

## At least 146 Cases of Arbitrary Arrests/ Detention Documented in Syria in August 2020, including Four Children

Cases of Arrest against Refugees Returning from Lebanon to Syria Documented: Return Remains Unsafe

Wednesday 2 September 2020

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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## I. Background and Methodology

Arbitrary arrests and enforced disappearances have been amongst the most widespread violations since the earliest days of the popular uprising for democracy in Syria in March 2011.

These criminal acts, which are considered to be the most common and pervasive regime violations against Syrian citizens, affecting hundreds of thousands of Syrians, are carried out by the Syrian regime's security services and army forces, as well as its affiliated militias, as part of a deliberate and planned strategy, often in a sweeping indiscriminate manner, in order to instill terror and fear into the largest possible number of Syrian people. Approximately eight months after the start of the popular uprising, other parties began to emerge in Syria, also carrying out arrests and kidnappings. The process of documenting the cases of detention and cataloguing whether detainees are released or join the ranks of the forcibly disappeared has been one of the greatest challenges and difficulties faced by the Syrian Network for Human Rights (SNHR), as is clarified in our methodology<sup>1</sup>.

Most of the arrests in Syria are carried out without any judicial warrant while the victims are passing through regime checkpoints or during raids, with the security forces of the regime's four main intelligence services often responsible for extra-judicial detentions. Every detainee is tortured from the very first moment of his or her arrest and denied any opportunity to contact his or her family or to have access to a lawyer. The authorities also flatly deny the arbitrary arrests they have carried out and most of the detainees are subsequently forcibly disappeared.

The Syrian regime is responsible for no fewer than 89 percent of all the arbitrary arrests that we have documented, and is the first and most prominent of all the parties to the conflict in systematically perpetrating this violation. In most cases, victims' families are unable to accurately identify the body responsible for making the arrest, given the vast array of forces affiliated with the Syrian regime (including Iranian militias, the Lebanese group Hezbollah, and others), in addition to the four main regime security agencies and their many branches, all of which are authorized to arrest and torture detainees, and to commit the crime of enforced disappearance.

The other parties to the conflict and the controlling non-regime forces in Syria, such as the Kurdish-led Syrian Democratic Forces, extremist Islamist groups, and various Armed Opposition factions, use similar strategies and practices to those of the Syrian regime, albeit at a lower rate and in a less systematic manner than those practiced by Syrian Regime forces; these constitute violations of International Human Rights Law, and, if they took place on the basis of the armed conflict, they constitute violations of International Humanitarian Law.

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<sup>1</sup> "Syrian Network for Human Rights Methodology", Syrian Network for Human Rights, <[http://sn4hr.org/public\\_html/wp-content/pdf/english/SNHR\\_Methodology\\_en.pdf](http://sn4hr.org/public_html/wp-content/pdf/english/SNHR_Methodology_en.pdf)>

None of the parties to the conflict and the controlling forces provide any public record for the community showing the whereabouts of the arrested / detainees and the reasons for their arrest, nor any documentation of the judicial sentences issued against them, including the death penalty, with the vast majority of the families not knowing the fate of their loved ones, since the vast majority, as we indicated in all the reports we've issued about the detainees, have been forcibly disappeared. We have talked in detail about the phenomenon of enforced disappearance and the suffering of the families, especially the children, in [many reports](#).

### **Methodology**

This report outlines the record of arbitrary arrests by the parties to the conflict and the controlling forces in Syria documented in August 2020. In addition, it sheds light on the most notable individual cases and incidents of arbitrary arrest/ detention that the SNHR's team documented during the last month, as well as categorizing cases and incidents of arrest according to the place where the incident took place.

On the SNHR's database, we can categorize cases of arrest according to the governorate in which the incident occurred, and according to the governorate from which the detainee originally came. In this report and in most of our reports, we categorize the record of arrests according to the place where the arrest took place, not according to the governorate from which the detainee originally came. It should also be noted that sometimes we categorize the cases of arrest according to the governorate from which the detainee originally came in order to show the magnitude of loss and violence suffered by the people of that governorate compared to other governorates, in which case we refer to this in the report.

