinite arbitrary detention.¹²⁹⁹

However, from the information available to Amnesty International, the actions taken appear to be inadequate in comparison to the scale of the violations being perpetrated and the strength of influence and means the US exercises in this context. The US has a unique level of influence and means because of its role in supporting the SDF and affiliated security forces, including by carrying out joint operations, and in financing, equipping, arming and training them. The provision of a high level of material and financial support to these facilities also puts the US in a unique position to exert influence over what happens within them. The US does not appear to be engaging the full extent of this influence.

The US does not, for example, appear to have made sufficient efforts to ensure the SDF and affiliated forces address the incommunicado detention or enforced disappearance of people in their detention facilities. Although the US-led coalition has reported that it carried out some recent training on international humanitarian law and on the treatment of detainees,¹³⁰⁰ with the likely involvement of US forces, the scale and severity of torture or other ill-treatment in the detention facilities suggests the US likewise has not taken adequate action to encourage the autonomous authorities to investigate and prevent these violations. In addition, the US appears to have not done enough to use its influence to address the arbitrary nature of the detentions beyond diplomatic and operational measures to promote the repatriation of some foreign nationals. Indeed, as noted below, these measures are themselves not always compliant with international law. The US also does not appear to have adequately used its influence with the SDF to end the arbitrary detention of those people who cannot be lawfully repatriated to third countries and to support human rights-compliant solutions for this group of people.

The US government has stated that its obligation to respect and ensure respect under Common Article 1 is a general obligation to take the measures that it deems appropriate in order to fulfil its obligations under the Geneva Conventions. While the US has stated that Common Article 1 does not reflect an obligation to

¹²⁹⁹ See Chapter 2: “Role of the US Government and Coalition Partners” for more details.

¹³⁰⁰ Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, October - December 2023, https://media.defense.gov/2024/Feb/09/2003391885/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF, p. 36.

ensure implementation of the Conventions by other states or parties to a conflict, it has affirmed that, as a matter of policy, it often seeks to promote adherence to the laws of war by others.¹³⁰¹

INTERNATIONAL HUMAN RIGHTS LAW AND THE PRINCIPLE OF NON-REFOULEMENT

TRANSFERS WITHIN NORTH-EAST SYRIA

In addition to likely failing to “ensure respect” for international humanitarian law, the US government has also likely independently violated the international human rights of individuals, and the international law principle of non-refoulement where it detained people at its coalition bases for interrogation, and then transferred them to the SDF and affiliated security forces. The principle of non-refoulement is based on a state’s obligation to respect and protect the international human rights of those within its effective control.

Six people interviewed by Amnesty International said they were interrogated by coalition forces, who then transferred them to the SDF and affiliated security forces.¹³⁰² Two of these people said the forces who interrogated and then transferred them were US nationals, based on their accents.¹³⁰³ As mentioned above, US forces make up more than 90% of coalition troops on the ground and are thus likely to have taken part in most joint operations where people were handed over after interrogation. As mentioned above, a Syria expert told Amnesty International that US forces make up more than 90% of coalition troops on the ground and are thus likely to have taken part in most joint operations where people were handed over after interrogation. Individuals held by coalition forces would have been under those forces’ “effective control”.

Some of the people interviewed by Amnesty International who were transferred by the US-led coalition described being subjected afterwards to prolonged arbitrary detention, and some also to enforced disappearance.¹³⁰⁴ As described in section 4.4, two people were subjected to torture or other ill-treatment by the SDF and affiliated security forces immediately after their transfer. As set out in the textbox above, US forces have substantial grounds to believe that people with perceived IS affiliation would be subjected to at least some of these violations.

The US should monitor the human rights of those it has unlawfully transferred, and act within its power to provide these individuals with a remedy and reparations. All of the individuals who told Amnesty International that they were transferred by coalition forces to the SDF and affiliated forces said they were

1301 US Department of Defence, *Law of War Manual*, June 2015 (Updated 2023), para. 18.1.2.1. A footnote to this paragraph also adds the following: “Brian Egan, Legal Adviser, Department of State [has said that]... as a matter of policy, we always seek to promote adherence to the law of armed conflict generally and encourage other States to do the same. As a matter of international law, we would look to the law of State responsibility and our partners’ compliance with the law of armed conflict in assessing the lawfulness of our assistance to, and joint operations with, those military partners.”

1302 Interviews, 2023.

1303 Interview, 2023.

1304 Interviews, 2023.

never subsequently visited by coalition forces while in security force detention, indicating the US-led coalition has not monitored their human rights, even after potential unlawful transfers.

TRANSFERS TO THIRD STATES

The US-led coalition has also been directly involved in the transfers of detainees to third states, including by encouraging third states to negotiate with the autonomous authorities and by being a party to transfer agreements between the autonomous authorities and third states, according to the SDF. In the case of Iraq, SDF officials said that the US-led coalition was a party to a January 2022 deal, according to which, each month, 50 Iraqi men are transferred from detention facilities in north-east Syria to Iraq.¹³⁰⁵

The SDF officials also said that, following the transfer agreement, the US-led coalition has checked the names of potential transferees, and has carried out a joint interrogation of the transferees, with the SDF. According to the SDF, the US-led coalition is then involved in escorting the men to the Iraqi border. While it is unclear whether US forces have specifically exercised effective control over these individuals, triggering the application of their non-refoulement obligation, the high level of US engagement in repatriation efforts as well as their disproportionate troop size in north-east Syria suggests they were likely involved in at least some of these transfers.

In its written response to Amnesty International, the US government said “repatriations of Iraqis are conducted based on arrangements made between the SDF and Government of Iraq”.¹³⁰⁶ However, in their written response, the autonomous authorities said “the transfer is conducted in collaboration with the international coalition... who, in turn, oversee the implementation of the provisions and treatment”.¹³⁰⁷ The Iraqi government, in its written response, likewise stated that the “coordination” between the autonomous authorities and the Iraqi government was “facilitated by the US-led coalition”.¹³⁰⁸

As detailed in Chapter 9, the US had substantial grounds to believe that Iraqis with perceived IS affiliation would be subjected to violations of international human rights law in Iraq, including torture or other ill-treatment and arbitrary deprivation of life. The US government therefore likely violated its non-refoulement obligations in each such transfer of Iraqi men from north-east Syria to Iraq in which the US has been involved.

As set out in Chapter 9, the US government said they “facilitated” the transfer of a group of 18 Saudi men from north-east Syria to Saudi Arabia around May 2023. The US likely transferred these 18 men by air, transiting through Kuwait, during which time the US exercised effective control over these individuals, triggering their non-refoulement obligation. Amnesty International’s prior research shows that terrorism-related trials in Saudi Arabia are grossly unfair, and the death penalty is routinely handed down following

1305 For more details, see Chapter 9: “Transfers from North-East Syria to Torture and Death”.

1306 Written response from the US government, 1 April 2024. See Annex 2 for more details.

1307 Written response from the autonomous authorities, 23 March 2024. See Annex 1 for more details.

1308 Written response from the Iraqi government, 4 April 2024. See Annex 4 for more details.

confessions extracted through torture or other ill-treatment. These transfers therefore likely violate the US government's obligation to respect the principle of non-refoulement.

US DOMESTIC LAW

The US government's actions in north-east Syria may amount to violations of US domestic law, which has codified many of the human rights protections and international humanitarian law obligations enshrined in international law. The US Congress should use its oversight tools to investigate these possible violations. As set out in Chapter 2, initially, US funding to defeat IS in north-east Syria was primarily governed by the Syria Train and Equip Fund (STEF), authorized by the US Congress in section 1209 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015.¹³⁰⁹ In 2017, STEF was folded into the Counter-ISIS Train and Equip Fund (CTEF), which was first authorized by Congress in section 1236 of the FY2015 NDAA.¹³¹⁰ Both the 1209 and 1236 authorities are still open and received funding from Congress through subsequent NDAA's, through 2024.¹³¹¹ The most relevant requirements of these authorities include STEF's stipulation that "elements, groups and individuals" receiving US funding commit to promoting "respect for human rights and the rule of law".¹³¹² All recipients of 1209 funding were subjected to a "Leahy-like" process to vet and block individuals and groups credibly suspected of having committed a gross violation of human rights.¹³¹³

In FY2020, section 1209 was amended to require that support given to vetted Syrian groups and individuals to detain and repatriate "foreign terrorist fighters" must be in accordance with: "(A) the law of armed conflict; (B) internationally recognized human rights; (C) the principle of non-refoulement; and (D) the Convention Against Torture".¹³¹⁴ An analyst told Amnesty International that the addition of such language indicated that Congress was attempting to gain greater oversight, possibly due to concerns around the commission of human rights violations.¹³¹⁵

In FY2022, Congress amended section 1209 to allow the President to waive restrictions on the use of funds for construction and repair projects in north-east Syria, so that such projects could exceed US\$20 million in the aggregate. This waiver rested on the President's certification that the projects complied with the laws listed in the FY2020 amendment of section 1209.¹³¹⁶

1309 National Defense Authorization Act for Fiscal Year 2015, <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=251>, section 1209.

1310 National Defense Authorization Act for Fiscal Year 2015 (previously cited), section 1236.

1311 National Defense Authorization Act for Fiscal Year 2015 as amended through P.L. 117-339, 5 January 2023, <https://www.govinfo.gov/bulkdata/COMPS/COMPS-11977.xml>

1312 National Defense Authorization Act for Fiscal Year 2015 (previously cited), section 1209(e)(1)(b).

1313 For more information on the Leahy Law and this "Leahy-like" process, see section 2.1: "US Government Funding".

1314 National Defense Authorization Act for Fiscal Year 2020, 20 December 2019, <https://www.govinfo.gov/content/pkg/PLAW-116publ92/pdf/PLAW-116publ92.pdf#page=440>, section 1222(a)(4).

1315 This conclusion was based on general knowledge of the NDAA process and congressional oversight rather than specific knowledge of the circumstances around this provision. Interview by video call with John Chappell, CIVIC Advocacy and Legal Fellow, 2 October 2023.

1316 National Defense Authorization Act for Fiscal Year 2022, 27 December 2021, <https://www.congress.gov/bills/117/congress/senate/bills/1605/text>, section 1223(d)(2).

In 2023, the Department of Defense said it would provide US\$71.4 million for stipends for vetted Syrian groups and individuals, which would primarily be made up of “new detention facility guard forces”. This funding was contingent on, among other things, the forces’ “compliance with the Law of Armed Conflict and respect for human rights”.¹³¹⁷

In its written response to Amnesty International, the US State Department said it works with groups and individuals in the SDF who are “appropriately vetted, including for their commitment to promoting respect for human rights...”.¹³¹⁸ However, the SDF and affiliated security forces have subjected the people in their custody to multiple violations of international humanitarian and human rights law. This demonstrates that the SDF’s detention of “foreign terrorist fighters” has not been carried out in accordance with the laws set out in the FY2020 amendment of section 1209. These violations may also invalidate the waiver given for projects in north-east Syria as well as the stipends provided for detention guard forces in north-east Syria.

VIOLATIONS BY OTHER COALITION PARTNERS

Coalition partners of the US may have also failed to comply with their negative obligations under Common Article 1 of the Geneva Conventions, and the related customary obligation to “ensure respect” for international humanitarian law.

Like the US, particularly in more recent years, other coalition members would likely have known, based on their on-the-ground operations,¹³¹⁹ regular reporting by the coalition, and knowledge of past patterns, that many individuals held in these detention facilities would be subjected to arbitrary detention and enforced disappearance at the least, and possibly other violations documented in this report. (See text box above on the US and other coalition members’ knowledge of violations for more details.)

Other coalition partners of the US have likewise contributed funding toward the detention system for people with perceived links to IS. In 2020, the US Department of Defense stated that any foreign contributions would be prioritized for “construction” of SDF detention facilities.¹³²⁰ The UK has said that it has “provided technical advice and funding for the improvement of detention facilities holding Daesh fighters in North-East Syria”, but it refused to provide specific details on this funding due to “reasons

1317 Justification for FY 2023 Overseas Operations Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF), https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2023/FY2023_CTEF_J-Book.pdf, p. 24.

1318 Written response from the US government, 1 April 2024. See Annex 2 for more details.

1319 According to a Syria expert, in addition to US forces, special forces from the UK and France sometimes operate in north-east Syria. Interview by voice call with Syria analyst, 29 February 2024. It appears the UK has also visited at least two detention facilities run by the autonomous authorities: the SDF told Amnesty International that the UK had overseen and provided the architect for the construction of the new detention facilities in the Panorama complex and a staff member of Ghweran Central Prison, which is run by the DAANES, told Amnesty International that British forces regularly visited the prison. Interviews, 2023.

1320 Lead Inspector General, *Operation Inherent Resolve Quarterly Report to the US Congress*, January - March 2020, https://media.defense.gov/2020/May/13/2002298979/-1/-1/1/LIG_OIR_Q2_MAR2020_GOLD_508_0513.PDF, p. 59.

of operational security”.¹³²¹ Yet at least one of these contributions is clear: the outgoing commander of the US-led coalition stated that the UK has provided at least US\$20 million to expand Panorama / Al-Sina’a detention facility, the primary detention facility holding male foreign national fighters in north-east Syria.¹³²² In addition, a representative of the YPJ told Amnesty International that the UK government provided funding for “infrastructure, safety cameras, caravans and air conditioning units” at Al-Hasakah Women’s Prison.¹³²³

Given widespread knowledge of ongoing arbitrary detention and enforced disappearance in north-east Syria, such funding by the UK to establish and expand a more permanent system of detention may amount to violations of its negative obligations to ensure respect for international humanitarian law. The same would be true for any other coalition member who has provided similar funding.

