



ANNEX A – THE MECHANISM’S MANDATE AND METHODOLOGIES RELATED TO THE PREPARATION OF ANALYTICAL PRODUCTS AND CASEFILES

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A. The Mechanism’s mandate

1. The General Assembly established the Mechanism in December 2016 to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law in the Syrian Arab Republic since March 2011.¹ The Mechanism is mandated to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional, or international courts or tribunals that have, or may in the future have, jurisdiction over those crimes.² This mandate is exercised with full independence, impartiality, and objectivity.³

2. This Annex explains the Mechanism’s methodology in implementing these core aspects of its mandate, in particular: (1) building its Central Repository of Information and Evidence (“Central Repository”); (2) defining its analytical and case-building objectives; (3) the Mechanism’s investigative and analytical methodologies based on international standards; and (4) the analytical methodology applied to the present Detention Report. In order to maximise prospects for the Report’s use before national, regional, or international courts or tribunals which employ various procedures and standards of proof, the Mechanism has objectively described the methodologies and standards it has applied to the assessment and analysis of information and evidence relied on in the Detention Report,⁴ rather than ascribing a particular threshold of proof.

B. The Mechanism’s Central Repository of Information and Evidence

3. The Mechanism’s Central Repository is the foundation from which it prepares files and analytical products to facilitate and expedite criminal proceedings. In building the Central Repository, the Mechanism has adopted an ambitious collection strategy designed to meet the immediate and future evidence needs of national, regional, and international justice actors to effectively investigate and prosecute international crimes committed by different perpetrator groups during Syria’s protracted conflict.



4. Broad collection objectives directed by the Mechanism’s Terms of Reference were initially oriented around information and evidence obtained by the Independent International Commission of Inquiry on the Syrian Arab Republic (“Commission”), the Organization for the Prohibition of Chemical Weapons (“OPCW”), the OPCW-UN Joint Investigative Mechanism, States, entities of the United Nations system, non-governmental and civil-society organisations, and individuals involved in documenting crimes and human rights violations.⁵ The Mechanism’s collection strategies have been further guided by the progression of its Structural Investigation and the lines of inquiry within it, as well as the increasing number and complexity of requests for assistance received from competent jurisdictions,⁶ which has resulted in collections from a growing number of sources.⁷ In accordance with the Mechanism’s independence and impartiality, efforts remain ongoing to engage with information providers and evidence sources relevant to crimes committed against victims on all sides of the conflict,⁸ including the Syrian Arab Republic and States that oppose the Mechanism’s mandate.⁹

5. Information and evidence obtained by the Mechanism is handled and preserved according to international criminal law standards that ensure, upon its receipt, an uninterrupted chain of custody that maintains the integrity of the evidence for future use in criminal proceedings.¹⁰ When appropriate, the Mechanism may also proactively seek further information on the provenance of evidence shared with the Mechanism in order to maximise its use by current and future jurisdictions.¹¹

C. The Mechanism acts independently and impartially in defining its analytical and case-building objectives

6. Decisions on the selection and sequencing of the Mechanism’s lines of inquiry, its related analytical products and case files are centred on the principles of independence and impartiality.¹² The Mechanism does not act on the instructions of, or pursuant to the known or perceived wishes or agendas of external actors.¹³ In determining the focus and parameters of its analytical and investigative work, the Mechanism seeks to address and reflect the broad range of crime patterns and perpetrator groups relevant to the conflict in Syria,¹⁴ informed by its victim/survivor centred approach, thematic strategies on gender, children and youth, and broader justice objectives, such as the search for missing persons.¹⁵ The availability and strength of evidence related to particular crime categories or perpetrator groups, as well as the identification of opportunities for the Mechanism’s analytical products to support the current needs of existing justice actors, also drives the sequencing of work across the Structural Investigation and the selection of casefiles and analytical projects.



7. The scope and format of the Mechanism’s analytical products and casefiles are varied to enable a flexible approach that seeks to achieve an appropriate balance between the efficient completion of analytical products to support competent jurisdictions actively engaged in time-sensitive investigations and prosecutions, and more comprehensive products and casefiles that canvass crime categories, perpetrator structures, and legal analysis to serve both shorter-term and longer-term justice objectives.¹⁶

D. The Mechanism’s analytical and investigative methodologies apply international legal standards

8. The Mechanism’s mandate requires it to prepare analysis and casefiles to facilitate current and/or potential proceedings before national, regional, or international courts and tribunals who currently, or may in the future, exercise jurisdiction over international crimes committed in Syria.¹⁷ To maximise the value and utility of its analytical work product to such a broad range of potential recipient jurisdictions applying different criminal law frameworks and rules of procedure and evidence, the Mechanism applies international criminal law principles and methodologies across its analytical and investigative work within the Structural Investigation.

9. In the preparation of all its analytical products and casefiles, the Mechanism conducts an independent and impartial evaluation of the credibility, reliability, and probative value of relevant materials held in the Central Repository. Because the Mechanism’s mandate directs it to collect information and evidence from a multitude of actors operating under a broad range of different mandates and methodologies in the context of a protracted conflict,¹⁸ it is not always feasible or necessary for the Mechanism to identify and connect with primary witnesses and original information sources within the context of its analytical projects. Consistent with its victim/survivor centred approach, the Mechanism does not generally seek to re-interview victim/survivor witnesses previously interviewed by another entity or organisation to avoid the risk of retraumatising them and absent a compelling requirement to do so for the viability of its work.¹⁹ In addition, the Mechanism does not engage with witnesses where potential risks cannot be appropriately mitigated, or potential harms or negative consequences adequately minimised.²⁰ The Mechanism must therefore implement nuanced evidence review methodologies to effectively evaluate the reliability, credibility, and probative value of information and evidence it receives in line with criminal justice principles.²¹

10. In assessing the credibility and reliability of the information and evidence obtained from different sources, the Mechanism broadly considers the independence and impartiality of the original provider, the circumstances under which the evidence was obtained, including the availability of transparent and sound methodologies used in obtaining and handling the evidence, and whether informed consent was obtained from witnesses and primary sources before evidence is shared with the Mechanism. In certain circumstances, the Mechanism may also consider whether evidence generated by an individual, entity, or organisation has been relied on by a court or tribunal in previous proceedings.



