



# A Simple Guide on the Cases of Survivors of Detention



اليوم التالي  
لدمع الانتقال الديمقراطي في سوريا



THE DAY AFTER  
Supporting Democratic Transition In Syria

## A Simple Guide on the Cases of Survivors of Detention

2022

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The Day After Association (TDA) is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.

**The Day After collaborated with groups of survivors to produce this booklet:**

■ **Najoon Initiative** brings together male and female survivors from the detention centers of the Syrian regime. It works to advocate for the issues of survivors of detention centers and families of missing by working to raise community awareness and build capacities and community leaders. It is an open space for everyone to cooperate and share goals and advocate for the issues of detainees and missing persons.

■ **The initiative of Syrian survivors from Lebanese prisons** works to reveal the fate of all detainees in Lebanese prisons and to improve conditions of detention to ensure access to justice and hold violators accountable.

■ **Returner** are a group of female and male survivors from the prisons and detention centers of the Syrian regime and other violating parties. This group believes in the right to live in freedom and that it is a right and a demand for all Syrians.. They work to address breaking the stigma of detention and reintegrate the survivors into their communities through initiatives and campaigns in which they contribute with it.

■ **The Loyalty Group for Detainees** is a group of survivors and families of the missing and forcibly disappeared in the prisons of the Syrian regime and other violating parties. They are actors and civil society activists in Afrin. They were once forcibly disappeared so they decided to raise the voice of detainees and their families, They work to raise awareness of human rights concepts and implement a number of initiatives and campaigns working to advocate for the issues of detainees and the forcibly disappeared.

**Design: Adeeb Alhariry**

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# 01

## Introduction

## First: Introduction

Personal freedom is a right enshrined under international human rights laws, particularly Article 9 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which state that no one may be arbitrarily detained.

Arbitrary detention without any legal arrest warrants is one of the most significant methods the Syrian government has resorted to in suppressing popular protests in Syria since March 2011. These violations have affected hundreds of thousands of Syrians, and were practiced by the security services and militias affiliated with the Syrian government to terrorize Syrians.

Arrests in Syria were carried out without judicial warrants, and detainees went absent without any information, and were denied communication with their families and lawyers. Syrian authorities deliberately denied carrying out arbitrary arrests, and therefore, most detainees were considered as forcibly disappeared. Arbitrary arrests contributed to the absence of a centralized list of the names of the missing in Syria. There are conflicting numbers about the forcibly disappeared, as it was sometimes claimed that there were 300,000 forcibly disappeared individuals, while other agencies provided lesser numbers. United Nations numbers indicate more than 100,000 detainees.

Detainees in Syrian prisons are subjected to various types of torture, cruel, inhumane and degrading treatment and sexual violence by the prison authorities without any local or international oversight or protection.

The issue of arrests in Syria has not been seriously addressed at the international level — whether through negotiations or through binding international resolutions, and efforts in this regard have not made any progress in seeking to release political detainees or protect them so far.

The aim of this booklet is to shed light on the most important psychological and social consequences of detention, and ways to deal with it, in addition to mentioning the most important relevant laws as a guide, with the aim of sharing information publicly.

**This handbook is a first step, and there is still a lot of work to be done to develop what has been started.**





## 02

The psychological effects of detention and its behavioral repercussions

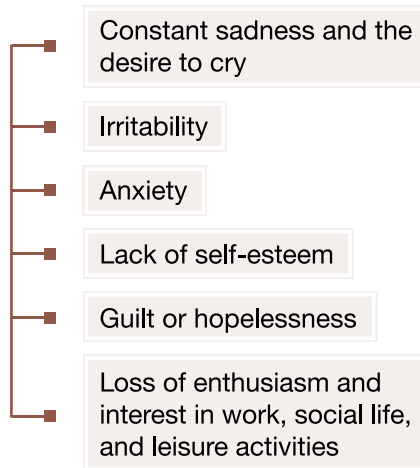
## Second: The psychological effects of detention and its behavioral repercussions

### The most common psychological symptoms

#### ■ Depression:

Depression is one of the most common disorders that may affect people who have been arrested, in which a person suffers from a constant feeling of sadness, negative feelings, and a loss of interest in activities that a person usually enjoys, due to poor conditions of detention, and because of the severe psychological repercussions experienced by detainees as a result of torture, fear, and brutal interrogation methods.