In addition to the funding, forces from the UK and France may also have been involved in joint operations that led to the detention of people with perceived IS affiliation who were then subjected to international humanitarian law violations by the SDF in the detention system. Forces from these states also appear, at the very least, to have used the opportunity provided by these detentions to collect intelligence. For example, the YPJ told Amnesty International that French and UK forces were involved in working together “on collaboration cases” at Al-Hasakah Women’s Prison.¹³²⁴ As noted above, women detained in Al-Hasakah Women’s Prison are held without charge or trial, incommunicado, in situations that may amount to enforced disappearance. The forces should know, at the very least, that women detained in Al-Hasakah Women’s Prison may be held for months, or longer, without charge or trial. Such involvement may have encouraged or prolonged the detention of these women, possibly violating the states’ obligation to “ensure respect” of international humanitarian law.

Some coalition partners may also have violated the international law principle of non-refoulement by unlawfully transferring some people to the SDF and affiliated security forces or to third countries.¹³²⁵ For instance, France transferred at least 11 of its nationals to Iraq in 2019. Seven of these men were reportedly tortured to give forced confessions, on the basis of which they were sentenced to death.¹³²⁶ All coalition partners must ensure they never facilitate the transfer of their nationals or other individuals to states where they have substantial grounds to believe the transferees would be at risk of serious violations of international humanitarian law and international human rights law.

1321 UK government, “Response from the government of the United Kingdom of Great Britain and Northern Ireland” (previously cited).

1322 Paul Calvert, “CJTFOIR commander speaks on SDF and Global Coalition successes in defeating ISIS”, 1 August 2021, <https://www.youtube.com/watch?v=q97HwOu-2Ko>, minute 1:59.

1323 Interview in person with administration of Al-Hasakah Women’s Prison, 27 February 2023.

1324 Interview in person with administration of Al-Hasakah Women’s Prison, 27 February 2023.

1325 See Chapter 9: “Transfers From North-East Syria to Torture and Death” for more details.

1326 Interview by voice call with lawyers for the French detainees in Iraq, 21 July 2023; for more details see Lead Inspector General, *Quarterly Report*, April - June 2019 (previously cited), p. 24; New York Times, “France hands ISIS suspects to Iraq, which sentences them to hang”, 29 May 2019, <https://www.nytimes.com/2019/05/29/world/middleeast/france-iraq-isis-trials.html>

10.3 VIOLATIONS BY OTHER STATES WITH NATIONALS IN DETENTION

Failure to repatriate children, their caregivers, and potential victims of trafficking from north-east Syria is a violation of states' obligations under international law to their nationals and, in some cases, their permanent residents.

States have an obligation to act in the best interest of the child and to uphold a child's right to life, survival and development, and to ensure a child's right to be heard.¹³²⁷ It is in the best interest of children to be repatriated from north-east Syria because the dire conditions in the detention camps and facilities pose a threat to children's lives and development. Amnesty International considers that this obligation is triggered when a child is first detained by the autonomous authorities in the detention camps and facilities and continues to apply even after a child turns 18.¹³²⁸

In addition, children should only be separated from their parents when competent authorities, subject to judicial review, determine that doing so is in the best interests of the child.¹³²⁹ Given the challenges of conducting such an assessment from north-east Syria, states should repatriate children with their caregivers.

States also have an obligation to identify any of their nationals or permanent residents who are trafficking victims and, if they are identified, to repatriate them (see section 7.4).¹³³⁰ Due to the challenges of proving a person has been trafficked in north-east Syria, Amnesty International calls for the repatriation of *potential* victims of trafficking in north-east Syria. Where screening processes are implemented, these should be conducted in a survivor-sensitive and trauma-informed manner, by multi-disciplinary teams, including professionals from all relevant fields.¹³³¹

1327 CRC, Articles 3, 6, and 12.

1328 Amnesty International calls for states to repatriate all people who were detained as children by the autonomous authorities to ensure states that have been slow to repatriate their nationals include young adults in any planned repatriation efforts. In addition, the Working Group on Enforced or Involuntary Disappearances has stated that in situations of enforced disappearance, state obligations that arose when the child was under the age of 18 continue as long as those obligations are not complied with. Working Group on Enforced or Involuntary Disappearances, General comment on children and enforced disappearances (previously cited), para. 4. Many young adults detained as children and held in security force detention facilities likely meet the criteria for persons who have been forcibly disappeared (see Chapter 4: "Systematic Torture in Security Force Detention" for more information on enforced disappearance in the detention system in north-east Syria).

1329 CRC, Article 9.

1330 Article 8 of the Palermo Protocol, "Repatriation of victims of trafficking in persons", holds that "The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay." The Special Rapporteur on Trafficking in Persons has stated that the non-punishment principle applies extraterritorially to identified or presumed victims of trafficking. Consequently, "States are required to fulfil positive obligations to take protective operational measures to ensure non-punishment, including by ending detention or other restrictions on liberty or other forms of punishment such as denial of consular assistance and repatriation." Special Rapporteur on Trafficking in Persons, *Report on the implementation of the non-punishment principle*, para. 44. This text was also cited positively in the guidelines to CEDAW General Recommendation 38 (previously cited), endorsed by the CEDAW committee. <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/guidelines-cedaw-gr38.pdf>

1331 CEDAW General Recommendation 38 (previously cited).

11 CONCLUSION AND RECOMMENDATIONS

11.1 CONCLUSION

The autonomous authorities' detention of more than 56,000 people for perceived IS affiliation in north-east Syria is a human rights crisis. People in this detention system have been subjected to enforced disappearance and torture or other ill-treatment. Hundreds of people have died in custody as a result of torture or inhumane detention conditions. The vast majority of the people in this system are being detained indefinitely, without charge or trial, in violation of international human rights law and international humanitarian law.

Approximately 14,500 of the people in the detention system are adult women, and about 30,000 are children, many of whom are detained because of the actions of their male family members. Women face gender-based violence across the detention system, and women and their children are at risk of being forcibly separated from each other, including when foreign national boys are removed from the camp when they reach adolescence. Around 1,000 boys and young men detained as boys are held in detention facilities, with about 80% in facilities holding adults.

This system fails IS victims. Except for a limited number of Iraqi nationals, no foreign nationals in north-east Syria have been brought to trial for their crimes. The trials of Syrian nationals for vague terrorism-related charges in the People's Defence Courts have not delivered justice, truth or reparations. There have been no trials for crimes under international law, including acts of sexual enslavement and other gender-based crimes. Many of the women, children and young men in the detention system are victims of IS's crimes under international law or were victims of IS's systematic patterns of trafficking.

The international community has done little to address this human rights crisis and provide support and solutions that will ensure justice for IS victims, while also ensuring the human rights of people accused of IS affiliation. Instead, the burden has been left to the autonomous authorities – a non-state actor with

limited resources operating in a context of ongoing conflict. Many states have left their nationals, including children, as well as likely trafficking victims – some of whom are also children – to indefinite detention in north-east Syria.

The US-led coalition, and particularly the US government, is involved in most aspects of this system of detention. US-led coalition forces continue to carry out joint operations with the SDF and affiliated security forces, which result in the detention of people with perceived IS affiliation. The US has taken some actions to prevent violations against people held in the detention camps or facilities, or to reduce the severity and scale of such violations. However, Amnesty International's research shows that the action taken appears inadequate in comparison to the scale of the violations being perpetrated, and the level of means and influence the US holds in this context.

These violations must end. Most urgently, the autonomous authorities must stop subjecting people in their custody to torture or other ill-treatment and enforced disappearance and improve detention conditions that have led to mass death. To this end, they must immediately reaffirm and implement their commitment to provide full access to all places of detention, including all parts of the two detention camps, to human rights monitors and humanitarian actors with a protection mandate.

The US-led coalition must act urgently to uphold their obligations under Common Article 1 of the Geneva Conventions to ensure the autonomous authorities' respect of international humanitarian law. They must immediately discontinue joint operations with the SDF and affiliated forces that lead to the detention of people with perceived IS affiliation until the autonomous authorities have addressed the violations documented in this report. They must also better leverage their means and influence to stop detainees from being subjected to torture or other ill-treatment and other violations and to urgently address the inhumane conditions in which thousands of people are being held.

The autonomous authorities and US-led coalition, in coordination with the UN, must develop and implement a comprehensive strategy to bring the detention system in north-east Syria into compliance with international law.

The UN must drastically scale-up its response to the crisis in north-east Syria. As a first step, independent monitors should immediately and continually seek access to all places of detention in the region. This should include UN agencies, human rights organizations and humanitarian organizations with specific protection mandates and expertise related to women and children.

More broadly, the UN Secretary-General must demonstrate and sustain leadership to find longer-term global solutions to this crisis. As a first step, his office should work with the SDF and US-led coalition to carry out a screening process to identify the individuals in the detention camps and facilities who should be immediately released, with a special focus on victims of IS crimes under international law and victims of trafficking.

The Secretary-General's office should also oversee a mapping process of the most serious crimes committed by IS, the needs and priorities of IS victims and survivors and the justice architecture that could be strengthened or newly created to try these crimes. This should build on the extensive work done in these areas by UN investigative and other mechanisms, and NGOs and survivor networks, among others. The mapping should bring key stakeholders together and identify solutions, championed by the UN Secretary-General, to finally hold perpetrators of IS's atrocity crimes to account.

11.2 RECOMMENDATIONS

TO THE AUTONOMOUS AUTHORITIES OF THE NORTH AND EAST SYRIA REGION

DETENTION FACILITIES AND CAMPS

- End enforced disappearance, arbitrary arrest and detention, and torture or other ill-treatment in detention facilities and address inhumane conditions that have led to mass death as well as severe pain and suffering. Make clear to all members of the Syrian Democratic Forces (SDF) and other security forces that such violations will entail accountability, including criminal investigation and prosecution;
- Carry out a prompt, thorough, independent and impartial investigation into all acts of torture or other ill-treatment, all other crimes under international law, and all other serious human rights violations. Ensure those responsible are removed from positions of authority within the detention system and, where sufficient evidence exists, prosecuted;
- Ensure, with international support as needed, that all individuals who have suffered violations of international humanitarian law or serious human rights violations and abuses are afforded an effective remedy and adequate reparations, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;
- Grant independent international monitors and mechanisms, including human rights organizations and humanitarian actors with a protection mandate, as well as officials and experts connected to the UN Security Council, the UN General Assembly, the UN Human Rights Council and other UN bodies, unhindered access to all persons deprived of their liberty, including in Al-Hol camp annex, and allow them to carry out confidential interviews and unannounced inspection visits to all detention facilities;
- Ensure the protection of all individuals from acts of intimidation, reprisals or retaliation as a result of engaging with independent international monitors and mechanisms;
- Establish or strengthen an office for detainee affairs, seeking international support as needed, which, among other responsibilities, should: 1) inform families of the fate, whereabouts and legal status of all persons in their custody and respond to all outstanding requests; and 2) inform families of the fate of those who have died in their custody and provide them with the opportunity to collect the remains of their relatives;
- Seek international support and expertise to consider additional measures to promote justice, truth and reparation for IS victims, in consultation with those affected. Facilitate the work of locally-led organisations working to promote reintegration of individuals returning from the detention facilities

and camps;

- Consider implementing a broad amnesty that would apply to all people accused or convicted of terrorism-related offences or other crimes prosecuted in the People's Defence Courts, following a thorough screening that finds insufficient evidence to reasonably suspect them of having committed crimes under international law or serious crimes under domestic law that is consistent with international human rights law;
- Release the small number of Iraqi men who have been prosecuted by the autonomous authorities and have already served their sentences in north-east Syria.

WOMEN

- Stop the current practice of transferring foreign national women and their children from the detention camps to detention facilities, in some cases for weeks or months, as part of the regular process of transfer between Al-Hol and Roj camps;
- Stop transferring foreign national women from the detention camps to detention facilities for alleged misconduct, including mobile phone possession, that does not amount to a recognisable criminal offence consistent with international human rights law or standards;
- Ensure that women who are transferred to detention facilities may bring their children with them, subject to an assessment which gives primary consideration to the best interests of the child;
- Ensure that, when a woman or other caregiver is arrested, they have adequate time and are supported to make arrangements for their children who they do not bring with them, that children left in the camps may be released to family members outside the camps, and that, while they are detained, women are kept informed and able to participate in all decisions related to the wellbeing of their children;
- Ensure that all women detained in the camps are able to attend all medical appointments with their children, including medical appointments outside the camp, unless it is not in the child's best interest for their parent or caregiver to attend;
- Ensure women in the detention camps and facilities are able to receive information about their family members in detention facilities, and are able to communicate with them on a regular basis;
- Work with humanitarian officials with expertise on addressing gender-based violence to put in place and implement a comprehensive plan to protect women, girls and others at risk of gender-based violence in the camps, and, where possible, fast-track the release of those at risk from the camp who have not committed crimes under international law or serious crimes under domestic law that are consistent with international human rights law. Ensure all credible complaints of gender-based violence in the detention camps are addressed, that survivors rights are upheld, and that perpetrators are held accountable in survivor-centred and human rights compliant processes.