11. The Mechanism's analytical assessments also take advantage of the significant volume of information and evidence and the diversity of sources aggregated in the Central Repository to identify consistencies and mutual corroboration across records analysed at scale. While this exercise is time and resource intensive, the Mechanism is uniquely placed to conduct such broad analysis to surface consistencies that help inform reliability and credibility assessments, as well as the scope of further investigations.

E. Analytical methodology applied to the Mechanism's Detention Report

12. The Mechanism initiated its strategic line of inquiry on Syrian Government Detention in 2019 and has publicly reported on its related analytical work since February 2020.²² Analytical work on this line of inquiry initially focused on information and evidence obtained by the Mechanism in some of its earliest collection activities and sought to develop comparatively narrower reports on crime patterns and associated organisational structures to support investigative activity emerging in several national jurisdictions.²³ These initial analyses included 10 key detention facilities operated by different Syrian Government entities, primarily intelligence branches: five Military Intelligence branches in Damascus, one Military Intelligence branch in Aleppo, General Intelligence and Air Force Intelligence branches in Damascus, and two prisons.²⁴ Over time, the Mechanism's analysis broadened, for example, by integrating documentation from a greater number of sources, producing reports on military hospitals and military police structures, and expanding its crime pattern analysis to consider intersectional factors impacting detainee experiences consistent with the Mechanism's thematic strategies on gender and on children and youth.²⁵

13. This Report has integrated and built on the Mechanism's earlier analytical work to produce a more comprehensive and consolidated analysis of the harms caused by the Syrian Government detention system, and the Government structures involved in and responsible for this harm. The Report relies on a significant body of evidence comprised of:

- Documents originating from Syrian Government entities;
- The Caesar files (photos and documents), and information from the Caesar Families Association, which supports families who have identified their relatives among the Caesar photos;
- Expert forensic medical reports and evaluations;
- Records of interview, interview transcripts, and witness declarations conducted by other sources;
- Mechanism interviews of witnesses obtained through direct investigations in accordance with international criminal law standards;²⁶
- Evidence considered by national courts and relevant factual findings;²⁷
- Syrian Government legislation and jurisprudence;
- Information from official Syrian Government websites;
- Syrian Government submissions before UN bodies;



- Reports of UN bodies and their communications with Syrian Government officials;
- Relevant reports from civil society organisations (CSOs); and
- Media reports.

14. Consistent with the methodological principles set out above, the Mechanism independently and impartially evaluated the reliability, credibility, and probative value of information and evidence cited and relied on in the Report against international criminal law standards. The Mechanism assessed the totality of records reviewed in preparation of the Report to identify consistency and mutual corroboration across primary and secondary evidence records provided by different sources. The Mechanism further considered the provenance of material provided to the Mechanism to assess whether evidence was obtained from different locations and/or original sources. Where necessary, the Mechanism sought additional provenance information and chain of custody information from sources.

15. In assessing the reliability, credibility and probative value of the general categories of evidence listed above, the Mechanism has applied the following principles:

- 1) Official documentation originating from Syrian Government entities:** the Mechanism has collected large batches of documentation originating from Syrian Government entities. The Mechanism has collected Syrian Government documents from multiple sources, including the Commission for International Justice and Accountability (“CIJA”), the Syria Justice and Accountability Centre (“SJAC”), the Syrian Network for Human Rights (“SNHR”), the Free Syrian Lawyers Association (“FSLA”) and from witnesses interviewed by the Mechanism, the Commission, and others. To establish the reliability and authenticity of these records, the Mechanism examined the provenance and chain of custody information provided by sources or otherwise obtained through Mechanism investigations. The Mechanism also evaluated indicia of authenticity presented by the records by analysing them at scale, to assess the internal consistency of the content, stamps, authors and addressees, as well as mutual corroboration between records,²⁸ including cross-references between records seized and provided by different individuals and entities.²⁹ The Mechanism further evaluated the documentation’s consistency with other evidence, including witness evidence obtained by other sources and those interviewed by the Mechanism regarding the hierarchy and power structures of relevant Syrian Government entities. Where appropriate, the Mechanism also took into consideration reliance on the same records by competent courts and tribunals in other proceedings.³⁰
- 2) Forensic medical evidence:** while forensic medical evidence is not required to prove allegations of torture or other cruel, inhuman or degrading treatment,³¹ the Mechanism has obtained significant forensic medical evidence in respect of victims and survivors of Syrian Government detention. In evaluating the reliability and authenticity of this evidence, the Mechanism considered the independence and expertise of the practitioners who prepared the forensic reports and the primary source information



relied on, or medical evaluation techniques used, in compiling the reports. In particular, the Mechanism placed weight on forensic medical evaluations taken pursuant to the Istanbul Protocol,³² and the Lawyers and Doctors for Human Rights (LDHR) Expert Report³³ and the expertise and methodology employed by the forensic medical expert who examined the conditions of 6,821 individuals depicted in the Caesar photographs in reaching conclusions presented in his report.³⁴