#### Symptoms of depression:



## ■ Post-traumatic stress disorder (PTSD):

Post-traumatic stress disorder: According to the International System of Medical Classification of Mental Disorders, PTSD usually occurs as a result of a traumatic event, or severe psychological experiences such as domestic violence, physical abuse, or witnessing horrific incidents/ events such as wars. It is worth noting that PTSD does not occur only as a result of trauma, but can also extend to witnesses of trauma, and this psychological disorder is not limited to one group, as it can affect children, adults, men and women.

One detainee survivor, Abdullah, stated in his testimony about PTSD:

**The detainees, especially children, suffer from a state of extreme fear, constant anxiety, and the inability to sleep, which often leads to complete collapse, and on rare occasions, leads to death.**

## Symptoms of PTSD:

### Recurrence of the experience/trauma:

- Dreams and nightmares
- Physical response when remembering the event/trauma, increased heart rate/sweating
- Mental response when remembering the event, i.e. feeling sad/triggered
- Repetitive disturbing thoughts and images about the event
- Reliving the traumatic event/incident

### Avoidance: trying not to think or talk about what happened

- Avoid people and activities that remind the person of the event
- Inability to recall some parts of the traumatic event
- Loss of interest in things that were once interesting
- Not feeling close to others
- Numbness of feelings

### Hypervigilance:

- Easily irritated
- Closely watching surroundings
- Lack of focus
- Difficulty sleeping
- Exaggerated reactions (startling when hearing any sound)



## Some tips on self-care:

- When you have 5 minutes to yourself, listen to relaxing or soothing music, to distract your mind from what you just witnessed or what you had to deal with.
- Paying attention to eating healthy food as much as possible, especially leafy greens, and staying away from stimuli or reducing them as much as possible, all of this contributes to taking care of your mental health and reducing psychological pressure.
- Walking three times a week for half an hour is very important, and looking at nature and the sky contributes to relieving stress.
- Develop your interest in a particular topic, such as one related to your work, and spend some time reading books to enable your mind to focus on something else.
- Try using breathing techniques, relaxation or self-reflection.
- Be as open as possible to discuss your thoughts and feelings with friends, colleagues and family.
- Sometimes you can put your feelings and thoughts out on paper without seeking help from anyone, and this can sometimes help you calm down and relieve anxiety.
- Try to stay away from feelings of personal responsibility, guilt, or self-blame towards others who have survived or are still suffering inhumane treatment, and remember that you are not alone.
- Try to be kind to yourself by protecting your own autoimmune levels. When you are stronger, you will be able to do a better job, and help more people, than if you did not take care of your own safety.

- Seek spiritual support and guidance. People often find that reading religious texts and prayer helps them greatly.
- Communicate with colleagues, friends and family to seek help when you feel the need to do so.
- Seek informal support from colleagues who live in the area through possible practical social activities, such as doing recreational activities or playing sports.
- Sometimes reaching out to a specialist outside your family or professional circle can be very helpful to highlight the difficulties you are facing.



**03**  
Stigma

## Third: Stigma

### A- Definition of Stigma

Stigma is a social process that results in the marginalization or stigmatization of individuals or groups.

According to the World Health Organization, stigma can be defined as a sign of shame, or rejection, which leads to refusal, discrimination and exclusion from participation in a number of different areas of society. Social stigma and the accompanying discrimination can also affect people's dignity and self-esteem levels.

Maysa, a survivor of detainment says in her testimony:

**I had many loved ones and friends with whom I was in constant contact with, but this communication changed after the arrest, as if they became ashamed for communicating with me.**

Stigma includes judgement, blaming, discrimination, punishment and humiliation of individuals, groups, or societies because of a certain characteristic, trait, or experience that is judged in some way as not fulfilling the standards of their group or community.

### B - The Consequences of Stigma

- Focusing the blame on women, controlling their behavior and isolating them at home, restricting their freedoms and rights, and using forced and early marriage as “preventive” measures, which have very serious consequences for women, gender equality and justice.
- Blaming families based on beliefs that the role of males is to protect

the females in the family, which reinforces gender-based norms (this is what happened with Maysa after her release from detention, in her testimony:

**I was forced to leave Syria by my family during my detention and afterwards, due to pressure from their community.**

- Fear of stigma prevents survivors from speaking out, receiving assistance, or accessing justice.