CHILDREN

- Urgently release all children in detention facilities to their families, where possible, and when it is in their best interests. For children who do not have this immediate option, seek support from civilian child protection actors to establish appropriate facilities for alternative care or independent living in line with their rights and needs. Young adults detained as children should also be released. In addition:
 - If children or young adults detained as children among this group, or in future cases, are reasonably suspected of committing serious crimes while affiliated with IS, only consider pursuing prosecutions in exceptional cases, for crimes under international law or crimes of

violence under domestic law that are consistent with international human rights law, in line with due process, fair trial, and child justice standards, and in a child justice system. Never prosecute children for mere association with an armed group or force. Ensure that children associated with armed groups are treated primarily as victims of human rights violations and have their best interests as a primary consideration;

- When determining whether to pursue any such prosecution, consider the amount of time these individuals have already served and the fact that under the laws of the region, a maximum sentence for a crime committed under the age of 18 is seven years;
 - Ensure none of the people detained as children are prosecuted now or in the future in the People's Defence Courts; and
 - In the limited cases where prosecution is pursued, consider alternatives to judicial proceedings as well as community-based and noncustodial alternatives to detention, including mechanisms for restorative justice and reconciliation. If criminal accountability measures are imposed, sentencing options should support the child's rehabilitation and reintegration, and detention should only be used as a measure of last resort and for the shortest appropriate period of time.
- Screen and treat for tuberculosis people detained as children who are released from Panorama detention facility;
 - Provide full access to relevant child protection actors to the detention facilities where children are held, and allow them to engage regularly, freely, and in private with children to assess their needs and to find durable solutions;
 - Immediately halt any further removals of foreign national boys from the detention camps and their transfer to detention facilities, including youth "rehabilitation" centres. Seek support from child protection actors, including humanitarian organizations, to develop care and protection procedures and services for all children facing violence and exploitation within the family or at the hands of other people in the camp, to replace the current separations policy for foreign national boys in the camps.
 - Establish an independent review, with international support, to assess whether the separation and removal of boys and young men initially detained as boys from the camps was in their best interest. Release the boys and young men if the removal is found to have violated international standards, including to their families in the camps;
 - Document any transfer of children from Al-Hol and Roj detention camps to detention facilities, including youth "rehabilitation" centres, and provide information about the fate and whereabouts of the children to their family members;
 - Identify and document children and young adults detained as children who are currently held in detention facilities, including youth "rehabilitation" centres. Provide information to family members of the whereabouts of these children and young adults. Disclose the number and location of facilities holding children and young adults detained as children to relevant child protection actors;
 - Facilitate communication between children and their families, including through regular phone access in all security force detention facilities;
 - Separate from adults all boys or young men detained as boys who are currently held in adult detention facilities, unless they are members of the same family, or it is considered in the child's best interest not to do so;

- Stop the transfer of boys who turn 18 to adult detention facilities;
- Ensure, with international support and the support of child protection actors, that any children encountered by SDF and affiliated security forces during ongoing military operations can be and are transferred to the authority responsible for child justice, or another civilian authority trained in child-friendly procedures, as soon as possible to minimize the amount of time children remain in the custody of security forces;
- Increase the minimum age of criminal responsibility from 10 to at least age 14.

TO THE US GOVERNMENT AND OTHER MEMBER STATES OF THE US-LED COALITION

- Cease any further breaches of both the positive and negative obligations of Common Article 1 of the Geneva Conventions, and use the full extent of influence and means to stop ongoing violations of international humanitarian law by the autonomous authorities and to prevent future violations;
- Cease any serious violations of human rights including the rights to life and freedom from torture or other ill-treatment, as well as the principle of non-refoulement, and ensure effective remedy and adequate reparation to any affected individual who has previously been transferred in violation of the non-refoulement principle, and monitor the fate of anyone so transferred;
- Stop the transfer of men, women and children, following their arrest and interrogation on military bases controlled by the US-led coalition, to the custody of the SDF and other affiliated security forces, until the autonomous authorities demonstrate that these individuals are not at risk of being subjected to torture or other ill-treatment, arbitrary deprivation of life, or other serious human rights violations;
- Immediately end all forms of cooperation with the SDF and affiliated security forces when it is more likely than not such cooperation will be used to commit, facilitate the commission of, or aggravate risks of violations of international humanitarian law or international human rights law. In particular, discontinue joint operations with the SDF and affiliated forces that lead to the arrest and detention of people with perceived IS affiliation until the autonomous authorities have addressed the violations documented in this report. Establish clear and transparent criteria with benchmarks to assess whether the autonomous authorities have addressed violations, and provide public reporting of progress prior to reinitiating cooperation;
- Use the full extent of influence to pressure the autonomous authorities to stop subjecting people in their custody to torture or other ill-treatment, enforced disappearance, arbitrary detention, inhumane conditions that have led to mass death and other serious violations of international humanitarian law and international human rights law;
- Publicly raise concerns about the ongoing forced and arbitrary separation and removal of foreign adolescent boys from their families, specifically their mothers in the camps, absent any transparent legal procedure for the separations that complies with best practices and international standards. Support the establishment of an independent review to assess whether the separation and removal of boys and young men detained as boys from the camps was in their best interest. Halt any support for the youth “rehabilitation” centres until these processes are underway;
- Transfer any children detained in joint operations with the SDF and affiliated security forces to the authority responsible for child justice, or another civilian authority trained in child-friendly procedures, as soon as possible to minimize the amount of time children remain in the custody of security forces;
- Immediately establish an effective mechanism to monitor the fate of all Iraqi and Saudi detainees

who have been transferred from north-east Syria to their home countries, as well as any other nationals who have been transferred to states in which non-refoulement obligations may have been violated;

- In Iraq, coordinate with the UN Global Framework for United Nations Support on Syria / Iraq Third Country National Returnees to ensure that any male detainees who have been transferred from north-east Syria to Iraq are monitored;
- Urge the Iraqi authorities to evaluate the cases of all Iraqi men transferred from north-east Syria to Iraq, overturn any sentences the Iraqi courts may have issued on the basis of torture-tainted “confessions”, and ensure that all Iraqis who have been transferred from north-east Syria to Iraq have access to a fair trial and are not subjected to the death penalty;
- Fast-track and finalize the appointment of a senior-level coordinator to oversee the situation of people in the detention camps and facilities with perceived affiliation to IS in north-east Syria and to monitor the development and implementation of the strategy led by the UN Al-Hol Taskforce outlined below. Ensure that the terms of reference reflect a commitment to human rights as well as a gender and child rights lens;
- Publicly release any assessment of SDF detention facilities conducted by the US-led coalition, including the assessment carried out in 2022.

TO THE US STATE DEPARTMENT, INCLUDING THE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, AND THE YEZIDI WORKING GROUP; AND THE UN AL-HOL TASKFORCE:

- Continue and expand monitoring and reporting on the situation of trafficking victims in the detention camps and facilities in north-east Syria;
- Increase bilateral advocacy with states with nationals in detention camps and facilities in north-east Syria, highlighting their international obligations under international anti-trafficking and human rights law to identify and repatriate their nationals and permanent residents who are potential trafficking victims, as well as children and young adults who were brought to north-east Syria as children. Provide advice on how states may pro-actively identify potential trafficking victims among their nationals and permanent residents in north-east Syria;
- Ensure any screening mechanism, or justice process, established in north-east Syria incorporates global best practices in relation to combating trafficking and ensuring the rights of victims as survivors
- Provide training to the autonomous authorities, and/or to humanitarian organizations working in north-east Syria, on international standards in relation to addressing trafficking and ensuring the rights of victims and survivors.

TO THE AUTONOMOUS AUTHORITIES AS WELL AS THE US GOVERNMENT, UK GOVERNMENT, AND OTHER MEMBER STATES OF THE US-LED COALITION:

In coordination with relevant UN entities, develop and implement a comprehensive strategy to address the crimes under international law and other serious human rights violations committed against people with perceived affiliation to IS in detention facilities and detention camps in north-east Syria. This strategy should include, at a minimum, the following elements:

- Request and support the UN Secretary-General to establish a human rights compliant screening process (for further details, see the recommendations for the UN below);

- Ensure that all those still detained after the initial screening are registered as present within the specific camp or facility, have access to a lawyer, are provided access to medical care, are held in recognized places of detention and are allowed regular visits by their families;
- Establish an effective monitoring system for all detainees with perceived affiliation to IS who are in the custody of the autonomous authorities, including through unannounced, independent inspection visits to all places of detention in order to monitor violations of international human rights law and international humanitarian law and, where relevant, make referrals. For example, such referrals might be made by protection organizations working outside the camp, in cases where children have been left behind without adequate arrangements being made;
- Ensure all people held in the system of detention are able to communicate with and receive visits from family members, other loved ones, and lawyers;
- Stop the transfer of any individual to any other part of Syria or to another country, including their country of origin, where they would be at risk of serious human rights violations, including in violation of the principle of non-refoulement, based on an individualized assessment;
- Stop the transfer of Iraqi and Saudi men to their home countries until there is no longer reason to believe they are at risk of being subjected to torture or other ill-treatment, arbitrary deprivation of life, or other serious human rights violations. Simultaneously explore and support options for these individuals to be tried through the justice solutions identified by the UN mapping process described below;
- Develop a handover protocol with UNICEF to formalize and standardize systems and procedures for the handover of children encountered during ongoing military operations;
- In consultation with relevant UN entities and those affected, identify a human rights compliant solution for the release from arbitrary detention the residual population of Syrians who cannot return to their areas of origin in areas under the control of the government of Syria or of armed groups;
- In consultation with relevant UN entities and those affected, identify a human rights compliant solution to release from arbitrary detention the residual population of foreign nationals in the detention camps and facilities who cannot safely return to their countries of origin without the risk of being subjected to serious human rights violations. This should involve resettlement options in north-east Syria or third countries;
- In consultation with relevant UN entities and those affected, consider taking measures to allow victims of trafficking identified for release during the screening process to temporarily or permanently remain in areas of north-east Syria if they cannot return to their areas or country of origin or until such as a time as that may be possible, in line with the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Develop a standard operating procedure for identifying Yezidis and people from other minority communities who were abducted by IS and who are now in the detention system. Special attention should be paid to ensure that individuals are not identified and removed from the camps against their will and are not at risk of being separated from their children.

TO THE OFFICE OF THE UN SECRETARY-GENERAL

- Urgently lead international initiatives by UN agencies and other relevant actors to address the detention crisis in north-east Syria. Among other priorities, the UN Secretary-General should

reinvigorate and oversee the UN Al-Hol Taskforce, with the Office of the UN High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the UN Office of Counter-Terrorism (UNOCT), to identify solutions, lobby and advocate in order to:

- Recognize the system of detention in north-east Syria as a human rights crisis, including a child rights and gender justice crisis. Raise concerns publicly that north-east Syria has become the largest site for the detention of children globally, that large numbers of trafficking victims are detained, and that people in the system of detention have been subjected to torture or other ill-treatment and inhumane conditions;
- Carry out a human rights compliant screening process in the detention camps and facilities to:
 - 1) Identify which individuals detained without charge or trial should be investigated and prosecuted for crimes under international law or serious crimes under domestic law that are consistent with international human rights law, and tried in compliance with the right to a fair trial, without resorting to the death penalty; and
 - 2) Release all other people arbitrarily detained in detention camps and facilities. In this context, the release of at-risk groups should be prioritized, including children, older people, people who are gravely ill, people who have potentially been trafficked, and people at imminent risk of death or serious harm. States should be engaged to ensure they provide consular access and civil documentation to their nationals who have been released; and
- Support justice, truth and reparations for crimes under international law committed by IS and the prosecution of those responsible for IS atrocity crimes, by carrying out a mapping process that would:
 - 1) Include a needs assessment of victims of crimes committed by IS in Iraq and Syria to understand what justice and reparations solutions survivors want. This broader assessment should incorporate the research already carried out by survivors' groups, NGOs, and other actors;
 - 2) Review existing justice architecture in which perpetrators of crimes under international law, allegedly affiliated with IS, can be brought to justice in fair trials, through local or international mechanisms, and develop a judicial solution for the remaining individuals who cannot be tried fairly in existing courts; and
 - 3) Identify gaps and opportunities to strengthen the justice architecture and collaboration across jurisdictions and explore options for an international mechanism for prosecutions of crimes under international law committed in north-east Syria, in line with international standards. This could also include establishing processes to facilitate the sharing of evidence and other pertinent information for trials.
- In consultation with those affected, the autonomous authorities and the US-led coalition, identify a human rights compliant solution:
 - 1) For the residual population of Syrians who cannot return to their areas of origin in areas under the control of the government of Syria or of other armed groups; and
 - 2) To release from arbitrary detention the residual population of foreign nationals in the detention camps and facilities who cannot safely return to their countries of origin without the risk of being subjected to serious human rights violations. This

should involve resettlement options in north-east Syria or third countries. Special consideration should be given to enable Syrian or foreign national trafficking victims who wish to stay in north-east Syria to be able to do so, with support from specialized humanitarian agencies.

- Promote coordination and cooperation between different international mechanisms established for Syria and IS crimes, including the Commission of Inquiry for the Syrian Arab Republic (Commission of Inquiry for Syria); the International, Impartial and Independent Mechanism for the Syrian Arab Republic (IIIM); the Independent Institution for Missing Persons; and the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD);
- Ensure close engagement with the Special Envoy of the Secretary-General for Syria, the Special Representative for the Secretary-General on Sexual Violence in Conflict, the Special Representative for the Secretary-General on Children and Armed Conflict, the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, and the Special Rapporteur on Trafficking in Persons, Especially Women and Children, in carrying out these recommendations.

TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL:

- Request the UN Independent International Commission of Inquiry on the Syrian Arab Republic to build on their ongoing investigations into and reporting on the situation in the detention camps and facilities in north-east Syria, including unlawful killings, torture or other ill-treatment, the unlawful transfer of boys to detention facilities and other serious violations of international humanitarian law and international human rights law; and to focus on the human rights of trafficking victims in ongoing monitoring and reporting on north-east Syria;
- Request a report to the Human Rights Council from the Special Rapporteur on Trafficking in Persons, Especially Women and Children, on the rights of trafficking victims in the detention and justice system in north-east Syria.

TO OTHER UN ENTITIES, INCLUDING THE UN SECRETARIAT AND UN FUNDS, AGENCIES AND PROGRAMMES:

Entities with a human rights or protection mandate, including those with expertise related to children and women should:

- Request access to all places of detention holding people with perceived IS affiliation in north-east Syria and Iraq, to conduct confidential interviews on concerns regarding violations of international human rights law and international humanitarian law.

The Special Representative for the Secretary-General on Sexual Violence in Conflict should:

- Pay particular attention to the situation of people who may have been trafficked for the purpose of forced marriage, sexual slavery, or other forms of conflict-related sexual violence who are held in the detention camps and facilities in north-east Syria in her private and public advocacy;
- Address the ongoing need for justice for survivors of conflict-related sexual violence in relation to those detained without charge or trial in detention camps and facilities in north-east Syria in her public and private advocacy;
- With the Team of Experts on the Rule of Law and Sexual Violence in Conflict, provide technical expertise to support plans and initiatives by the US-led coalition and autonomous authorities and

other UN entities to ensure the rights of trafficking victims in the detention and justice system.

UNICEF should:

- Work with child protection actors, including humanitarian organizations and competent authorities, to develop care and protection procedures and services for all children facing violence and exploitation within the family or at the hands of other detention camp residents, with the aim of creating protective mechanisms as the first line of defence for children. The policies and practices developed should replace the current separations policy for foreign national boys from the camps, to ensure a focus on the protection of children, guided by the child's best interests;
- Request access to all places of detention where children are currently held and, subject to permission, to engage regularly, freely, and in private with all children. Work with competent authorities and humanitarian actors to establish individual files for children already in detention to inform safe and voluntary repatriation or durable solutions;
- Work with all child protection actors in developing pathways out of detention for all children based on individual assessments and exploring care and reintegration alternatives that respect the rights of children;
- Develop a handover protocol with the autonomous authorities and the US-led coalition to swiftly transfer children encountered in ongoing military operations to competent authorities for appropriate support services including, but not limited to, reintegration.

The Special Representative of the Secretary-General for Children and Armed Conflict should:

- Advocate with the autonomous authorities for the release of children with perceived IS affiliation detained in the camps and detention facilities;
- Advocate with countries with foreign national children in detention camps and facilities, as well as young adults who were children at the time of their detention, to repatriate them in accordance with their best interests;
- Consider recommending to the Secretary-General the listing of the SDF for grave violations committed against children in detention if sufficient, verified information of these violations is provided by the Country Task Force on Monitoring and Reporting.

The Country Task Force on Monitoring and Reporting should:

- Monitor potential grave violations committed against children in detention, including abduction and denial of humanitarian access in Panorama detention facility.

UNOCT and UNICEF should:

- In partnership with OHCHR, as part of the UN Global Framework for United Nations Support on Syria / Iraq Third Country National Returnees, urgently ensure men and boys who are transferred from detention facilities in north-east Syria to Iraq are visited by independent international monitors and mechanisms, and coordinate with the US government and autonomous authorities to flag any instances of torture or other ill-treatment, or other serious human rights violations.

TO DONORS

- Continue and expand support to communities across north-east Syria affected by the armed conflict involving IS, and to support reintegration of people returning from the detention camps and facilities;

- Scale up support for new or replacement civil documentation for released detainees who no longer have access to their civil documents, as part of the process to facilitate returns;
- Encourage and support UN entities to take a more proactive role in monitoring sites of detention in north-east Syria;
- Encourage and support UN entities and other humanitarian organisations to provide support to the families of people who have been detained, including children who have been left without adult supervision or an appropriate guardian after their mothers or primary carers were arrested;
- Work closely with humanitarian actors focused on addressing gender-based violence within north-east Syria to address root causes of gender-based violence in the camps, provide targeted support to those at risk, and ensure all humanitarian sectors are giving adequate consideration to gender-based violence concerns. Work with gender-based violence specialists and health workers to ensure comprehensive sexual and reproductive healthcare for everyone in the camps;
- Provide financial support for initiatives to identify, refer and support trafficking survivors in the detention camps and facilities, and work with due diligence to ensure these approaches are human rights compliant and survivor centred;
- Provide necessary funding for humanitarian responses for children, including for urgently needed medical care and for strengthening the capacity of child protection actors to support pathways for children out of the detention facilities;
- Fund Yezidi rights organizations and others working to ensure the human rights compliant return of people from the Yezidi and other minority communities in north-east Syria; consider supporting access to DNA testing to identify Yezidis who were abducted as children; act with due diligence and monitor to ensure these will not contribute to people being identified as from the Yezidi or other minority communities and removed from the camps against their will, to women and their children being forcibly separated from each other, or to other human rights violations; and ensure monitoring and reintegration support to Yezidis and members of other minority communities returning to northern Iraq;
- Provide financial and technical expertise to groups and networks of survivors of IS crimes in north-east Syria and northern Iraq.

TO THE GOVERNMENT OF SYRIA

- Allow unimpeded access to humanitarian aid to north-east Syria to, among other goals, facilitate support for people released from the camps and detention facilities and host communities in north-east Syria;
- Facilitate the travel of UN officials, staff, and independent experts to north-east Syria to allow them to monitor or provide technical expertise or operational support to address concerns regarding violations of international human rights law and international humanitarian law;
- Ensure no individual who has returned from north-east Syria is subjected to torture or other ill-treatment, or other serious human rights violations.

TO THE GOVERNMENT OF IRAQ

- Stop torture or other ill-treatment, unfair trials and the use of the death penalty against people with perceived IS affiliation, including individuals transferred from north-east Syria to Iraq;

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- Ensure that independent international monitors and mechanisms, including human rights organizations and humanitarian actors with a protection mandate, are granted access to visit the detention facilities in Iraq where Iraqi men transferred from north-east Syria have been detained and are allowed to carry out confidential interviews with those men in detention, as well as unannounced inspection visits. Ensure also that the US-led coalition or individual member states are able to monitor the situation of those who have been transferred from north-east Syria, given refoulement concerns addressed in this report;
 - Increase the pace of voluntary repatriations from detention in north-east Syria of children (or those who were detained as children), their carers, and people who may have been trafficked. Ensure that children (or those who were detained as children) and trafficking survivors (including children who were trafficked) are included among the categories given priority for returns and referred for appropriate support on their return;
 - Cooperate with the US-led coalition and autonomous authorities of north-east Syria in the implementation of standard operating procedures to ensure survivor-centred and human rights compliant returns of members of Yezidi and other minority communities who want to return to Iraq;
 - Ensure people returning to communities in Iraq are given adequate support to facilitate reintegration, and ensure support to these communities to facilitate such returns.

TO OTHER STATES WITH NATIONALS OR PERMANENT RESIDENTS IN SYRIA

- Facilitate the voluntary repatriation of children, their carers, and people who were children at the time they were first detained by the autonomous authorities in north-east Syria (and have since “aged out”), consistent with the requirement of non-refoulement, and in accordance with the best interests of the child. Ensure adequate referrals and reintegration support upon return. Ease the registration requirements for nationals with children born in Syria to enable their repatriation and to prevent situations of statelessness. Establish and support a process for resettling unaccompanied and stateless children in north-east Syria;
- Facilitate the voluntary repatriation of nationals as well as of individuals who had the right of permanent residence who are potential victims of trafficking in persons, and ensure adequate referrals and reintegration support. Proactively search for and identify nationals and permanent residents who are potential trafficking victims through survivor-centred, trauma-informed, and human rights compliant processes;
- Cooperate with any human rights compliant process to “screen” individuals detained in the detention camps or facilities to enable the release of those who are not credibly accused of acts that would amount to crimes under international law or serious crimes under domestic law that are consistent with international human rights law. Ensure that nationals released following such a screening process are able to return to their home country, including by providing consular access and civil documentation.

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

Translation from Arabic to English by Amnesty International

(Original letter included as annex to Arabic language translation of this report)

*Amnesty International has redacted the names of organizations referred to in this letter.

23 March 2024

Greetings,

We extend our sincere thanks for your efforts and for your letter that tackles the report you are preparing, and thank you for the data in the letter regarding the Islamic State (IS) detainees, detention facilities and camps, rehabilitation centres, and all the other important issues mentioned in the letter.

Ever since its establishment, the Autonomous Administration has operated in compliance with international laws related to human rights, the international human rights law, and the International Humanitarian Law (IHL), and it has taken these laws as a basic reference in its work. The Autonomous Administration was established on a set of basic principles, including respect for the principles of pluralism, democracy, and respect for human rights, in addition to transparency with its people and with the international community. We are using all our capacities to move forward with these policies and principles.

During the past years, the Autonomous Administration did what it could to facilitate access of international organizations working in the human rights field, such as your esteemed organization, to facilities and places that organizations wanted to visit, and it has provided all information and reports to facilitate their work. As you indicated in your letter, we have facilitated all procedures possible during your teams' visits to north-east Syria, in full transparency.

As you also mentioned in your letter, the Autonomous Administration has been undergoing difficult circumstances over the past years. It has faced intense attacks from several parties in parallel, including the ongoing Turkish attacks since 2018, which started with the occupation of Afrin and then the Serêkaniyê/Ras al-Ayn/and Tal Abyad towns, and then the recent ongoing attacks on military staff, civilians and human rights activists, not to mention large-scale attacks on the infrastructure and vital facilities and their total destruction. Meanwhile, the Autonomous Administration has also been

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ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

fighting terrorist jihadist groups since 2012, including the Al-Nusra Front and the jihadist factions affiliated with the Turkish state.

Since 2014 and 2015, the Syrian Democratic Forces (SDF) have been engaged in a large-scale war against IS, in cooperation with the US-led international coalition, until 2019, which resulted in ending IS control over geographical areas in north-east Syria. The Autonomous Administration bore the brunt of this war on all levels in these areas and tried as much as possible to restore stability in the areas under its control, although the international community and partners reneged on their international, rights' and moral obligations.

The issue of IS men in detention facilities and their families in camps has international dimensions and is not limited to north-east Syria only and cannot be reduced to this area. IS is a cross-border terrorist organization and most of the detainees are foreigners, and the Autonomous Administration alone cannot bear the implications. The responsibility falls on the countries that have nationals in these facilities and also falls on the international community for leaving the Autonomous Administration alone in dealing with the consequences of this war.

Most states and entities have higher interests and responsibilities towards their people, including the Autonomous Administration, which is doing its best to secure the security and economic needs of its people as priority. The Autonomous Administration cannot leave its people and spend all its financial, legal and judicial resources on other issues; rather, we are trying to find possible solutions to manage these issues according to our primary interests.

Regarding the preliminary findings of your report:

First, we have reservations about the term "arbitrary detention" because most of the detainees in the Autonomous Administration's detention facilities and prisons are members of a terrorist organization and were arrested during the battles. Therefore, they are in pre-trial detention until their legal status is decided, and they are not political prisoners or human rights activists. They are dealt with in accordance with the principles of the Geneva Conventions regarding prisoners and the wounded. Those detained people are members of IS, and they have committed hundreds of crimes against civilians, including crimes against humanity and war crimes.

As for the alleged torture acts committed by some people, we have not received any information or complaints in this regard, and if this happened, they are individual acts. We affirm our commitment to reconsider such actions, if any, and set them straight. We emphasize that we categorically reject any action that would diminish human dignity or

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ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

any systematic torture. There are dozens of people “whose hands were not stained with blood” who were released as a result of tribal mediation. We have not received any “official or judicial complaints” from these people, and we do not have any evidence in this regard. We reaffirm our rejection of any arbitrary measure against anyone, and we express our readiness to discuss and exchange evidence with your organization. Thus, in case there is evidence proving the involvement of workers in these centres, the Autonomous Administration will take the necessary legal measures to hold the perpetrators of these acts accountable and bring them to justice, if any.

You also mentioned that some people within the security forces may have exploited their positions to carry out acts of retaliation against other people for personal reasons. We reiterate and confirm that if there is evidence of such actions, they fall within a purely individual framework and do not fall within our policies or principles, and we affirm that necessary legal measures will be taken.

Regarding the allegations about ill-treatment, lack of food, water, and health care in the Sini and Panorama detention facilities, we confirm they are not true. On the contrary, food and water are provided in sufficient quantities for all detainees, in equal shares, and at regular times sufficient for all. As for the issue of overcrowdedness, it is related to the available capabilities for securing large detention centres. These centres require huge financial resources that exceed the capabilities of the Autonomous Administration; moreover, any new centres need human resources for service, protection and security in light of the community failure to carry out their responsibilities towards this issue in providing assistance to build new equipped centres.