- 3) **Witness interviews conducted by the Mechanism:** the Mechanism has conducted its own investigative interviews in accordance with international criminal law standards and best practices, including internal Mechanism procedures requiring informed consent, verification of identity, and cautions against self-incrimination where appropriate.³⁵ In the present Report, the Mechanism has relied on audio- or audio/video-recorded interviews taken by Mechanism investigators as part of its strategic line of inquiry on Syrian Government Detention and/or in response to a request for assistance from a competent jurisdiction.³⁶
- 4) **Audio/video-recorded interviews and signed witness statements:** the Mechanism has received audio- or audio/video-recorded interviews, written verbatim transcripts of interview, and signed witness statements generated during investigations conducted by national authorities, international organisations and civil society organisations. The credibility and reliability of these records is established by assessing the interview methodology and technique against international criminal law standards, as well as assessing the witness' proximity to events and crimes to which they testify, the level of detail recalled during the interview, and the consistency of the evidence with other relevant evidence.³⁷

Consistent with international jurisprudence, the Mechanism carefully considers evidence provided by individuals who may be considered as accomplices to the crimes or perpetrator groups on which they provide evidence ("insider witnesses") and who may have motives or incentives to distance themselves by implicating others. In assessing the reliability of such witness interviews, the Mechanism considers the totality of circumstances in which the evidence was provided.³⁸

- 5) **Witness interview records:** the Mechanism has received and analysed a significant volume of witness interview records, most of which include redactions of identifying information in line with the scope of the witness' consent.³⁹ While the Mechanism assesses that these records would not, on their own, be capable of establishing facts that are indispensable for an individual's criminal conviction, they form part of a body of mutually corroborating evidence.⁴⁰ In addition, the considerable breadth of these records and the conflict periods and locations they cover allows them to provide relevant information from which to map crime patterns, commonalities in victim and perpetrator profiles, and the broader context within which crimes occurred. In the context of this Report, the Mechanism has primarily relied on records of interview of



detention survivors to canvass the experiences of detainees held in Syrian Government detention facilities to identify factual patterns and their widespread and systematic nature.⁴¹ It has relied also on interview records of witnesses who could be considered accomplice or insider witnesses only as corroboration for these accounts and for other direct evidence, such as Syrian Government documents.

The overall numbers of interview records analysed for mapping detainee experiences and locations of Syrian Government detention facilities are set out in Annex B. The Mechanism's methodology for selecting records for analysis from within the Central Repository and the parameters of its analysis were as follows:

- a. A sample of witness interview records from three information providers that articulated transparent and sound methodologies, and adherence to the principle of informed consent from the witnesses, were analysed as part of the dataset.⁴² In order to limit analysis to a manageable sample from the thousands of relevant records of interview, the Mechanism selected interviews with witnesses who had been detained in at least one of the 10 facilities that were the focus of its initial branch and facility analyses as part of its detention strategic line of inquiry within its Structural Investigation.⁴³
- b. A quality control exercise was performed for all detainee records of interview deemed relevant for the sample. Records that lacked sufficient detail or clarity, contained inherent inconsistencies or discrepancies that could not be reconciled with other evidence available to the Mechanism, or fell wholly outside of the relevant period (March 2011 to present), were excluded.
- c. From this selection, two datasets were established:
 - i. **Detainee Experiences Dataset:** A dataset of interview records pertaining to 332 witnesses⁴⁴ were fully analysed to map witnesses' detention experiences from arrival through release, detention timeframes and transfers to and from other facilities, and biographical data of the detainees, where available. Of these, 15 witnesses were children at the time of arrest, aged between 15 and 17 years old. The total number of female witnesses (125) represents a high proportion of the total number of relevant female interview records from the three sources identified within the Central Repository.⁴⁵ While a higher overall number of analysed records in the dataset pertain to adult male witnesses (207), this represents a lower proportion of the total number of relevant male interview records identified from these three sources.⁴⁶ This approach was taken to ensure a sufficient number of records from which trends, patterns, and prevalence could be assessed for men, women, and children within existing resource limitations.



- ii. **Detention Locations Dataset:** A dataset totalling 501 witness interview records, comprising the Detainee Experiences Dataset plus an additional 169 male interview records, were analysed for information regarding detention facility locations, timeframes, and biographical data of the detainees (“Detention Locations Dataset”). Information from the additional 169 records was analysed to corroborate locations of detention facilities, as reflected in the chart below and Annex B (detention facility names, geocoordinates and mapping of facilities).

Source	Detainee Experiences Dataset			Detention Locations Dataset
	Male witness records	Female witness records	Total number of witness records	Additional male witness records to corroborate detention locations
	Commission	136	65	201
CIJA	33	35	68	23
LDHR	44	29	73	0

Table indicating the number of interview records analysed, disaggregated by source, sex and datasets.⁴⁷

In mapping detainee experiences from the **Detainee Experiences Dataset**, the Mechanism analysed first-hand accounts of former detainees held in the Syrian Government detention system, based on what they personally experienced and witnessed.⁴⁸ For harm that was inflicted during detention, the Mechanism identified the Syrian Government detention facilities in which individuals were held at the time they suffered harm, as indicated in Annex B. Where a specific detention location could not be identified, but the detainee identified the Government actor or entity (for example, Military Police, Air Force Intelligence), the place of detention was categorised by entity, with governorate information where available. For harm inflicted outside of detention (for example, during arrest or treatment in court), the Mechanism assessed information regarding the identities of alleged perpetrators and their coordination or collaboration with Syrian Government officials or entities.