The record of the cases and incidents of arrests documented by the SNHR, which are included in this report, do not include those kidnappings and abductions in which we were unable to identify the responsible party.

The report also documents arbitrary arrests that subsequently turned into enforced disappearances. A number of criteria must be met before SNHR will classify a case as an enforced disappearance: the individual must have been detained for at least 20 days without his or her family being able to obtain any information from the relevant authorities about their status or location, with those responsible for the disappearance denying any knowledge of the individual's arrest or whereabouts.

The SNHR team implements strict standards in evaluating and assessing any incident of arbitrary arrest in accordance with the principles of international laws and the set of principles on arbitrary arrest and enforced disappearance. The SNHR's Detainee and Forcibly-Disappeared Department daily:

- Records cases of arrest/ detention/ torture which departmental personnel collect from various sources, such as: victims' families, SNHR members in Syrian governorates, cooperating local activists, and former detainees (survivors of detention), conducting daily updates of data on cases of arrest/ detention, enforced disappearance and release, according to verified information on the person's condition, before diligently working to contact the families of the detainees and forcibly disappeared persons, and those close to them, for the purpose of collecting as much information and data as possible, in light of the extraordinary and extremely complex challenges.
- This information, once received, is then registered on the database after being cross-checked with several sources. The Detainee Department also constantly works to pursue any new leads or information about each detainee, the place of detention, and his or her current conditions via continuous interaction with the detainees' families and those close to them, as well as meeting with survivors of arrest/ detention and documenting their testimonies about the circumstances and experience of their detention and the violations they were subject to, along with those who they saw within the detention centers.

The Detainee Department team constantly updates the database of detainees who were released as and when information becomes available; this data is added to the SNHR's databases which are retained securely, with several backup copies being stored in different locations. We have created on our website a special form [to document a detainee](#) to facilitate access and contact with victims' families.

The detainee figures included in this report don't include prisoners with a criminal background, but do include cases of arrest that are based on the internal armed conflict, mainly due to opposition activity against the ruling authorities, as well as cases of detention to suppress freedom of opinion and expression.

The ongoing daily process of documenting detainees also comes with other additional challenges for SNHR, which has been documenting detainees' cases since 2011. The most notable challenges amongst these are:

- The reluctance of victims' families to cooperate and reveal or provide details of any information on their family members' arrest, even confidentially, more especially if the arrested individual is female, due to a well-founded fear still prevalent in Syrian society that being discovered doing so would result in more torture and further danger for their loved ones and themselves. Instead, families try to negotiate with security forces which usually blackmail these families and demand cash payments, effectively ransoms, that can amount to thousands of dollars in some cases.
- The failure of the international community and of all the organs of the United Nations to apply pressure on the Syrian regime authorities to release even one individual (including those whose sentences are completed), has affirmed the conviction of many within Syrian society that it is useless to cooperate in the documentation process.

## II. Summary of the Most Notable Events Related to the Detainees Issue in August

In August, Syrian Regime forces continued to prosecute Syrian citizens in connection with their political opposition and opinions, which are guaranteed by the constitution and international law, with prosecutions and arbitrary arrests affecting a number of Syrian citizens who had been displaced from the areas that the regime regained control over, while some of them have concluded forced settlement agreements with the Syrian regime; these arrests have been concentrated in the governorates of Damascus Suburbs and Daraa, with most occurring during campaigns of mass raids and arrests. We also documented a number of medical personnel among the detainees despite the desperate need in Syrian society for medical workers to contribute to combating the COVID-19 pandemic.

Second, we recorded arrests targeting some refugees who illicitly returned from Lebanon by illegal methods, who have been charged with wide-ranging and false charges related to terrorism. In this context, we always recommend that refugees or IDPs should not return to Syrian regime-controlled areas because there are no real guarantees that the regime will not subject them to arrest, torture, enforced disappearance, or compulsory military conscription there.