- Stigma attached to families can destroy family ties, and can result in divorce, desertion, or marrying another woman.

Stigma may lead to the expulsion of survivors, their isolation, rejection or ostracism, and in some cases they may end their life.

Maysa's testimony:

**Even my husband, with whom I have two sons, filed for divorce without saying a word, without giving any reason, and he never asked about my children either. He completely disappeared from our lives. It seemed that he also felt ashamed that I was a detainee with the regime.**

- Blaming the victims and their families diverts focus and efforts away from the behavior of the perpetrator, distracts attention from the perpetrators, and can impede the achievement of justice and accountability against them. This is what Maysa also said in her testimony:

**It is unfortunate that female detainees are treated in this horrific way, and are constantly accused and questioned.**

■ Failure to address stigma in all personal, familial and social levels will impede recovery and healing, and lead to further fragmentation and conflict within societies, and undermine any opportunity for sustainable development and construction. Therefore, Iman, a survivor, believes that it is necessary for actors from organizations and others to play a greater role in raising awareness in societies about the mechanism of dealing with survivors of arrest, and the importance of explaining the injustice that was practiced against the detainees, and that family and society should not contribute to the complication of this injustice, and that they have a role in the survivor's recovery post-detention.

## What can be done to bring about change:

- Intensive discussions at all levels, with the presence and participation of the survivors themselves, will be very helpful in changing misconceptions about stigma.
- Communicating with pro-active people in communities, such as notables, clerics and dignitaries, so they can be the social mediums for the desired change. Bahira, a survivor of detention, says:

There is a bad and deficient view of survivors of detention, as if they were a source of shame, which often makes the survivor shut down in an attempt to stay away from social life because of this perception. In addition, the media and organizations to exercise their role in raising awareness in society, and presenting survivors as cases of strength and heroism is also lacking.

- Work to address stigma by enacting legal and administrative legislation to ensure this.

## C - Rights that are violated because of stigma (according to the two international covenants):

Through this paragraph, we identify rights that can be violated because of stigma, based on the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Cultural and Social Rights, and the reason these two covenants were adopted is because both were ratified in 1969 in Syria.



■ **The International Covenant on Civil and Political Rights:**

A multilateral treaty adopted by the United Nations General Assembly resolution in 1966, and came into force in 1976.

The treaty obligates its parties to respect the civil and political rights of individuals, including the right to life, freedom of religious belief, freedom of expression, freedom of assembly, the right to vote and the right to a fair trial.

Syria ratified this covenant in 1969.

■ **The International Covenant on Economic, Social and Cultural Rights:**

An international multilateral treaty adopted by the United Nations General Assembly in 1966, and came into force in 1976.

The treaty obligates its parties to work towards the granting of economic, social and cultural rights, including the right to work, the right to education, the right to an adequate standard of living, and the right to health.

Syria ratified this covenant in 1969.

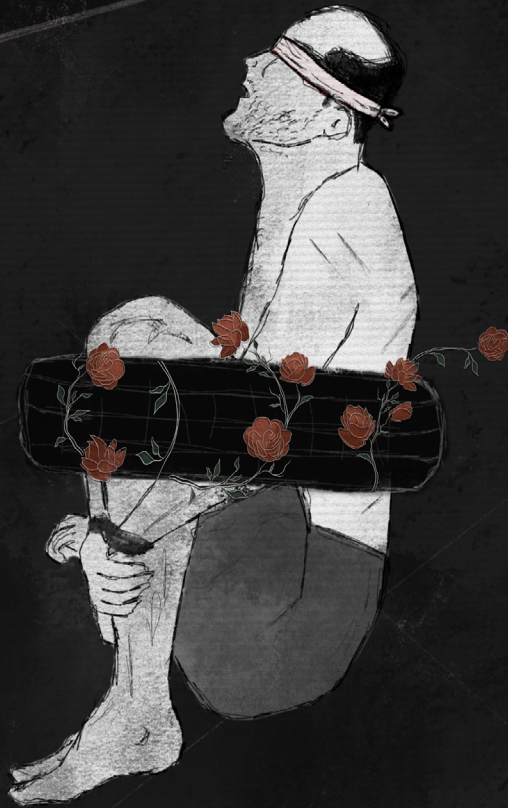
**The following table shows some examples of stigma and how it can affect the lives of those who suffer from its consequences**