The information from detainee interviews was compared with other detainee accounts (including from additional independent sources, covering the period 2011-2023), evidence of contemporaneous events, such as UN and CSO reports (covering the entire period of their detentions),⁴⁹ Syrian Government documents (covering the period 2011-2015),⁵⁰ evidence from the Caesar files (covering the period 2011-2013) and related forensic reports.⁵¹ The analysis focuses on factual patterns and their widespread and systematic nature,⁵²



providing a qualitative rather than quantitative analysis of harms reported by victims/survivors of the described violations.

Locations of detention facilities were mapped based on geocoordinates according to the methodology and information documented in Annex B of the Report.

- 6) **Expert reports:** the Mechanism requested two reports produced by medical professionals, documenting harms against detainees and family members of disappeared persons attributable to the Syrian Government,⁵³ to assist in assessing the severity and gravity of the harms, including the psychological impact of disappearance on family members and their communities, the long-term impact of violations, and the needs for recovery.⁵⁴ In addition, the Mechanism relied on a publicly available expert report⁵⁵ and forensic medical expert reports related to the “Caesar” files, referenced above.
- 7) **Public reports of UN entities and CSOs:** the Report has relied on the findings contained in public reports of UN entities and CSOs as additional contextual information and to corroborate patterns of crimes and violations attested to by former detainees and aspects of the Syrian Government detention system.⁵⁶ In assessing the reliability and accuracy of the findings contained in these reports, the Mechanism considered the methodologies used by the entity or organisation in obtaining information and evidence relied on,⁵⁷ and in some instances received and assessed these underlying materials.
- 8) **Open-source materials:** the Mechanism has collected and preserved a number of records obtained from Syrian Government websites, as well as statements made by Syrian Government officials during interviews or official statements before UN bodies.⁵⁸ In addition, the Mechanism has collected and preserved a number of open-source news reports which are relied upon only in a limited number of instances as corroboration of primary source material.⁵⁹ The reliability and authenticity of these records was assessed against the totality of information available for indications of internal consistency and mutual corroboration with other contemporaneous records.

¹ UN General Assembly Resolution A/71/248 (2016); Secretary-General’s Implementation Report (2017), Annex (“Terms of Reference”), paras. 3-4.

² Terms of Reference (2017), para. 3. *See also* First Mechanism UNGA Report, paras. 7-8.

³ Secretary-General’s Implementation Report, para. 3; First Mechanism UNGA Report, paras. 13-15.

⁴ Terms of Reference, para. 17. *See also below* Sections D and E.

⁵ Terms of Reference, para. 5(a); First Mechanism UNGA Report, paras. 8, 34, 53, 56-63; Second Mechanism UNGA Report, paras. 8-9, 29-46; Third Mechanism UNGA Report, paras. 5, 12, 14.



⁶ For references to the number of requests for assistance received by the Mechanism since its establishment, *see*: Second Mechanism UNGA Report, para. 21; Third Mechanism UNGA Report, para. 28; Fourth Mechanism UNGA Report, para. 38; Fifth Mechanism UNGA Report, para. 36; Sixth Mechanism UNGA Report, para. 32; Seventh Mechanism UNGA Report, para. 30; Eighth Mechanism UNGA Report, para. 34; Ninth Mechanism UNGA Report, para. 30; Tenth Mechanism UNGA Report, para. 34. As of 31 January 2024, the Mechanism had received 344 requests for assistance from 16 competent jurisdictions and assisted 166 distinct national investigations.

⁷ Fourth Mechanism UNGA Report, paras. 3, 19, 21; Fifth Mechanism UNGA Report, paras. 3-4; Sixth Mechanism UNGA Report, paras. 10-11; Seventh Mechanism UNGA Report, para. 10; Eighth Mechanism UNGA Report, para. 16; Ninth Mechanism UNGA Report, paras. 10-11.

⁸ Fifth Mechanism UNGA Report, paras. 5, 10-11, 22.

⁹ First Mechanism UNGA Report, paras. 70-71; Second Mechanism UNGA Report, para. 40; Fourth Mechanism UNGA Report, para. 16; Fifth Mechanism UNGA Report, para. 34; Sixth Mechanism UNGA Report, para. 15; Seventh Mechanism UNGA Report, para. 14; Eighth Mechanism UNGA Report, para. 18; Ninth Mechanism UNGA Report, para. 13; Tenth Mechanism UNGA Report, para. 18.

¹⁰ *See* Terms of Reference, paras. 9-10; Secretary-General's Implementation Report, para. 17. *See also* Fourth Mechanism UNGA Report, para. 20; Fifth Mechanism UNGA Report, para. 11; Sixth Mechanism UNGA Report, para. 12.

¹¹ Fourth Mechanism UNGA Report, para. 20; Sixth Mechanism UNGA Report, para. 12.

¹² *See* Secretary-General's Implementation Report, paras. 3-4; First Mechanism UNGA Report, paras. 13-15.

¹³ First Mechanism UNGA Report, paras. 13-15.

¹⁴ First Mechanism UNGA Report, paras. 13-15, 48-50; Fifth Mechanism UNGA Report, para. 22.

¹⁵ First Mechanism UNGA Report, paras. 4, 22, 52-54; Fourth Mechanism UNGA Report, paras. 55-63; Fifth Mechanism UNGA Report, paras. 39-43; Sixth Mechanism UNGA Report, paras. 42-47; Seventh Mechanism UNGA Report, paras. 23, 33-38; Eighth Mechanism UNGA Report, paras. 26, 38-47; Ninth Mechanism UNGA Report, paras. 5-6, 33-43; Tenth Mechanism UNGA Report, paras. 8, 26-27, 31.