With regard to health care, the Autonomous Administration provides primary health care, which includes initial medical examination and first aid. Several medical teams of international and local organizations work in these centres, but in general there is a severe shortage in providing secondary and tertiary health care and also in providing supplies and medicines, especially for chronic and infectious diseases. Some cases that need additional follow-up are transferred to hospitals under tight security measures, but the Autonomous Administration alone cannot provide complete health care for detainees. Also, the spread of tuberculosis is the result of overcrowding in these places and the lack of capabilities to isolate everyone. This needs large and new places, and as we mentioned before, the Autonomous Administration cannot bear the cost of implementing such projects under the current circumstances.

Regarding the other topics mentioned in your letter, we will respond to them in Appendix No. 1, in which we answered some of your questions, while we were not able to answer some questions due to time constraints.

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We reiterate that finding comprehensive, integrated and radical solutions to the legacy of IS is no less important than fighting it militarily by the international coalition and its partners, including the Syrian Democratic Forces (SDF). This legacy – represented by thousands of detainees and tens of thousands of families of women and children in the camps – burdens the Autonomous Administration in all aspects: legally, security-wise, and logistically along with complications in the political and military equation on the ground.

We extend our sincere thanks for your efforts and for sharing the information, and we express our readiness to discuss any important issues related to the human rights sector in north-east Syria and to facilitate access to possible information.

With utmost respect and appreciation,

Elham Ahmad

Joint Head of Foreign Relations Department

Democratic Autonomous Administration of North and East Syria Region

23 March 2024

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

Answers to Questions in Annex 1

Treatment of People in Detention

- 1. Have the autonomous authorities received allegations of torture or other ill-treatment committed by members of the SDF, ISF or YPJ in any of the detention facilities in north-east Syria or in Al-Hol and Roj camps?**

The competent courts or the competent authorities in the SDF or the Internal Security Forces (ISF), or the Women's Protection Units (YPG) haven't received any complaints in this regard, officially from people who were subjected to such treatment. But some complaints were received through some human rights organizations during the past years and those complaints were verified.

- a. In particular, have the autonomous authorities received allegations of torture or other ill-treatment from people held in Sini Camp detention facility, Panorama / Al Sina'a detention facility, Al-Kasrah detention facility, or in any of the youth "rehabilitation" centres?**

The Autonomous Administration or any judicial authorities have not officially received any official complaints in this regard, but they received some complaints through some international human rights organizations during the past years.

- b. If so, what steps, if any, has the autonomous authorities taken any steps to respond to these allegations of torture and ill-treatment?**

Throughout the year 2014, specifically with regard to IS, we received many reports that included such allegations. These allegations were made by international organizations working in the field of human rights or others of our partners within the international coalition, especially before the year 2022, that is, after the defeat of IS. These allegations contradict the values and principles upon which the SDF, with all its security and military formations, were founded. Special investigations were then conducted to ensure the veracity of what was stated in those reports, and those allegations were responded to with absolute transparency. The goal of most of these allegations was to attract public sympathy regarding the issue of IS prisoners and to distort the facts so that the perpetrators were in the position of the victims.

- 2. Has the SDF implemented any measures to guard against the use of torture or other ill-treatment in the detention facilities controlled by the SDF, ISF, YPJ or**

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

autonomous authorities? If so, what are these measures, and when were they put in place?

Yes, in addition to the values of the SDF and the principles on which the forces were established and in line with those principles, all members and individuals in these centres have undergone special intellectual and professional courses on how to deal with detainees in accordance with the applicable laws that prevent ill-treatment and torture in all its forms. Also, all investigation and detention centres in prisons are equipped with audio and visual surveillance cameras, in addition to special offices tasked with looking into the affairs of detainees and following up on their cases.

3. Are there any policies and procedures in place for people to request information about whether a family member with perceived IS affiliation has been detained and where they are being held while they are in SDF, ISF or YPJ custody? If so, please describe the policies and procedures, and how they are communicated.

Yes, the policies of arbitrary detention and kidnapping were among the fundamental reasons that pushed the Syrian people to revolt against tyranny which is rooted throughout years of injustice and persecution. Therefore, the policy of the Autonomous Administration is to deal transparently with the peoples of the region in all aspects. So, in view of the chaos spreading in the region throughout the previous years, and as a result of the ongoing conflict and civil war, and to prevent the repetition of the aforementioned chaos, the Autonomous Administration and the SDF have opened special offices whose missions are to receive complaints from the people of the region, especially complaints related to cases of disappearance; in addition, we established special committees whose missions are to follow up on the affairs of detainees and facilitate the process of informing families. The Autonomous Administration has also opened the way for many international organizations to visit prisons and detention centres and communicate with the families of the detainees in a smooth manner.

4. Are there any policies or procedures in place for family members to request information about children detained for perceived IS affiliation and held in SDF, ISF or YPJ custody? If so, please describe the policies and procedures, and how they are communicated.

Yes, as we mentioned before, there are many specialized institutions and committees to follow up on these procedures.

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5. How many humanitarian and human rights organizations currently have access to detention facilities controlled by the SDF, ISF, and YPJ?

There are several organizations working in those centres, and we are going to mention them in the answers to the following questions.

Many organizations work inside detention centres, including those working within facilities affiliated with the Syrian Democratic Forces, and others working within facilities affiliated with the Internal Security Forces affiliated with the Office of Justice and Reform. These organizations provide different services, some of which provide health care, some of them provide education services, and some of them provide many other services.

a. Which organizations have access?

In the Panorama/Sinaa Centres and the Sini Camp, there are organizations that work, such as the [REDACTED]. In the justice and reform centres, several organizations work in different sectors, such as training administrators and guards on the basic principles of international law and international conventions related to the protection of children, and organizations working in the medical field and others in the field of rehabilitation and integration of minors and detainees into society in the centres: Hourî - Orkesh - Alaya Prison. Also, there are other organizations in the field of providing needs, and these organizations are:

[REDACTED]

b. Are they allowed to carry out confidential human rights monitoring interviews?

All organizations work in this facility and provide their services in coordination with the administrations of these centres, which ensure the access to this facility.

6. Do the autonomous authorities have any plans to screen people in the detention facilities and camps to identify those who can be charged with a crime, or to identify victims of IS crimes? If so, please provide as much information as possible on those plans.

Yes, all institutions, committees and courts affiliated with the Autonomous Administration have special offices to receive complaints from families, those complaints against anyone who had any association with IS, or other terrorist groups

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and organizations, or against those who committed any crime, and among those complaints, there are allegations concerning a number of detainees who are currently in the facility and in detention camps. These allegations are analysed, verified and documented as required and referred to the competent judicial authorities.

7. Have the autonomous authorities ever screened people in the detention facilities and camps for victims of trafficking? If so, please provide more information.

Yes, all detainees currently in prisons and camps have been subjected to in-depth and accurate investigations by the relevant security committees and authorities, in addition to collecting the largest possible amount of information about them through human and technical sources to identify those involved in human trafficking operations or those who were victims of these acts.

8. What steps are taken to ensure the protection of Yazidi women or girls with children born as a result of sexual violence by IS members, who are afraid they will be separated from these children if identified as Yazidi and returned to Iraq?

Yezidi women are handed over to the Yazidi House by the Women's Protection Units (YPJ), and the mothers are not separated from their children in any way. Yezidi women are largely kept secret by Hisba women, and this constitutes their fear of escaping and their concern for their children. Six Yezidi families were handed over and 15 girls were liberated.

Sini Camp

- 1. Approximately how many men, women and children (including people detained as children) have died in Sini Camp since the fall of Baghouz?**
 - a. What were the causes of these deaths?**
 - b. Were there any incidents of mass deaths? If so, how many such incidents were there, and what were the causes of these incidents?**
 - c. What is the procedure when a detainee dies in Sini Camp?**

This information will be provided later. This question has not been answered due to time constraints.

- 2. Have the autonomous authorities taken any steps to monitor conditions in Sini Camp? If so, when were these procedures put in place and how are they being implemented now?**

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Yes, the Autonomous Administration has special committees to monitor the affairs of detention centres, including the Sini Camp, in addition to audio and visual surveillance systems that operate day and night. The Autonomous Administration has taken this measure since the spring of 2019, that is, shortly after the Baghouz fight.

3. Did the autonomous authorities have constraints on the amount of food, water or space it could provide to people held in Sini Camp?

The Autonomous Administration did not face any significant obstacles in terms of food and water.

- a. If the autonomous authorities faced limitations, were these challenges resolved?**
- b. How, if at all, have these constraints changed in the last four years?**
- c. What constraints, if any, do the autonomous authorities face now?**

The Autonomous Administration faces the problem of securing larger centres to contain detainees and providing the necessary resources to build new appropriate centres, in addition to the severe shortage of health care.

4. What steps, if any, did the autonomous authorities take to address extreme temperatures faced by detainees in Sini Camp?

The management of these centres provided all possible requirements to secure appropriate air conditioning systems within the centre according to the available resources.

5. Did the autonomous authorities face shortages of medicine for the detainees in Sini Camp?

Yes, the Autonomous Administration has faced in the past and still facing a shortage in providing the necessary medicines to all detainees, especially medicines for treating chronic and infectious diseases.

- a. If so, how did the autonomous authorities try to address these shortages? Are there shortages now?**

The Autonomous Administration has devoted most of its attention to the health condition of the detainees, and the Autonomous Administration has worked in various

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ways to provide everything necessary to secure the necessary medicine to treat the detainees, whether from local markets or through its partners from the international coalition or through international organizations working in this field. Currently, the Autonomous Administration still suffers from providing a specific number of medicines for treating infectious or chronic diseases.

b. Were people detained in Sini Camp ever transferred out for medical care? What is the situation now?

Yes, there is currently a medical department that deals with patient cases within the centre. In addition to transferring critical or incurable cases to external centres or hospitals until treatment is completed.

c. Is there a health team or health clinic present in Sini Camp? Was there a health team or health clinic in Sini Camp in 2022 or before?

Yes, there is a clinic that operates around the clock to receive emergency cases.

6. Did the autonomous authorities ever deliberately withhold food, water or other basic needs from detainees in Sini Camp? If so, on what basis?

There is no such procedure in the past or present.

7. Has anyone in Sini Camp died from suffocation due to overcrowding and poor ventilation? Please provide as much information as possible on what happened, if so.

Such cases have never been recorded.

8. Have men in Sini Camp ever received treatment for tuberculosis?

Yes, all the injured received the necessary treatment in this detention centre and all other centres.

a. Have boys or young men detained as boys received treatment for tuberculosis?

Yes, all infected individuals received appropriate treatment based on the severity of the disease and the availability of necessary medical interventions.

b. Have the autonomous authorities taken any measures to contain the outbreak of tuberculosis in Sini Camp? If so, please provide further information.

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Yes, infected individuals were isolated and treatment was provided for severe cases.

c. Did the autonomous authorities request support from the US-led coalition to address tuberculosis in Sini Camp?

Yes, the Autonomous Administration requested assistance from the international coalition, partners, and international humanitarian organizations operating in the health sector.

d. What is the autonomous authorities' long-term strategy to address tuberculosis in Sini Camp?

Currently, we are facing shortages of medicines and general medical capabilities. Our priority is to address these shortages, after which we will allocate resources to establish a fully equipped centre for diagnosing, treating, and preventing tuberculosis cases.

Panorama / Al Sina'a

1. Approximately how many men, women and children (including people detained as children) have died in Panorama / Al Sina'a since the fall of Baghouz?

Panorama Prison does not house women, and no female detainees have ever been held there. However, nearly 600 male detainees in the prison have succumbed to various diseases during their periods of incarceration since its establishment.

a. What were the causes of these deaths?

The primary cause of their deaths is tuberculosis, with some cases also attributed to heart attacks and strokes. It's worth noting that most of the deceased were of advanced age.

b. Were there any incidents of mass deaths? If so, how many such incidents were there, and what were the causes of these incidents?

There were no mass deaths.

c. What is the procedure when a detainee dies in Panorama / Al Sina'a?

This process is overseen by a team of doctors contracted with the Autonomous Administration, who operate within the private hospital located in Panorama Prison. Funerals are conducted under the scrutiny of a committee, which issues a death certificate inclusive of the deceased's health history, medications administered, and a detailed explanation of the cause of death. The deceased are laid to rest in a designated

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cemetery within the prison grounds, with the burial site meticulously recorded and linked to the individual's file. All procedures adhere to Islamic Sharia standards.

2. Have the autonomous authorities taken any steps to monitor conditions in Panorama / Al Sina'a? If so, when were these procedures put in place and how are they being implemented now?

The situation is monitored comprehensively across health, security, and humanitarian dimensions. Regarding health, the hospital and medical staff are adequately equipped, although there is a shortage of medicines and equipment. Security measures include surveillance cameras and dedicated protection teams. On a humanitarian level, organizations regularly engage with detainees, facilitate communication with their families through channels like the International Red Cross, and the prison administration strives to fulfill all necessary requirements.

3. Did the autonomous authorities have constraints on the amount of food, water or space it could provide to people held in Panorama / Al Sina'a?

In terms of logistics and access to drinking water, shortages are noted. It's important to highlight that the food supplied to the prisoners is sourced from the military allocations of the Syrian Democratic Forces. However, during periods of instability affecting northern and eastern Syria Region due to external and military interventions, there may be disruptions in the supply chain. This can result in shortages of fuel, food, and electricity provided to the prison.

a. If the autonomous authorities faced limitations, were these challenges resolved?