(Table excerpt from the report of Lawyers and Physicians for Human Rights)

Rights violated due to stigma (according to the two international covenants)	The reality in Syria
Gender Equality (Article 3 of the International Covenant on Civil and Political Rights, Article 3 of the International Covenant on Economic, Social and Cultural Rights)	Although stigma is inflicted on both women and men in Syria, there is a clear gender distinction between them, as women bear the brunt of stigma more than men.
Freedom and Protection Against Discrimination (International Covenant on Civil and Political Rights, Articles 24 and 26)	There are many discriminatory texts in Syrian law that contribute to the establishment of a structural stigma, and thus contribute to perpetuating discrimination rather than abolishing it.
Right to life (Article 6 of the International Covenant on Civil and Political Rights)	Women may be killed by males in the family to get rid of the stigma that resulted from the imprisonment, furthermore, stigma may cause stigmatized people to commit suicide.
Right to liberty and security of the person (Article 9 of the International Covenant on Civil and Political Rights)	Some families resort to it as a preventive measure, as it is possible to keep women and girls in the house “away from harm” and deprive them of their freedom, and some families can resort to it as a punitive measure or to avoid the shame that has befallen them after the women/girl’s imprisonment.
Freedom of movement (Article 12 of the International Covenant on Civil and Political Rights)	Stigma limits the freedom of movement of people who suffer from it, and family may be the reason for the limitation of this freedom, as the movement of women is restricted under the pretext of “protection”, honor and reputation, and the limitation of freedom of movement may be for personal reasons, but in most cases, the individual is usually stigmatized by their family or society.
Right to legal recognition (Article 16 of the International Covenant on Civil and Political Rights)	Children born as a result of rape are rarely registered and cannot obtain citizenship from their mother. Also, in many cases, the newborn is registered in the name of one of his relatives (as the father), contrary to the truth, in order to avoid stigmatizing the child. Sometimes, to get rid of stigma associated with imprisonment (for women), parents claim that she died and do not even acknowledge her arrest.

Rights violated due to stigma (according to the two international covenants)	The reality in Syria
<p>Right to privacy, home and family, and freedom from unlawful attacks on honor and reputation (International Covenant on Civil and Political Rights, Article 17)</p>	<p>Stigma is an attack on a person's reputation and honor, and stigma around sexual violence often results in stigmatization and blaming of survivors for the crime committed against them. Stigma can also deprive survivors of their home and family if they are rejected or forced to leave by their family/society.</p>
<p>Freedom of Expression (Article 19 of the International Covenant on Civil and Political Rights)</p>	<p>Fear of stigma prevents survivors from revealing, and it also prevents dialogue and discussion in sensitive matters, as society considers this a taboo that should not be delved into.</p>
<p>The right to marry and form a family (ICCPR, Article 23, Article 10 of the International Covenant on Economic, Social and Cultural Rights)</p>	<p>Survivors often encounter difficulties in getting married or being able to marry. Also, some families may resort to negative coping mechanisms with stigma, where they marry their daughter off to an elderly or disabled person to make the stigma of rape disappear, and the husband may divorce his wife and deprive her of her children. In addition, in some cases the survivor prefers to distance herself from the family as a result of self-stigma.</p>
<p>The right to work, in just and equitable conditions (International Covenant on Economic, Social and Cultural Rights, Articles 6 to 7)</p>	<p>Discrimination and negative social reactions affected survivors at work or through access to employment. Because of shame and blame, it prevents survivors from getting a suitable job opportunity. On the other hand, stigma may lead to those stigmatized being fired from work. Failure to address the mental health consequences of stigma can also impair a stigmatized person's ability to work.</p>
<p>Protection of Children (International Covenant on Civil and Political Rights, Article 24, International Covenant on Economic, Social and Cultural Rights, Article 10)</p>	<p>Children born of rape are often abandoned and branded for life if the father is anonymous or cannot be declared, and the child may be deprived of his or her nationality because of not being registered. Also, fear of stigma may lead mothers to abort fetuses or kill their newborn.</p>