¹⁶ Third Mechanism UNGA Report, para. 26; Fourth Mechanism UNGA Report, paras. 27, 29, 32-35; Sixth Mechanism UNGA Report, para. 24; Seventh Mechanism UNGA Report, paras. 21-22; Eighth Mechanism UNGA Report, paras. 25-29; Ninth Mechanism UNGA Report, paras. 21-23.

¹⁷ Terms of Reference, paras. 3-4, 12, 17; First Mechanism UNGA Report, paras. 7-10.

¹⁸ For example, the Mechanism receives information and evidence generated by organisations without criminal accountability mandates such as fact-finding bodies, human rights reporting entities, the Commission, civil society organisations mandated to document crimes and human rights violations, victim and survivor advocates and associations, and intelligence-gathering bodies. *See above* para. 4.

¹⁹ *See* Fourth Mechanism UNGA Report, para. 50. *See also* Synergy for Justice, Syria Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (2023), pp. 129-130.

²⁰ *See e.g.* Gender Strategy and Implementation Plan, p. 32.

²¹ In doing so, the Mechanism is guided by the broad discretion exercised by international courts and tribunals in admitting and evaluating different categories of evidence when adjudicating international crimes. *See e.g. Lubanga Decision on the Admissibility of Four Documents (ICC), para. 24 cited with approval in Katanga Trial Judgment (ICC), paras. 88-89 (noting that the drafters of the Rome Statute deliberately avoided limiting the Court's ability to freely assess any evidence necessary to determine the truth; and confirming that Trial Chambers must enjoy a significant degree of discretion given the nature of cases that fall within the ICC's jurisdiction where evidence will not infrequently have come into existence, or have been compiled or retrieved, in difficult circumstances, such as during particularly egregious instances of armed conflict, when those involved will have been killed or wounded, and the survivors or those affected may be untraceable or unwilling—for credible reasons—to give evidence.); Brđanin, Decision on the Defence "Objection to Intercept Evidence" (ICTY), paras. 61-62 (emphasising the unique methods of evidence and intelligence gathering activities that occur during contexts of armed conflict and determining that relevant evidence would only be excluded if its admission could seriously damage the integrity of proceedings; requiring the fundamental rights of the accused to be balanced against the essential interests of the international*



community in the prosecution of persons charged with serious violations of international humanitarian law); *Aleksovski* Decision on Prosecutor’s Appeal on Admissibility of Evidence (ICTY), para. 15 (acknowledging the infinitely variable circumstances which could surround how out-of-court evidence is obtained, requiring a broad discretion to admit relevant hearsay evidence when satisfied of its reliability and probative value); *Karempera* Decision on the Prosecutor’s Motion for Admission of Certain Exhibits (ICTR), paras. 5-7 (confirming that documentary evidence need not be recognised by a witness to be considered reliable and probative and applying a broad interpretation of documentary evidence to encompass “anything in which information of any kind has been recorded”, including written documents, maps, sketches, plans, calendars, graphs, drawings, digital records, audio and video recordings, and photographs).

²² Fifth Mechanism UNGA Report, para. 23; Sixth Mechanism UNGA Report, para. 22; Seventh Mechanism UNGA Report, para. 21; Eighth Mechanism UNGA Report, paras. 25, 27; Ninth Mechanism UNGA Report, paras. 20-21; Tenth Mechanism UNGA Report, para. 26.

²³ In addition to this Report, the Mechanism has developed a diverse range of analytical products and tools that are responsive to the needs of investigators and prosecutors at different stages of criminal justice processes. For example, its products encompass intelligence-oriented reports, legal research, litigation-oriented briefs and visual products such as organisation charts and timelines. *See e.g.* Sixth Mechanism UNGA Report, para. 24.

²⁴ *See* Section II of the Report. The 10 Syrian Government detention facilities that were identified as key facilities for analytical focus comprise six Military Intelligence Branches (MIB): (1) MIB 227, Damascus; (2) MIB 235 Palestine Branch, Damascus; (3) MIB 248 Investigation Branch, Damascus; (4) MIB 291, Damascus; (5) MIB 290, Aleppo; (6) Military Intelligence Unit 215 Raids/Assault, Damascus; (7) General Intelligence Branch 251, Al Khatib, Internal Branch, Damascus; (8) Air Force Intelligence Investigations Branch, Damascus; (9) First Military Prison (Sednaya Prison), Damascus; and (10) Adra Central Prison, Damascus.

²⁵ Ninth Mechanism UNGA Report, paras. 20-21.

²⁶ *See above* Section D.

²⁷ In referencing findings of national courts in the Report, the Mechanism has indicated where it has not assessed the underlying evidence itself. The Mechanism notes that the judgements of these national courts demonstrate respect for international human rights law and standards including fundamental fair trial rights, and persuasively articulated reasoned factual and legal findings based on evidence it found relevant, reliable, and probative in accordance with applicable rules of procedure and evidence.