Not all issues have been resolved, but the self-administration is striving diligently to solve all the problems it faces. Some problems exceed its capacity, and to solve them, assistance must be provided by international partners and organizations. This mechanism is moving very slowly, and some aspects of it are stalled, such as: the trial of detainees as they are held without a specific fate, securing a facility for rehabilitating minors, and securing medications to treat infectious diseases such as tuberculosis, as well as all logistical needs.

b. How, if at all, have these constraints changed in the last four years?

At the outset, things were progressing somewhat well, and international organizations were meeting with detainees and sending messages to their families. There was some improvement in the detainees' health conditions. However, the recent attack on the

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prison in early 2022 halted this process. After the attack, the prisoners were transferred to the new prison adjacent to the old building, which improved their conditions significantly.

c. What constraints, if any, do the autonomous authorities face now?

The Autonomous Administration faces numerous obstacles, including the trial and determination of the fate of detainees and achieving justice for the victims. These victims, numbering in the thousands, await accountability for perpetrators of crimes including war crimes and crimes against humanity. The Autonomous Administration has issued repeated calls to the international community to establish a special court in northern and eastern Syria to hold perpetrators accountable. Additionally, the administration has prosecuted thousands of Syrian IS members. However, these measures have not been sufficient for foreign nationals due to their legal status, posing a significant obstacle. Another obstacle is that countries are not acknowledging their nationals and working to repatriate them; instead, they place full responsibility on the Autonomous Administration, attempting to buy time through procrastination.

Logistically, there is a shortage of logistical and medical supplies, especially equipment, devices, and medicines, particularly those related to tuberculosis. Drinking water is sourced from areas far from the prison through water transport vehicles, as the region where the prison is located receives its drinking water from the Allouk station, which was cut off from the city of Hasakah by Türkiye after its occupation of Ras al-Ain/Serekaniye in 2019. Additionally, there is a significant challenge in securing electricity and diesel fuel for operating engines due to the recent attack by the Turkish state on vital facilities and energy infrastructure.

4. What steps, if any, did the autonomous authorities take to address extreme temperatures faced by detainees in Panorama / Al Sina'a?

Cooling and air exchange within detention centres rely on air conditioning units installed on the premises. However, the functionality of these units is compromised as they operate on generators fueled by diesel, a resource now inaccessible due to the Turkish attacks on critical facilities. Consequently, this disruption adversely impacts the cooling and air exchange systems within the prison.

5. Did the autonomous authorities face shortages of medicine for the detainees in Panorama / Al Sina'a?

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Yes, the Autonomous Administration has experienced prolonged shortages of essential medicines.

a. If so, how did the autonomous authorities try to address these shortages? Are there shortages now?

The Autonomous Administration has made every effort to ensure the health needs of detention centres are met. Despite the challenging circumstances it faces in delivering healthcare to its citizens, the Autonomous Administration continues to grapple with a severe shortage of medicines and equipment within these facilities.

b. Were people detained in Panorama / Al Sina'a ever transferred out for medical care? What is the situation now?

Detainees receive medical treatment at the prison's clinic. However, in cases requiring intensive care, they are transferred to military hospitals designated for treating members of the Syrian Democratic Forces.

6. Did the autonomous authorities ever deliberately withhold food, water or other basic needs from detainees in Panorama / Al Sina'a? If so, on what basis?

The Autonomous Administration has not previously implemented such measures, as it is not a part of its policy when dealing with detainees.

7. Has anyone in Panorama / Al Sina'a died from suffocation due to overcrowding and poor ventilation? Please provide as much information as possible on what happened, if so.

No such cases have been documented or recorded.

8. Have men in Panorama / Al Sina'a ever received treatment for tuberculosis?

Yes, the injured individuals received necessary medical care and medications based on the available capabilities.

a. Have boys or young men detained as boys received treatment for tuberculosis?

Yes, they received treatment in accordance with the available resources and capabilities.

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- b. Have the autonomous authorities taken any measures to contain the outbreak of tuberculosis in Panorama / Al Sina'a? If so, please provide further information.**

During the tuberculosis treatment period, infected detainees were isolated from others, provided with sterile personal belongings, given a special diet, and their breathing and ventilation schedules were adjusted to accommodate their treatment regimen.

- c. Did the autonomous authorities request support from the US-led coalition to address tuberculosis in Panorama / Al Sina'a?**

Yes, the Autonomous Administration requested assistance from the international coalition, as well as from all partners and organizations operating within this field in the detention centres.

- d. What is the autonomous authorities' long-term strategy to address tuberculosis in Panorama / Al Sina'a?**

We are collaborating with the international coalition and [REDACTED] to address the tuberculosis outbreak and bolster the prison hospital with essential medicines and resources to eradicate the disease.

- 9. How many people detained as boys are being held in Panorama detention facility?**

About 450 children and minors.

- a. How many are Syrian, and how many are foreign?**

About 200 Syrians.

- b. Are boys or young men detained as boys being held in other detention facilities run by the SDF, including Sini Camp?**

There are designated shelters for detainees, namely the Houri Centre and the Orkesh Centre, both of which are affiliated with the Correction and Rehabilitation Centre in the Democratic Autonomous Administration.

- 10. Following the January 2022 attack on the former Al Sina'a detention facility, are any boys or young men detained as boys still missing?**

No, there is not.

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a. If so, how many?

There is not.

b. What measures have the autonomous authorities taken to try to locate them?

There is not.

11. Why have the Syrian boys and young men detained as boys in Panorama detention facility not been prioritized for screening and, if appropriate, prosecution?

Due to the fact that a significant number of detainees are affiliated with the terrorist organization as members of the cubs of the caliphate, exhibiting a pronounced degree of religious extremism, our legal protocols mandate their transfer to central reform and rehabilitation centres upon sentencing. However, we face two primary challenges in this regard. Firstly, there is a concern about their integration with detainees convicted of other crimes, potentially influencing them negatively. Secondly, the insufficient number of rehabilitation centres poses a logistical hurdle to their transfer.

Justice System in North-East Syria

1. What percentage of people with perceived affiliation to IS who are tried in the People's Defense Courts are found guilty?

Their percentage is more than 95%. The People's Defence Court is the designated court for trying individuals accused of belonging to IS, based on charges such as affiliation with the organization, participating in its activities, and other crimes that may constitute crimes against humanity. Since its establishment in 2014, the court has prosecuted 9,602 Syrian individuals associated with IS for various offences, including membership, murders, property destruction, terrorist bombings, and other terrorist acts. Additionally, 206 defendants were acquitted or found not responsible during the years 2022 and 2023. Many of those convicted were apprehended either in the act or on battlefields, with some being wounded and receiving treatment before trial proceedings commenced. Arrests often occurred during raids on terrorist cells, with weapons, ammunition, and explosives seized from their possession. Confessions were made before judicial bodies rather than solely during initial investigations, and there is no evidence of physical torture prior to prosecution before the Public Prosecution.

2. How many Syrians with perceived IS affiliation in the detention system are still due to face trial?

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Regarding the trials of Syrians suspected of belonging to the Islamic State organization, legal proceedings continue in accordance with established procedures before the courts in northern and eastern Syria, except for those detained or surrendered during the battles of Baghouz and Hajin, where trials were conducted for a few hundred of them, but these trials have stopped. This is primarily due to the overcrowding of existing prisons and the Autonomous Administration's inability to construct new facilities. Consequently, these detainees remain in prisons under the jurisdiction of the Syrian Democratic Forces. Currently, approximately 2000 individuals await trial in these prisons until they can be transferred to facilities operated by the Autonomous Administration.

The Autonomous Administration has repeatedly appealed for international assistance to facilitate these trials, citing its limitations in terms of available judicial personnel, prison capacity, the absence of rehabilitation programs, and other legal and logistical challenges. As a result, a significant number of detainees remain in custody without having undergone trial proceedings thus far.

3. What, if any, are the priority crimes for prosecution in the People's Defence Courts given the large array of crimes committed by IS? Why are those the priority crimes?

The mechanism for trying defendants before the People's Defence Court follows a structured process based on the date of the accused's arrest and the receipt and registration date of the preliminary investigation file before the Public Prosecution. Trials are conducted in accordance with the sequence outlined in these records. However, in certain cases, particularly those involving bombings and suicide operations, the court may expedite the hearing and sentencing timelines. This expedited approach aims to address the impact of such crimes on society and public opinion and to deliver justice swiftly to the victims and their families.

4. Does the right to a lawyer, as set out in the Social Contract, apply to the People's Defence Courts? If not, why not?

Regarding the right to defense and the provision of legal assistance, it is a fundamental entitlement ensured by the social contract for all those accused. The Autonomous Administration has been committed to assigning legal representation to every accused individual, particularly minors and women, to accompany them during court proceedings. However, it has faced challenges in shouldering the financial burdens associated with legal costs and attorney fees, exacerbated by the reluctance of many lawyers to participate. This issue has been further compounded by various factors, including concerns related to victims and other relevant considerations before the People's Defence Court. Recently, efforts have been made to streamline the presence of lawyers

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before the People's Defence Court through collaborative arrangements between the Justice Council and the Bar Union.

5. When did the autonomous authorities establish the appeals process in the People's Defence Courts?

The judicial system in north-east Syria operates on a two-tiered adjudication system. The Court of Appeals was established in 2020, which is the second-degree court where appeals are heard. Since its establishment, this court has reviewed 3505 cases that have been appealed, whether by the defendant or by the prosecution. Additionally, a mechanism for suspending final judgments has been implemented, whereby the convicted individual, after serving three-quarters of their sentence and demonstrating good behaviour during their imprisonment, may be exempted from serving the remaining quarter of their sentence and released. So far, 386 convicts have benefited from this mechanism. Furthermore, a mechanism for medical parole is applied in cases where it is proven that the convicted individual suffers from a terminal illness that is incurable.

6. Besides the seven-year maximum sentence, are any other provisions from Decree 8 of 2017 applied for children tried and sentenced in the People's Defence Courts?

Minors are tried before the People's Defence Court in accordance with the Effective Juvenile Law No. 8 of 2017. The maximum penalty is seven years' imprisonment for felonies. They have the right to appeal the decision against them before the Court of Cassation. The mechanism of suspended sentence applies to them, where a minor benefits from release after serving half of the imposed sentence and demonstrating good behavior during imprisonment, exempting them from serving the remaining half of the term. Concerning the execution of the penalty, minors are transferred to the juvenile detention centre (Houri Centre). If there is insufficient capacity to accommodate more individuals within the centre, they are placed in designated sections within prisons where they serve their sentences. To date, 54 minors have been tried before this court.

7. Do judges or prosecutors give any consideration to whether women or children may have been trafficked or been subjected to coercion and violence from family members or others? If so, how?

As for the women who have been prosecuted before this court, their number has reached 163 since the establishment of the court. The majority of them are women affiliated with the Hisba of the IS, and they have been detained for documented crimes.

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Among them are those who were members of cells and committed crimes such as murder or burning of tents in the Al-Hol camp, or other witnessed felonies.

Children in Detention Facilities

1. When did you begin separating foreign adolescent boys from their families and removing them from the camps?

We did not separate them from their families. After they reach adolescence, they are transferred to correction and rehabilitation centres for rehabilitation, with the exception of those carrying out security operations. Note that the Hourri Centre includes children whose families died within the ranks of IS in battles, so they were placed there.

a. Can you clarify what the criteria was for removing foreign adolescent boys from the camp prior to drafting the AANES Policy Statement and Procedures for Selection and Removal of Foreign IS-Affiliated Youth from the Camps”?

The primary criteria are based on the management of the camps (with assistance from security forces) as they are knowledgeable and informed about the details of the camp residents. Clear criteria include separating boys once they reach the age of 12 and transferring them to a safer location to prevent their sexual exploitation and military training for terrorist or aggressive purposes.

b. Prior to drafting this policy what, if any, information did you communicate to parents or other guardians about why their sons who were under 18 had been removed from the camp and where they had been taken?

The location of the facilities where the boys were kept was not disclosed to families at the time of their transfer for security reasons. However, after their safe transfer, families were informed that their boys were located at either a rehabilitation centre or a temporary detention centre. Subsequently, the boys were granted the right to communicate with their families through voice and video calls via WhatsApp, and later visits by their families to the centres were arranged.

2. How many children were removed during the August and September 2022 security operation in Al-Hol camp?

No children removed during the operation.

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- a. Was the US-led coalition informed of the removal of boys prior to or during the operation? If so, what was their response?**

The security operation was conducted in full coordination with the international coalition, and all decisions made were joint decisions. It is worth noting that no boys were transferred during these two security operations.

- b. Did the US-led coalition play a role in removing the children from the camp? If so, can you provide further details?**

This was achieved through sharing information with the international coalition via the joint operations rooms dedicated to security operations.

- 3. Have you ever separated Syrian or Iraqi boys from their families and removed them from Al-Hol or Roj camp?**

Yes.

- a. If so, for what reasons were they separated and removed and where have these individuals been taken? Were their families informed?**

Their families were informed and communication between them was established later.

- 4. Have you ever separated and removed any girls from Al-Hol or Roj camp?**

Not at all.

