

them the Shifa' hospital that was hit by an earlier deadly attack in June.<sup>62</sup> The area is also known to host multiple Turkish and Syrian National Army military and security locations and has been the focus of repeated shelling over the reporting period.

81. The strikes by pro-government forces or the Syrian Democratic Forces on populated areas (paras. 78–80 above) may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians. In addition, as previously concluded, if the improvised explosive device attacks (paras. 76–77 above) have been carried out by parties to the conflict, they may amount to the war crime of launching indiscriminate attacks resulting in death or injury of civilians.<sup>63</sup>

## **B. Arbitrary arrest and detention, enforced disappearances, and conditions in detention**

82. Sources reported that the effectiveness of the Syrian National Army quasi-judicial structures was increasing, but that individual factions continued detaining people arbitrarily, outside of such processes. Former detainees reported that factions conducted arrests and were responsible for the running of detention facilities, **with Turkish intelligence officials sometimes present at or directing interrogations.** Many detainees reported never having been brought before a judge, and that their release had been secured by bribes or external pressure. Others reported that they only saw a judge towards the end of their time in detention, in some cases after several years.

83. Reports continued to be received of civilians being detained by Syrian National Army elements for alleged security offences and for criticizing Syrian National Army factions. The arbitrary detention of journalists is being investigated. Other persons were detained as reprisals in personal or property disputes, including individuals who had submitted formal claims to retrieve their property (para. 91 below).

84. Recently released detainees reported torture and ill-treatment in Syrian National Army detention centre perpetrated earlier in 2021. The reports include allegations of torture directly causing death. Torture and ill-treatment allegedly took place mainly during interrogation sessions and included beating, stress positions, the use of Tasers, and electric shocks, including to genitals. Female detainees were also photographed in underwear. Such practices were mostly reported in the detention centres at the Hamza Division headquarters in Hawar Killis, and in Rai, as well as in temporary informal detention sites. Most allegations involve accusations against the Hamza Division and the Sultan Murad Division.

85. During the reporting period, multiple accounts of deaths occurring in Syrian National Army detention, primarily in detention centres in Rai and Zira, Bab District, were gathered. While, according to relatives, bodies were returned to their families, there is no indication that any investigation has been initiated by the Syrian National Army into such deaths. Relatives reported traces of ill-treatment on the body of one of the deceased.

86. Information gathered regarding the fate of people who went missing in 2018 and 2019<sup>64</sup> confirmed practices tantamount to enforced disappearance. Many civilians were held incommunicado for long periods, and some remain missing at the time of writing. In some instances, relatives learned that their loved one had recently died in detention, while others learned the whereabouts of missing persons, including through social media, and managed to secure their release after paying bribes.

87. In a welcome development, the Syrian National Army provided information on four cases where its members had been internally prosecuted for torture, ill-treatment and kidnapping perpetrated between 2019 and 2021. The Commission does not yet have details of the proceedings.

88. The Commission has reasonable grounds to believe that individual Syrian National Army factions, including the Sultan Murad Division and the Hamza Division, have

<sup>62</sup> A/HRC/48/70, para. 79.

<sup>63</sup> Ibid., para. 90.

<sup>64</sup> See A/HRC/46/55, para. 96; and A/HRC/45/31, para. 55.