²⁸ The Mechanism is guided by international criminal law standards for assessing reliability and authenticity of documentary evidence. *See e.g.* *Bagosora* Decision on Admission of Tab 19 (ICTR), para. 8 (“There are no technical rules or preconditions for authentication of a document, but there must be “sufficient indicia of reliability” to justify its admission. Indicia of reliability which have justified admission of documents in the jurisprudence of the ad hoc tribunals include: the place in which the document was seized, in conjunction with testimony describing the chain of custody since the seizure of the document; corroboration of the contents of the document with other evidence; and the nature of the document itself, such as signatures, stamps, or even the form of the handwriting. Authenticity and reliability are overlapping concepts: the fact that the document is what it purports to be enhances the likely truth of the contents thereof.”); *Habré* First Instance Judgment (EAC), para. 236 (finding government agency archives to be authentic based on elements including precise numbering and dates, letterheads and signatures, the state in which they were found, as well as the volume, diversity and consistency of the documents and the fact that their contents were corroborated by other evidence). *See also* *Ntaganda* Trial Judgment (ICC), paras. 56-57; *Musema* Trial Judgement and Sentence (ICTR), paras. 66-67, 70; *Karempera* Decision on the Prosecutor’s Motion for Admission of Certain Exhibits (ICTR), para. 8.

²⁹ In addition to assessing information regarding their provenance, the Mechanism has reviewed the form and substance of Syrian Government documents across collections received from independent sources. For example, in analysing documents obtained by independent sources from different offices within the Syrian Government, dissemination of the same high-level instructions could be found across document collections. *See e.g.* Section V of the Report.



³⁰ See e.g. *Eyad A. Judgment*, pp. 61-62, 86-90 (attaching particular evidentiary value to the CCMC documents of April 2011 made available by CIJA via the Federal Criminal Police Office, considering the provenance of the documents and finding them to be authentic).

³¹ *Musema Trial Judgment and Sentence (ICTR)*, para. 52 (“The absence of forensic or real evidence shall in no way diminish the probative value of the evidence which is provided to the Chamber; in particular, the absence of forensic evidence corroborating eyewitness testimonies shall in no way affect the assessment of those testimonies.”); *Lukić & Lukić Appeal Judgment (ICTY)*, paras. 164, 208-211, 226 (upholding the Trial Chamber’s finding that the appellant murdered three identified victims on the basis of reliable and credible witness evidence notwithstanding that their bodies were not recovered and no death certificates were presented); *Ongwen Trial Judgment (ICC)*, paras. 1471-1472 (relying on “detailed, comprehensive and internally consistent” evidence of a single victim witness to find that a rape took place). See also *J. v. Peru (IACtHR)*, para. 333 (“[T]he failure to perform a medical examination on a person who was in the State’s custody or the performance of this examination without complying with the applicable standards, cannot be used to cast doubts on the truth of the presumed victim’s allegations of ill-treatment [...] Likewise, in cases in which sexual abuse is alleged, the lack of medical evidence does not take away from the truth of the presumed victim’s allegations.”).

³² The Istanbul Protocol is the United Nations standard for training to interview and examine persons alleging torture and ill-treatment, to investigate cases of alleged torture, and to report such findings to the judicial authority and any other investigative body. It is a comprehensive protocol used as a guide and reference in dealing with and treating survivors of any kind of torture and ill-treatment. The Protocol was developed by 75 experts in law, health, and human rights from 40 organisations in 15 countries and was officially endorsed by the United Nations High Commissioner for Human Rights in 1999. See *Istanbul Protocol on Effective Investigation and Documentation of Torture (2022)*, at pages x-xi. See also *Ntaganda Decision on Defence Preliminary Challenges to Prosecution’s Expert Witnesses (ICC)*, paras. 30-31 (finding as *prima facie* relevant the reports of a medical expert providing an assessment on whether witnesses exhibited psychological harm or consequences consistent with the charged crimes). LDHR and Physicians for Human Rights (PHR) are among the sources that indicate that they apply the Istanbul Protocol.

³³ LDHR Expert Report, produced by five Medical Expert Authors at the Mechanism’s request, 31 December 2023. In addition to the LDHR Expert Report, 73 Forensic Medical Evaluation reports (cases) provided by LDHR were analysed by the Mechanism as part of its Detainee Experiences Dataset, described below. Although the Mechanism generally does not rely on the reports of sources that are based on the same underlying evidence analysed from within its Central Repository, only 26 cases/ analysed as part of the Detainee Experiences Dataset overlap with the 222 cases analysed in the LDHR Expert Report. Since, in addition to these 26 overlapping cases, the LDHR Expert Report analyses 196 unique cases, the Expert Report is relied upon as corroboration where relevant.

³⁴ The Central Repository includes the “Caesar” files, as well as the forensic reports related to the files (and English translations) produced by Prof. Rothschild, Head of the Institute for Forensic Medicine of the University Hospital Cologne, who performed a forensic examination of all the photographs. See also *Eyad A. Judgment*, pp. 90, 96, 99 (accepting the authenticity and origin of the Caesar photos and reliability of findings of the expert based on his experience and expertise, following meticulous examination and clear explanation of the photographic material).

³⁵ The Mechanism’s approach accords with its mandate to adopt procedures consistent with fundamental fair trial rights and due process provisions enshrined in international human rights law and the jurisprudence and practices of international courts and tribunals. See *Terms of Reference*, para. 17.

³⁶ IIIM interview with Witness B506356; IIIM interview with Witness B073285; IIIM interview with Witness B841722; IIIM interview with Witness B068019 (persons with inside knowledge of the Syrian military police, military hospitals and the legal system).