- a. If so, for what reasons were they separated and removed and where have these individuals been taken? Were their families informed?**

[No answer provided]

- 5. What plans, if any, are in place to facilitate the release and reintegration of boys and young men detained as boys who are unlikely to be repatriated to their countries of origin and are currently being held in detention facilities, including youth “rehabilitation” centres?**

There are rehabilitation and community integration programs and lessons provided at detention centres. Upon completion of their sentences, Syrian nationals among them are released, while migrants are dealt with according to existing laws until a diplomatic solution is found for their cases. There are no plans to release foreigners unless repatriated by their respective countries. Given the current circumstances and

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fluctuating security situation, these elements cannot be effectively integrated into society. The local community still suffers from the effects of terrorism, and its wounds have not yet healed.

6. What plans, if any, are in place for boys who turn 18 and are still being held in the youth “rehabilitation” centres?

If their sentences have not yet ended and they have reached the age of 18, they are transferred to central prisons. There is no viable alternative to repatriation for the completion of their rehabilitation process and enabling them professionally through vocational rehabilitation programs that assist them in acquiring skills and trades to facilitate their reintegration into their communities upon repatriation.

7. Through email communication on 8 August 2023 and 20 December 2023, and at a meeting with representatives of the autonomous authorities in Geneva on 13 November 2023, Amnesty International and [REDACTED] shared concerns about the draft “AANES Policy Statement and Procedures for Selection and Removal of Foreign IS-Affiliated Youth from the Camps”. Amnesty International has not yet received any response from the autonomous authorities to our legal analysis of that policy statement.

It should be noted that the points outlined in the “legal analysis” by [REDACTED] were numerous and unjust towards the efforts made by the Autonomous Administration. The analysis lacked credibility and transparency in portraying the reality, as it often used terminology that diverged from the actual situation.

a. What is the autonomous authorities’ response to the legal analysis by Amnesty International and [REDACTED] on the draft policy?

There is an ongoing reform process within the available resources and according to the circumstances faced by the Autonomous Administration, as well as the priorities it deals with amid attacks from Türkiye, IS, and the challenges confronting the administration.

b. What steps, if any, is the autonomous authorities taking to address the violations of international law identified in the analysis, and does it have a timeline for reforming the separations policy?

There is an ongoing reform process within the available resources and according to the circumstances faced by the Autonomous Administration, as well as the priorities it deals with amid attacks from Türkiye, IS, and the challenges confronting the administration.

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

c. What alternatives, if any, have been explored instead of separating boys from their families and removing them from the camps?

There are no alternatives currently available. The alternative is to build rehabilitation centres.

8. Do you still intend to establish a series of youth “rehabilitation” facilities for all adolescents in Al-Hol and Roj camps?

Yes, provided that the necessary resources are available.

a. If so, how many facilities will be established?

There are estimates indicating the need to build approximately 15 exemplary rehabilitation centres where boys are isolated from exposure to extremist ideologies and directed towards learning, as well as receiving psychological and social support.

b. Do the autonomous authorities plan to include girls among the adolescents who will be removed from the camps and put in “rehabilitation” facilities?

There are no such plans currently.

c. Do the autonomous authorities plan to include Syrians and Iraqis among the adolescents who will be removed from the camps and put in “rehabilitation” facilities?

Only if there are sufficient rehabilitation centres available.

9. What is the capacity of the new Panorama youth “rehabilitation” facility?

It is expected to accommodate around 300 minors.

a. When will it be ready to receive children and young adults?

Construction is underway and it will take a few months to be ready to accommodate them.

b. Which children and young adults will be transferred to this facility?

Only those under the age of 18 will be transferred; adults will not be relocated.

10. On what basis are boys transferred from Houri Juvenile “Rehabilitation” Centre to Alaya Central Prison?

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After reaching the legal age and while they still have remaining sentence time.

11. Have any boys been transferred from youth “rehabilitation” facilities to other adult detention facilities?

Yes, such a transfer happened.

12. Have the autonomous authorities mixed men and boys in any of the adult detention facilities, including in Alaya and Raqqa Central Prisons?

In the Panorama prison, there is a dedicated wing, a separate building, for the juveniles affiliated with the cubs of the caliphate.

13. When was the last time boys in Hour and Orkesh Juvenile “Rehabilitation” Centres received an in-person visit from family members from the camps?

August 2023

14. How many boys and young men initially detained as boys for their perceived IS affiliation have been repatriated from detention facilities, including youth “rehabilitation” centres?

Dozens of children have been repatriated to their countries and families from all facilities, including camps, rehabilitation centres, and detention centres.

Women in Detention Facilities

1. How many women are currently held in Hasakah Women’s Prison?

[No answer provided]

2. Why are women detained in Hasakah Women’s Prison as part of the transfer process between Al Hol and Roj camps? What is the purpose of the interrogations being carried out in these circumstances, and what are the documents women are being asked to sign after interrogations?

[No answer provided]

3. How many foreign national women are currently detained across all detention facilities (including in the detention facilities in Roj camp, Al-Hol camp, Qamishli)?

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

[No answer provided]

4. **How many foreign national women currently in detention in Hasakah Women's Prison or the other detention facilities have been detained for more than one year? What are the reasons for their detention, and if they have children, where are the children held?**

[No answer provided]

5. **How many Syrian women are detained in connection to IS crimes in Derek Women's Prison, Raqqa Women's Prison, and all other detention facilities within the camps or across north-east Syria, including women who have not been tried?**

[No answer provided]

6. **How many women and girls have been prosecuted in total in the People's Defense Courts for crimes connected to IS?**

[No answer provided]

Detention Camps

1. **How many people died in Al-Hol camp in 2022 and 2023? How many people died in Roj camp in 2022 and 2023?**

a. How many of these deaths can be classified as murders?

The number of deaths in 2022 and 2023 (204 individuals), of whom intentional homicides accounted for 34:

Syrians: 47, including 10 cases of intentional homicide.

Iraqis: 136, including 17 cases of intentional homicide.

Foreigners: 11

Unknown identities: 10, including 7 cases of intentional homicide.

2. **What measures have the autonomous authorities taken to address gender-based violence and sexual exploitation in the camps and to protect those at risk?**

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In cases of human trafficking, prostitution, or sexual harassment, upon reporting, necessary actions are taken by the relevant authorities, and the entity responsible for such acts, regardless of its affiliation, whether by individuals within organizations, from within the camp, or by security authority, or otherwise, is held accountable and punished according to the law. Typically, such cases of sexual assault are not reported by women due to fear of stigma. However, if reported, necessary actions are taken by the relevant authorities, and the perpetrators are held accountable.

3. **Please provide further details about the establishment of the so-called “safe area” in Al- Hol camp. What actions did the autonomous authorities take to address the reports made by humanitarian actors in 2022 and early 2023 of high levels of gender-based violence in the “safe area”?**

The safe area was established in 2021 through an agreement between the administration of Al-Hol camp and humanitarian organizations as a temporary solution for individuals facing direct threats to their lives and lacking a secure place within the camp. The significant increase in the number of cases referred to this area in 2022 led to considerable congestion within it due to the deteriorating security situation in the camp at that time. The agreement with the organizations stipulated that this area would be temporary and not permanent, as it is currently. The camp administration was tasked with finding a swift solution for its residents. One of the solutions we implemented was the relocation of some individuals to Al-Arishah camp. However, this action has ceased for some time due to complaints received from the administration of Al-Arishah camp regarding the behavior of these individuals within the camp. As for Iraqis, discussions were held with the Iraqi delegation regarding the relocation of these threatened individuals, but only a small portion of them were relocated.

4. **Is there still a system in place for Syrian tribal leaders to sponsor the return of members from their community from Al-Hol or Roj camps? If so, how is it functioning at present?**

We accept sponsorships for humanitarian cases, (cases requiring medical treatment outside of the Autonomous Administration areas). This needs a sponsorship by the family of the displaced person. Note: A large number of Syrians from the areas of the Autonomous Administration are no longer present in the camp, as only those who do not wish to leave the camp remain. Syrians from northern and eastern Syria areas are leaving through return trips for those who wish to leave the camp, where they are handed over to the civil councils of the Autonomous Administration to be delivered to sponsors from the dignitaries and elders of the tribes in the region.

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

5. **Are there any plans regarding the possible resettlement of people who cannot return home from the detention camps, including Syrians and foreign nationals? If so, what are those plans?**

We do not have any plans for their resettlement.

Transfers to Third States

1. **How many Iraqi men and boys were transferred to Iraq before the 2022 agreement involving the US-led coalition? How many Iraqi men and boys were transferred to Iraq after the 2022 agreement involving the US-led coalition?**

The number of individuals who were relocated to Iraq before 2022 is as follows: 300 families, totaling 1375 individuals.

2. **How many Iraqi men and boys remain in detention facilities run by the autonomous authorities for their perceived IS affiliation?**

Approximately 400 detainees remain displaced.

3. **Prior to transferring Iraqi men and boys from the detention facilities, did the autonomous authorities receive any guarantees on their treatment while in Iraq? If so, did the autonomous authorities take any steps to monitor these commitments?**

The transfer is conducted in collaboration with the international coalition and [REDACTED], who, in turn, oversee the implementation of the provisions and treatment.

4. **How many Saudi men and boys remain in detention facilities run by the autonomous authorities for their perceived IS affiliation?**

There are 75 Saudi detainees.

5. **Prior to transferring Saudi men from the detention facilities, did the autonomous authorities receive any guarantees on their treatment while in Saudi Arabia? If so, did the autonomous authorities take any steps to monitor these commitments?**

An official protocol has been ratified yesterday to ensure humane treatment of detainees before their handover.

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

Relationship with the US-led Coalition

1. Have the autonomous authorities informed the US-led coalition about allegations of violations related to enforced disappearance, torture or other ill-treatment and the arbitrary deprivation of life outlined above? Or do the autonomous authorities have any other basis to believe that the US-led coalition is aware of such allegations or concerns?

[No answer provided]

- a. If so, when did they become aware?

[No answer provided]

- b. What steps, if any, has the US-led coalition taken to support the autonomous authorities in addressing these violations?

[No answer provided]

2. During the last battles with IS, what role, if any, did the US-led coalition play in running checkpoints, sorting and transferring people to detention camps and facilities?

[No answer provided]

3. Did the US-led coalition make any commitments to support the SDF when the SDF initially took custody of men, women, and children from the last battles with IS? If so, what did the coalition promise? Were these commitments verbal, written, or both?

[No answer provided]

4. During visits to the detention facilities, did the US-led coalition ever provide guidance or recommendations on improving the prison conditions or on the treatment of detainees? Please describe any such guidance provided.

[No answer provided]

5. Did the autonomous authorities inform the US-led coalition of plans to remove adolescent boys from the camps? If so, when did the autonomous authorities inform them, and how did the coalition respond?

[No answer provided]

ANNEX 1: WRITTEN RESPONSE FROM THE AUTONOMOUS AUTHORITIES

- 6. If the US-led coalition and the SDF disagree on any given policy or other measure in relation to the system of detention in north-east Syria, how are those disagreements resolved?**

[No answer provided]

- a. Has the US-led coalition or the US government ever conditioned their support on the autonomous authorities taking specific actions? If so, please provide further information. What was the response of the autonomous authorities?**

[No answer provided]

- b. Has the US-led coalition or the US government ever imposed consequences on the autonomous authorities for failing to take specific actions? If so, please provide further information. What was the response of the autonomous authorities?**

[No answer provided]

- 7. Has the US-led coalition taken any steps to support criminal accountability, or justice more broadly, for human rights abuses committed by IS that may also amount to crimes under international law?**

[No answer provided]

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ANNEX 2: WRITTEN RESPONSE FROM THE US GOVERNMENT



United States Department of State

Washington, DC 20520

April 1, 2024

Mr. Wells:

Thank you for your March 8 letter. The United States and international partners remain committed to addressing the dire humanitarian and security challenges at al-Hol camp, Roj camp, and detention centers in northeast Syria. We share many of your concerns and have been both working to address them and continue to call on the international community to aid local entities' management of these challenges since ISIS' territorial defeat. We are focused on advancing justice and accountability efforts for abuses committed by all parties over the past thirteen years in Syria. We take seriously and remain deeply concerned about reports of human rights abuses including extrajudicial killings; torture and cruel, inhuman or degrading treatment or punishment; arbitrary detention; and enforced disappearance. We continuously urge all actors in Syria, including the Syrian Democratic Forces (SDF), to uphold human rights, protect civilians, and to respond appropriately to allegations of abuse and civilian harm, including by holding perpetrators accountable as appropriate.

The SDF remains a capable military partner in the fight against ISIS and, as a nonstate actor, shoulders an outsized burden in the effort to ensure ISIS' defeat. The only long-term, durable solution to these challenges is the repatriation or return of displaced persons and detainees to their countries or areas of origin so they can rejoin society and, where appropriate, be held responsible for their crimes by competent rights respecting judicial processes. We are making progress. In 2023, nearly 5,500 people were repatriated or returned to their community or country of origin from northeast Syria, including over 700 non-Syrian, non-Iraqi nationals to 20 different countries. However, much remains to be done.

We are committed to supporting our local partners both to improve security and humanitarian conditions at al-Hol and Roj displaced persons camps, as well as to address the concerns and conditions your organization has identified in detention and youth centers, and to ensure that these remaining populations receive better services and protection.

ANNEX 2: WRITTEN RESPONSE FROM THE US GOVERNMENT

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Through its partnerships with UN humanitarian agencies and NGOs, the U.S. government provides life-saving humanitarian assistance to the almost 43,000 people living in al-Hol, most of whom are children, including funding for camp management, food assistance, health care, education, psychosocial support services, and clean water and sanitation.