Third, we have also recorded arrests of Syrian citizens by Syrian Regime forces while they were traveling from areas under the Syrian regime's control to other areas.

Fourth, some arrest incidents occurred against workers involved in the field of currency exchange with the aim of these arrests being to extort ransom money from the detainees' families, with these victims being released in exchange for huge sums of money.

In the context of cases in which individuals have been released, we recorded in August that Syrian Regime forces released 24 detainees from various Syrian governorates, all of whom were released from Syrian regime detention centers in Damascus governorate. Some of those released were former members of Armed Opposition factions who had previously made a settlement of their security status prior to their arrest. The periods of detention for those released ranged from three months to two years.

Meanwhile, the Kurdish-led Syrian Democratic Forces continued enforcing the group's policies of arbitrary arrest and enforced disappearance throughout the month of August, targeting activists and members of civil society groups who oppose their policies, or civilians who have kinship relationships with individuals in the Armed Opposition/ the Syrian National Army. Syrian Democratic Forces also carried out campaigns of mass raids and arrests, targeting many civilians, including children, on the pretext of fighting ISIS cells. These arrests were concentrated in Deir Ez-Zour governorate. Also in August, SNHR documented Syrian Democratic Forces carrying out arrests targeting children, with the aim of forced conscription. Syrian Democratic Forces also targeted several families for arrest, as well as targeting several members of the same families, including elderly people, without providing clear charges, taking these detained to an undisclosed location.

August also saw Hay'at Tahrir al Sham arresting activists working with civil society groups, as well as other civilians, media workers and lawyers, with most of these arrests occurring due to expressing their opinions criticizing the HTS's management of areas under its control, or in connection with their participation in protests against Hay'at Tahrir al Sham. These arrests were carried out arbitrarily in the form of raids in which HTS members stormed their victims' homes, often breaking down the doors, or by kidnapping their victims while they were travelling or passing through temporary checkpoints.

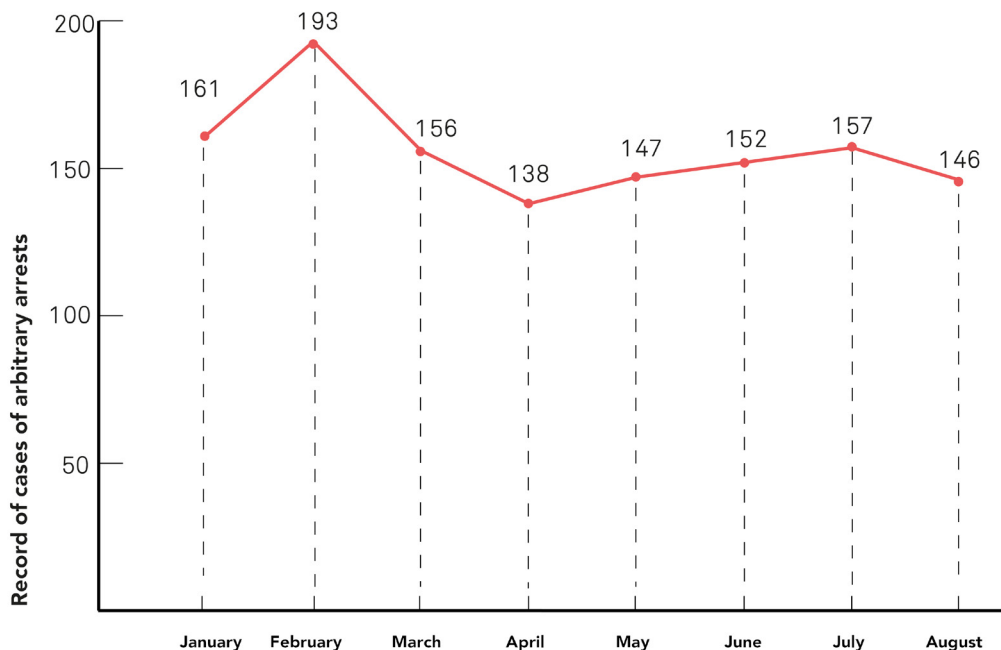
The Armed Opposition/ the Syrian National Army also carried out arrests and kidnappings in August, most of which occurred on a mass scale, targeting displaced and forcibly displaced persons, in many cases targeting several members of the same families, including elderly people; we also recorded arrests carried out under an ethnic pretext, with these incidents being concentrated in areas under their control in Aleppo governorate. Most of these arrests occurred without judicial authorization and without the participation of the police force, which is the legitimate administrative authority responsible for arrests and detentions through the judiciary, as well as being carried out without presenting any clear charges against those being detained.