³⁷ In doing so, the Mechanism was generally guided by jurisprudence relating to the admissibility and weight attributed to out-of-court hearsay evidence in international courts and tribunals. See e.g. *Ongwen Trial Judgment (ICC)*, paras. 254-255 (confirming the factors taken into account in assessing the reliability of all testimonial evidence, including *viva voce* testimony and the testimony of witnesses who did not appear before the Trial Chamber include “the richness of details and coherence of the narrative provided by the witness, as well as the coherence of the testimony with other evidence before the Chamber.”); *Aleksovski Decision on Prosecutor’s Appeal on Admissibility of Evidence (ICTY)*,



para. 15 (confirming that Trial Chambers have broad discretion to admit hearsay evidence to prove the truth of its contents when satisfied that the evidence is voluntary, truthful and trustworthy; and may consider both the content of the hearsay statement, such as whether the hearsay is “first-hand” or more removed, and the circumstances under which the evidence arose in determining its reliability and probative value); *Galić* Decision on Interlocutory Appeal (ICTY), paras. 11-12 (confirming that hearsay evidence relating to the acts and conduct of an accused person must be corroborated by other evidence to form the basis of a conviction but noting that hearsay evidence is appropriately relied on to prove a pattern of widespread or systematic attacks from which an accused’s knowledge as to how his acts fitted into such attacks may be inferred).

³⁸ See e.g. *Krajišnik* Appeal Judgement (ICTY), para. 146 (confirming the well-established jurisprudence of both *ad hoc* tribunals that accomplice evidence, and evidence of witnesses who might have motives or incentives to implicate the accused is not *per se* unreliable, but such evidence requires Chambers to carefully consider the totality of circumstances in which it was tendered when in weighing its probative value); *Ruto* Decision on the Confirmation of Charges (ICC), para. 83, 92 (in considering motive behind witness statements the Chamber did not reject evidence solely because the witness might be politically or otherwise motivated and considered that the witnesses’ possible involvement in the commission of the crimes did not automatically render them unreliable and/or not credible).

³⁹ Many witnesses have agreed to sharing their contact details with specific jurisdictions and/or upon express consent. Other witnesses have agreed to share personally identifying information and/or contact details with the Mechanism. For purposes of issuing the present Report, however, such details have been omitted. Moreover, the Mechanism’s reliance on witness interview records and the disclosure of information therefrom depends on the witness’ consent, and on any conditions placed on use of materials by the sources, as well as the need to ensure the protection of potentially sensitive information and the security and safety of witnesses and sources. In the present Report, this has resulted in the extensive removal or at times redaction of relevant information and details provided by witnesses. In the public version of the Report, only Commission materials with consent to share publicly were used descriptively, with the remainder redacted and only aggregated and reflected in the overarching analysis.

⁴⁰ See e.g. *Popović* Appeal Judgement (ICTY), paras. 1222-1229.

⁴¹ For examples of circumstances in which international courts and tribunals have relied on different categories of evidence, including witness interviews that the court did not have access to or were not called to testify, to establish a consistent pattern of conduct and to corroborate other direct evidence, see e.g. *Taylor* Trial Judgment (SCSL), paras. 879-885, 975, 2035-2038 (considering expert evidence summarising witness interviews on the prevalence and use of sexual violence in the region was relevant to establishing the chapeau elements that specific instances of rape formed part of a widespread or systematic attack, for establishing the intent behind acts of sexual violence to spread terror among the civilian population, and as corroboration for specific instances of rape described by testifying witnesses); *Katanga* Trial Judgment (ICC), paras. 320-321, 326-327, 428-429, 516-517, 519-520 (relying on reports and witness interviews summarised therein of the Investigations Unit of the UN Mission in the Democratic Republic of Congo (MONUC) Human Rights Division, to corroborate other evidence including evidence on the general method of warfare and pattern of crimes during attacks against civilians in the Ituri district). See also *Popović* Appeal Judgement (ICTY), paras. 101-104 (referring generally to a body of evidence of multiple analogous acts demonstrating a consistent pattern of conduct to uphold a conviction based in part on killings that had taken place at a particular location based on the evidence of a single untested witness statement). For general principles on how the widespread and systematic nature of attacks may be demonstrated by a pattern of consistent conduct, see e.g. *Ntaganda* Trial Judgment (ICC), para. 693; *Gbagbo* Decision on Confirmation of Charges (ICC), paras. 209-210, 222-223.

⁴² As noted below, those sources are the Commission, CIJA and LDHR (records within this Dataset are referenced as “witness interview record” in the Report). See also *Eyad A.* Judgment, pp. 59 and 85-90 (considering evidence based on a systemic evaluation of anonymous interviews carried out by CIJA with a large number of victims and employees of the regime spanning the years 2011 and 2012, and finding the evidence to be consistent with the other evidence presented with respect to the structure, scope and role of the intelligence services of the regime). Other reliable sources have been relied upon as corroboration.

⁴³ See above endnote 24 and Section II of the Report.



⁴⁴ As outlined in the chart below, several interview records were assessed to relate to the same witness. The total numbers reflected in this paragraph refer to the number of witnesses, whereas the chart below refers to the number of witness interview records.

⁴⁵ Of the 157 relevant female witness records identified within the Central Repository from these three sources, 125 records were reviewed in depth as part of the Detainee Experiences Dataset.

⁴⁶ A total of 670 male witness interview records were identified, of which 207 records were reviewed in depth for the Detainee Experiences Dataset and an additional 169 were reviewed for purposes of the Detention Locations Dataset.

⁴⁷ The total number of witnesses is less than the sum of witness interview records related to each source because several interview records were assessed by the Mechanism to likely relate to the same witness.