Rights violated due to stigma (according to the two international covenants)	The reality in Syria
<p>Right to physical and mental health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)</p>	<p>Being affected by violence and trauma through social rejection, judgment and stigma creates barriers to accessing services and support, some of which may be self-inflicted.</p>
<p>Right to Education (International Covenant on Economic, Social and Cultural Rights, Article 13)</p>	<p>Stigma due to arrest may prevent the survivor from going to school or university because of self-stigma, family or community stigma, in addition to the fear of arrest again, which prevents survivors from traveling to pursue education.</p> <p>The fear of sexual violence is also one of the reasons for girls not attending school.</p>
<p>The right to take part in cultural life (International Covenant on Economic, Social and Cultural Rights, art. 15)</p>	<p>Survivors often isolate themselves, or are ostracized and rejected from their communities and families, thus losing their right to full engagement in the community.</p>



# 04

## Legal definitions of some violations

## Fourth: Legal definitions of some violations

### Arbitrary arrest:

The Working Group on Arbitrary Detention clarified that the deprivation of liberty is arbitrary, such as arrest or detention without legal basis. In addition, the arrest or detention permitted by national law may be arbitrary under international standards, for example, laws are vaguely worded, too broad or incompatible with human rights such as the right to freedom of expression, assembly or belief, or the right to freedom from discrimination, and detention can also become arbitrary as a result of violating the detainee's right to a fair trial. Furthermore, enforced disappearance and secret detention are in and of themselves arbitrary. (International Trials Manual)

### Enforced disappearance:

Is defined as arrest, detention, kidnapping, or any other form of deprivation of liberty, carried out by state officials, or by persons or groups of individuals acting with the permission, support or approval of the state, followed by a refusal to acknowledge the deprivation of liberty, or concealment of the fate or location of the disappeared person which deprives him of the protection of the law. (International Convention for the Protection of All Persons from Enforced Disappearance)

### **Prisoners of conscience:**

They are people who have not used or advocated violence, but are imprisoned for their political views, and for giving an account of a political-related event/incident.

### **Incommunicado detention:**

Detaining people without allowing them to contact their families, lawyers, etc.

### **Secret Detentions:**

Detaining people in secret locations.

### **Improper prison conditions:**

Conditions inside detention, such as overcrowding, and solitary confinement.

### **Unjust trials:**

Conducting trials without ensuring the availability of the minimum legal procedures (the right to litigation and the right to defense).



## Denial of freedom of movement:

Deprivation of freedom in international human rights law is not the same as restrictions on freedom, and the difference between them lies in that the right to freedom of movement has a range. For example, in the event of an order obligating a person to live in a specific place (*limitation of residence*), and to determine whether if a person has been deprived of his or her liberty, the European Court focused on the degree and severity of the restriction, taking into account the type, duration, effects, manner of implementation of the imposed measure and its context. Relevant factors include the ability to leave the designated area, the degree of supervision and control of the individual's movements, and the extent of isolation.

## Detention, Arrest and Pretrial Detention:

Detention is the deprivation of one's liberty by order of a state authority, or with the consent of the state. The term detention is used when a person is placed under arrest and before being found guilty of a crime, and the person may be held in a place where they are not allowed to leave, including in a police station, or a detention facility , in a public or private location, or under house arrest.

In criminal cases, there are various forms of pretrial detention, including detention in a police station before the person arrested is brought before a judge. The term arrest is also used to describe pretrial detention ordered by a judge and does not include deprivation of liberty during questioning by a police officer or another person authorized by law.

## 11- Imprisonment:

The term imprisonment is used when a person is deprived of his or her liberty as a result of being convicted of a crime. The term refers to deprivation of liberty after trial and conviction, while detention, in the context of criminal justice, refers to deprivation of liberty before and during trial.