The imperative of repatriation also extends to those individuals in custody in SDF detention facilities in northeast Syria, including those referenced in your correspondence. Conditions remain very much of concern, and we continue to work with the SDF to support humane and secure detention practices, and to improve conditions in these facilities, including by providing nutritional supplements, facilitating training, funding facility upgrades, and working with partners to address medical needs such as tuberculosis.

We are urging local authorities both to consult organizations such as UNICEF and to give paramount consideration to the best interests of children and ultimately move the hundreds of detainees under the age of 18 out of detention and into dedicated youth facilities. Our priority is that these vulnerable youth be repatriated or, where appropriate, reunited with their families while they await repatriation. We also share your concern about reports of youth removed from al-Hol and Roj camps to both youth centers and detention facilities. We have and will continue to engage local authorities to ensure that any decision to place a child in a youth facility is taken only after a thorough assessment of the best interest of the child. In such cases where immediate repatriation, family reunification, or alternative care are not possible, we advocate for placement in appropriate civilian-managed youth centers that offer essential support for these vulnerable youth. We continue to track this issue closely and report on it in the Department of State's annual Human Rights Report for Syria.

Combined Joint Task Force-Operation Inherent Resolve (CJTF-OIR) works with Vetted Syrian Groups and Individuals (VSGI) in the SDF to help them identify, plan, and implement measures supporting detention facilities and their operations' compliance with standards set by the law of armed conflict, and consistent with internationally recognized human rights principles, the United Nations Convention Relating to the Status of Refugees, and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. CJTF-OIR likewise assists VSGI to improve the safety and welfare of al-Hol and Roj camp residents. VSGI are

ANNEX 2: WRITTEN RESPONSE FROM THE US GOVERNMENT

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appropriately vetted, including for their commitment to promoting respect for human rights and the rule of law, in accordance with National Defense Authorization Act Section 1209. Reports of misconduct by VSGI are investigated, as appropriate, to determine the alleged perpetrators' continued eligibility for U.S.-funded support, and U.S. forces notify reportable incidents of violations of the law of armed conflict to appropriate command and local authorities, consistent with the Department of Defense Directive 2311.01, "DoD Law of War Program."

We support the efforts of the UN International, Impartial and Independent Mechanism (IIIM), the UN Commission of Inquiry on Syria, and Syrian and other civil society organizations to document, preserve, and analyze allegations of human rights abuses. Such documentation supports criminal accountability efforts, like those we see in third country investigations and prosecutions. We also support family and survivor groups to determine the fate and whereabouts of their missing and disappeared loved ones, including those disappeared by ISIS. These efforts include data collection, memorialization, advocacy, investigations, forensic identification, and securing mass and clandestine graves. Our sanctions and visa restrictions also remain important tools to promote accountability for human rights abuses committed by any actor in Syria.

On efforts to identify and support trafficking victims, as reported in the Department of State's annual Trafficking in Persons Report for several years, trafficking victims - including children forcibly recruited or used by armed groups, women and girls exploited in sex trafficking, and Yezidi women and girls exploited in sexual slavery - are in al-Hol and Roj camps in northeast Syria and possibly inappropriately detained in detention centers. The United States encourages governments and other responsible entities, including our local partner in northeast Syria, to screen vulnerable populations, such as women and children previously associated with armed groups in Syria, for trafficking indicators and refer any identified victims to appropriate specialized services.

Regarding those individuals repatriated from northeast Syria, the United States has supported and remains committed to helping the international community address the challenges of rehabilitating and reintegrating returnees by providing a range of assistance to foreign governments to facilitate repatriations via support

ANNEX 2: WRITTEN RESPONSE FROM THE US GOVERNMENT

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for air travel, security, logistical support, and case assessments of the detainee population.

Repatriations of Iraqis from SDF-secured facilities are conducted based on arrangements made between the SDF and Government of Iraq. The reported instances of torture and other ill-treatment of repatriated Iraqis after they entered Iraq that Amnesty cited are concerning. We note the United States stands by its commitment to the principle of non-refoulement and continues to call on Iraq, and all countries, to act in accordance with their non-refoulement obligations. Moreover, the United States underscores to countries that repatriate their citizens, including those for whom we facilitate repatriations, the imperative to treat individuals humanely and in accordance with receiving countries' obligations under domestic and international law, including with regard to ensuring due process. We likewise raise these matters, and other concerns documented in the Department of State's annual Human Rights Report, with Iraqi and other country authorities around the world. Additionally, U.S.-funded courses for partner security forces include training on human rights and reducing civilian harm, and all participants in U.S.-funded security courses or end users of U.S.-funded equipment undergo vetting to ensure that they have not been credibly implicated in gross violations of human rights.

We look forward to our continued engagement with Amnesty International on these important matters.

Sincerely,



Ethan A. Goldrich
Deputy Assistant Secretary
Bureau of Near Eastern Affairs

ANNEX 3: WRITTEN RESPONSE FROM THE UK GOVERNMENT



Foreign, Commonwealth
& Development Office

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Dear Mr. Wells,

Thank you for your letter dated 12 March 2024 regarding Amnesty International's research on people with perceived Daesh affiliation in north-east Syria.

As Syria enters its 14th year of conflict, the situation is dire. Humanitarian need is worsening, and high levels of violence continue across the whole country. The UK closed its Embassy in Syria in 2012 and since that time has worked from outside the country. Humanitarian assistance and accountability for the range of atrocities committed against Syrians, regardless of perpetrator, remain priorities for the UK. We maintain a 'whole of Syria' approach, so while your letter focuses on the north-east, some of this response necessarily sets out our approach in this wider context.

The UK continues to use its membership of multilateral fora to focus international attention on human rights violations and abuses in Syria. This includes through our permanent position on the UN Security Council and as penholder for the Human Rights Council's Syria resolutions. To date, we have contributed over £4 billion to supporting those affected by the Syrian conflict. This includes over £14 million towards international efforts to gather evidence and assist victims.

As a member of the Global Coalition against Daesh, the UK continues to work with the Coalition and its local security partners in Syria and Iraq to tackle the threat from Daesh and prevent its resurgence. This includes extensive humanitarian programming aimed at preventing and responding to civilian protection risks and improving conditions for camp populations in north-east Syria.

We provide support to internally displaced persons camps, offering multi-sector assistance, including medical, child protection, water and sanitation hygiene (WaSH)

ANNEX 3: WRITTEN RESPONSE FROM THE UK GOVERNMENT

and education services. We also provide humanitarian assistance to minors to improve basic conditions, provide psycho-social support and education, and explore pathways for release and reintegration.

The UK has robust processes in place to ensure that projects funded by the UK meet our human rights obligations and values. This includes publicly available HMG guidance that sets out the human rights risks that must be considered prior to providing justice or security sector assistance.

In terms of impact, in financial year 2022/23, the UK's humanitarian assistance in north-east Syria supported over 225,000 medical consultations, provided over 4,000 people with mental health support and over 2,700 people with cash and voucher assistance. The UK has also supported over 6,000 people with sexual and gender-based violence services, as well as 9,000 people with sexual and reproductive services in Al Hol camp.

Your letter mentions tuberculosis (TB). The UK is extremely concerned about the humanitarian implications of the TB outbreak in detention facilities in north-east Syria and for the wider community. We are coordinating closely with partners and humanitarian actors to respond, and we will continue working with international partners, including the UN, on opportunities to improve humanitarian programme coverage, access and coordination in north-east Syria.

However, ultimately, responsibility for detention and camp facilities and the wellbeing, detention, transfer or prosecution of detainees is a matter for authorities under whose jurisdiction individuals are detained. We remain clear that all parties to the Syrian conflict must respect their obligations and responsibilities towards civilians under international law.

Yours sincerely,



Stephen Hickey
Director Middle East and North Africa

ANNEX 4: WRITTEN RESPONSE FROM THE IRAQI AUTHORITIES

Translation from Arabic to English by Amnesty International

Questions posed by Amnesty International have been rephrased

(Original letter included as annex to Arabic language translation of this report)

4 April 2024

To: Amnesty International

May the peace, blessings, and mercy of God be upon you.

Regarding your letter dated March 21, 2024, with reference number (TG MDE 14/2024.5307), we hereby provide our responses to the inquiries outlined in your aforementioned correspondence.

1. Is there an agreement between the Iraqi authorities and the Autonomous Administration authorities to transfer 50 Iraqi men on a monthly basis, along with 150 individuals from the Syrian Al-Hol camp? When was this agreement concluded?

Yes, there exists collaborative coordination between the Iraqi security authorities and the Autonomous Administration authorities facilitated by the international coalition. This coordination aims to transfer 150 families, not individuals, per month from the Syrian Al-Hol camp. Additionally, there is a provision to transfer 50 defendants with each batch.

2. How many Iraqi men and boys were transferred from north-east Syria to Iraq before the agreement between the Iraqi government and the north-east Syrian forces, and how many were transferred after the agreement?

2,081 Iraqi families were relocated from Al-Hol camp in Syria to Al-Jada'a Center for Psychological and Social Rehabilitation in Nineveh Governorate in 14 batches until March 9, 2024. Al-Jada'a Center provides relief, shelter, and psychological and social rehabilitation for the returning families until they return to their original areas after providing the necessary requirements for return and preparing the suitable environment for it.

In addition, the Iraqi government is engaging in community reconciliation with tribes to facilitate the return of families to their original areas, as well as addressing the issue of lost identification documents for the returning families and providing them with healthcare and social support.

ANNEX 4: WRITTEN RESPONSE FROM THE IRAQI AUTHORITIES

Iraq is among the leading countries in repatriating its citizens from the Al-Hol camp in Syria, urging all countries to repatriate their nationals.

3. How many Iraqi men are still in the detention facilities managed by the Autonomous Administration authorities of north-east Syria?

There are no accurate statistics, but their number is estimated to be more than three thousand individuals.

4. How many Iraqi boys are still in the detention facilities?

We do not have precise statistics available.

5. What are the agencies responsible for receiving Iraqi men and boys, and what are the procedures for investigation and detention?

Suspects are transferred to the Ministry of Interior / Federal Intelligence and Investigation Agency, which conducts investigations and then presents them to the Iraqi judiciary.

6. What support has the United Nations provided to the Iraqi authorities through the Global Framework on United Nations Support on Syria and Iraq Third Country National Returnees?

The United Nations provided a plan (A New Beginning) to support the Iraqi government in the issue of the return of Iraqi families from north-east Syria and formed four technical groups with international organizations to support Iraq.

7. What steps have the Iraqi authorities taken to identify and repatriate members of the Yezidi community and other minorities who were abducted by IS terrorist gangs and subjected to heinous crimes, and who are currently held in detention facilities or camps, and what steps have the Iraqi authorities taken to ensure the rights of repatriated Iraqis, including their right not to be forcibly separated from their children?

8. What preemptive steps, if any, have the Iraqi authorities taken to identify other Iraqis in detention facilities and camps who may be victims of trafficking, including women, children, and young men belonging to Sunni communities in Iraq?

[Answer to questions 7 and 8]

The Iraqi government has formed a committee to search for abducted Yezidis and others, including Turkmen and Shabak, as well as any Iraqi citizen abducted by IS terrorist gangs without discrimination. One of the committee's main objectives is to establish a unified database for the abducted individuals. The committee has launched a hotline and an

ANNEX 4: WRITTEN RESPONSE FROM THE IRAQI AUTHORITIES

electronic form on the website of the Directorate of Survivor Affairs specifically for information regarding the search for the abducted.

Furthermore, this committee coordinates with security agencies, intelligence agencies, and relevant entities in the search for the abducted individuals, giving special importance to promptly responding to information and intensifying efforts in the search and investigation for the abducted. The committee holds meetings with the families of the abducted individuals, especially Yazidis, Turkmen, and Shabak (as they represent the highest percentage of the abducted), to obtain information about the abducted individuals and to present comparisons of available photos to those possessed by the families, comparing them with what is available to the security agencies.

The committee has succeeded in liberating numerous abducted women and men, returning them to their families.

Please accept our sincere gratitude and respect,

Office of the Advisor to the Prime Minister for Human Rights

Dr. Zaidan Khalef Al-Atwani

April 4, 2024

**Amnesty International
is a global movement
for human rights.
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to one person, it
matters to us all.**

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AFTERMATH

INJUSTICE, TORTURE AND DEATH IN DETENTION IN NORTH-EAST SYRIA

The autonomous authorities of north-east Syria – with the support of the US government and other members of the coalition to defeat the Islamic State (IS) armed group – are engaged in the large-scale and systematic violation of the rights of more than 56,000 men, women and children in their custody. Most of these people were detained during the final battles with IS in 2019. They are now held in at least 27 detention facilities and two detention camps and face arbitrary and indefinite detention, enforced disappearance, grossly inhumane conditions, and other serious violations. Many of those detained are victims of IS atrocity crimes or trafficking in persons.

The research for this report was conducted from March 2022 to February 2024 and included three research visits to north-east Syria. In total, Amnesty International interviewed 314 people, including 126 people with perceived affiliation to IS who have been held in the detention facilities or camps.

The autonomous authorities must immediately end all torture or other ill-treatment and address inhumane conditions, which have led to mass death. The US government should do all in its power to end the violations. The autonomous authorities, the US-led coalition, and the United Nations must develop a comprehensive strategy to bring this detention system into compliance with international law and ensure justice for IS victims.