⁴⁸ The Mechanism has been guided in its approach by the jurisprudence of international courts and tribunals relying on different categories of testimonial evidence, including victim, eyewitness, hearsay, and circumstantial evidence, to find that crimes have occurred. *See e.g. Krnojelac* Trial Judgement (ICTY), paras. 326-327, 330 (finding based on the totality of evidence that the only reasonable inference was that a victim was killed at a detention facility based on circumstantial evidence including the patterns of mistreatment, disappearances of other individuals detained at the same facility, the length of time that had elapsed since his disappearance, and the fact there had been no contact by that person with others he would have been expected to contact, such as his family); *Kvočka* Appeal Judgement (ICTY), para. 260 (confirming the Trial Chamber's approach in *Krnojelac* that a victim's death can be inferred circumstantially from all of the evidence presented); *Dorđević* Appeal Judgement (ICTY), paras. 857-859, 861-869 (establishing proof of sexual assaults inferentially based on witness observations of victims before and/or after the assaults and surrounding circumstances, including hearing the victims screaming and crying, seeing them later in a seemingly naked state, and the fact that other women were sexually assaulted at the same location during the same timeframe); *Gacumbitsi* Trial Judgement (ICTR), paras. 205, 216-217, 226, 321-324 (relying on hearsay and circumstantial evidence to find specific instances of rape occurred at a specific location and to infer that other women and girls who were gathered at the same location were also raped). *See also Musema* Trial Judgement and Sentence (ICTR), para. 103; *Katanga* Trial Judgment (ICC), paras. 88-89.

⁴⁹ The Mechanism selected reports that provided sufficient guarantees of impartiality to be considered *prima facie* reliable and which contained sufficient detail regarding the author and sources of information to enable a determination of whether the contents of the report had been imparted by reliable sources, such as eyewitnesses. *See e.g. Katanga* Decision on Bar Table Motions (ICC), paras. 29-30; *Ntaganda* Trial Judgment (ICC), endnote 132.

⁵⁰ *See above* endnote 28.

⁵¹ *See above* endnote 32.

⁵² *See above* endnotes 40-41.

⁵³ Association of Detainees and the Missing in Sednaya Prison (ADMSP) Family Center. Declaration, IIIM Ref. No. ED02037654, IIIM English unofficial translation TR00000706. In response to a request by the Mechanism, the ADMSP Family Center Declaration was prepared to provide information regarding the psychological impact of disappearance on family members and their communities, including long-term impact and the most pressing needs of affected families and communities for recovery. As noted above, the Mechanism also requested the LDHR Expert Report.

⁵⁴ *See Tolimir* Trial Judgment (ICTY), para.757 (considering expert evidence provided by Teufika Ibrahimfendić, coordinator of multidisciplinary programme at Vive Zene (a non-governmental organisation providing psychosocial support for war victims), in finding that the suffering of women, children and the elderly resulting from Srebrenica crimes rose to the level of serious bodily or mental harm); *Krstić* Trial Judgement (ICTY), paras. 91-93 (considering evidence from Vive Zene director and programme coordinator to support findings regarding the impact on survivors and the community of the killing and disappearance of thousands of men, including for those whose family members' fates were unknown, the impact on women and children of different age groups, and describing the psychological impact of uncertainty caused by disappearances); *Popović* Trial Judgement (ICTY), paras. 2151-2152 (relying on evidence from the multidisciplinary programme coordinator at Vive Zene, to support findings regarding the gravity of crimes demonstrated by the impact on victims and their relatives, including those who lost their lives, those who survived, and the women, children and elderly people who suffered physical and mental trauma as a result of the



conditions of life and separation from male family members, as well as “the sudden loss and disappearance of their male family members or the uncertainty about the fates of the men yet unaccounted for”, concluding that “[t]he sheer scale and cruelty of these crimes and the continuing impact they have had and still have on so many victims and their relatives is overwhelming.”)

⁵⁵ Revised Expert Report of Ewan Brown, *Cathleen Colvin et al. v. Syrian Arab Republic*, U.S. District Court for the District of Columbia, Civil No. 1:16-cv-01423 (ABJ), 13 September 2018.

⁵⁶ See above endnote 49. See also *Karemara* Trial Judgement (ICTR), paras. 1414-1416, 1423, 1665 (relying on human rights reports to corroborate its finding that Tutsi women and girls throughout Rwanda were subjected to widespread rapes and sexual assaults).

⁵⁷ For example, the Commission is a UN-mandated fact-finding body that adheres to UN and OHCHR standards in its own methodology. See e.g. Commission, *Arbitrary Imprisonment and Detention Report*, A/HRC/46/55 (2021), Annex III; *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law Guidance and Practice* (OHCHR 2015). Although the Mechanism generally does not rely on the reports of sources that are based on the same underlying evidence analysed from within its Central Repository, reports issued by the Commission have been cited as corroboration for witness accounts obtained from other sources and to demonstrate ongoing notice to the Syrian Government of specific types of violations. See e.g. Sections III.C.4, III.D.5, and III.G.3 of the Report.

⁵⁸ The Mechanism has provided the internal IIIM Reference number assigned following its collection and preservation in the Central Repository. For some materials, the original open source is no longer accessible or can only be retrieved through insecure hyperlinks (the source URLs are indicated in the Glossary). See e.g. *Karemara* Decision on the Prosecutor’s Motion for Admission of Certain Exhibits (ICTR), para. 33.

⁵⁹ Where media reports and open-source material have been relied on, where available, the Mechanism has provided the URL used to obtain it in the Glossary. See e.g. *Katanga* Decision on Bar Table Motions (ICC), para. 24; *Karemara* Decision on the Prosecutor’s Motion for Admission of Certain Exhibits (ICTR), para. 35.