05

Recommendations

## Fifth: Recommendations

### A- Recommendations to Syrian Civil Society Organizations:

- Establishing a unified database to calculate the number of detainees in Syria, and to communicate with relevant international mechanisms to demand the improvement of their conditions and their release.
- Cooperation among civil society organizations so they can properly make case referrals, and provide medical, social, humanitarian and legal support to survivors and their families.
- Seeking to rehabilitate the survivors post-detainment, and in their community, by conducting training workshops and creating suitable job opportunities for them.
- Spreading cultural awareness on human rights through the media, lectures and workshops, and working to eradicate ignorance related to human rights, especially stigma that is attached to the survivor throughout their life, and rehabilitating them to engage in the community.
- Coordination and advocacy for the abolition of all legal articles in Syrian laws that protect the perpetrator of violations from punishment, regardless of the degree of his responsibility, and reform the prison system, and support the judiciary to assume its role.
- Working to communicate with United Nations mechanisms focused on arbitrary arrest and enforced disappearance, and to submit complaints about everything that is happening in Syria.
- Work to find a compensation mechanism during the next stage in the transitional justice period, and demand through the parties preparing the new constitution, a fair compensation for the victims of arrests,

victims of enforced disappearance and their families, and guarantees of preventing recurrence.

- Develop programs that help in the long-term psychosocial treatment and rehabilitation for victims of imprisonment and torture.

## **B - Recommendations to the international community:**

- Activating the role of international law in prosecuting war criminals, and protecting the rights of civilians in armed conflicts.

- Implementation of international agreements that provide for the elimination of all forms of discrimination and violence against women.

- Implement agreements to improve detention facilities and prisons, and allow specialized organizations to carry out periodic visits to places of detention in Syria.

- Putting pressure on the Syrian government to release prisoners of conscience and those forcibly disappeared since 2011.

- Lobbying for the reactivation and establishment of independent national human rights organizations and institutions in the protection and promotion of children's rights.

## **C - Recommendations to the United Nations and regional bodies:**

- Immediately start putting pressure on all parties to immediately disclose the records of their detainees according to a timetable, and it is necessary to reveal the places where detainees are being held, and to allow humanitarian organizations and the International Committee of the Red Cross to visit them directly.

- The formation of a UN specialized committee to monitor cases of enforced disappearance, and to immediately investigate the thousands of enforced disappearances in Syria.
- Supporting organizations working in documenting cases of enforced disappearance, arbitrary arrest and torture, supporting the accountability and justice process and its mechanisms, and supporting organizations working in victims' rehabilitation programs.
- Pressure for early release of elderly and sick patients who are likely to contract disease and lose their lives.
- Referring the dossier in Syria to the Prosecutor of the International Criminal Court in accordance with Chapter VII.
- Ensure that the parties to the conflict implement Security Council Resolution 2139 relating to detainees, and related resolutions.
- Demanding the acceleration of the entry of the International Commission of Inquiry into Syria, and the rest of the organizations concerned with human rights and humanitarian organizations.
- Establishing a specialized center for torture research and conducting routine and full medical examinations for all detainees.

## **H- Recommendations to the Constitutional Committee:**

- The new constitution must include articles that prohibit the establishment of exceptional courts.
- The new constitution must include articles that effectively prevent civilians from being tried before military courts.
- The new constitution must include ensuring the independence of the judiciary, arrest procedures, and other practices.

■ The new constitution must provide for effective mechanisms to control the activity of the security services and places of detention.

### **I- Recommendations to commanders of military forces in areas outside regime control:**

- Stop all practices related to arbitrary arrest and detention
- Provide detainees with immediate access to legal and medical services.
- Immediately release prisoners of conscience and prisoners who were arrested as a result of exercising their human rights and expressing their political opinions.
- Adhere to all international standards and cooperate with all relevant organizations regarding arrests and detentions in areas under their control.
- Release persons in their custody whose detention amounts to arbitrary deprivation of liberty.



## Conclusion

The objective of torture is not only to obtain information, but to destroy the dignity of the person, and to incite terror and fear in communities by destroying relationships, expectations, and the individual's self-image.

Blaming the victims and their families therefore diverts focus and efforts away from the perpetrators and the root causes of violations in Syria, impedes recovery and healing, leads to further fragmentation and conflict within societies, undermines opportunities for sustainable peace and development, and can impede justice and accountability against the perpetrators.

Internalized shame often prevents survivors from telling their stories, and hence prevents them from receiving assistance, or accessing justice. Such shame in families can also break family ties and lead to the expulsion or isolation of survivors, rejection or ostracism, and in extreme cases, honor killings.

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