### III. Record of Cases of Arbitrary Arrests by the Parties to the Conflict

#### A. Record of cases of arbitrary arrests since the start of 2020:

**SNHR documented at least 1,250 cases of arbitrary arrests/ detention between the beginning of 2020 and September 2020, including 34 children and 25 women (adult female), 814 of whom have subsequently been categorized as cases of enforced disappearance.**

The record of cases of arbitrary arrests/ detention at the hands of the parties to the conflict and the controlling forces in Syria since the beginning of 2020 were distributed as follows:



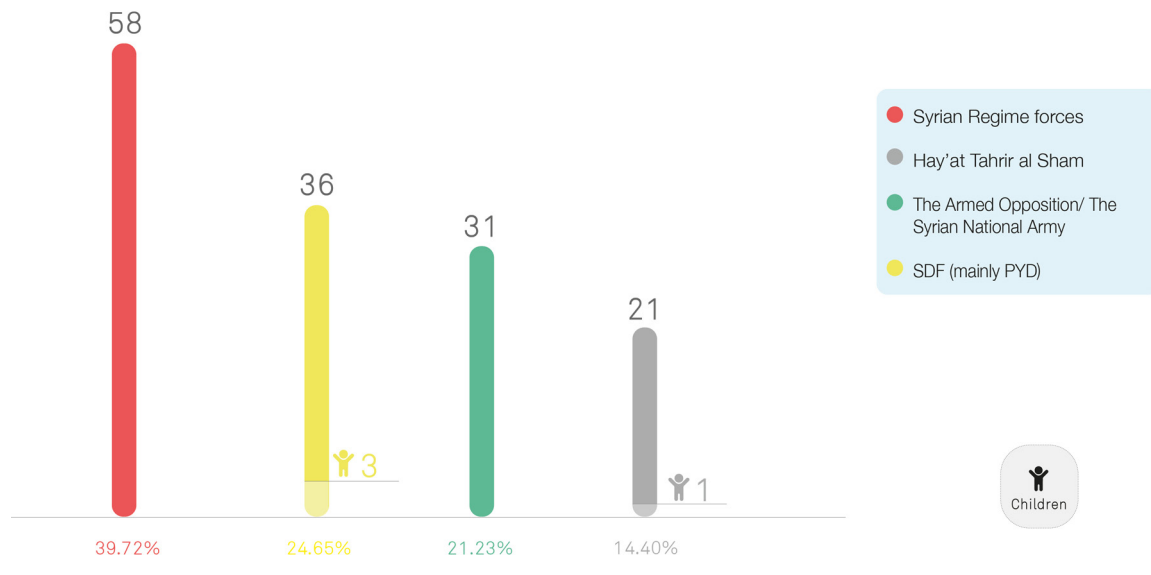


The chart above shows the increasing rates of cases of arbitrary arrests in February 2020. This was due to the wide arrests carried out by Syrian Regime forces, some of which occurred on a mass scale in areas they regained control of.

### **B. Record of cases of arbitrary arrests in August:**

In August 2020, SNHR documented at least 146 cases of arbitrary arrests/ detention, including four children, at the hands of the parties to the conflict and the controlling forces in Syria, 115 of which have subsequently been categorized as cases of enforced disappearance.

The record of cases of arrest/ detention were distributed according to the parties to the conflict and the controlling forces, as follows:



**A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):** 58 individuals. 44 of these have subsequently been categorized as cases of enforced disappearance.

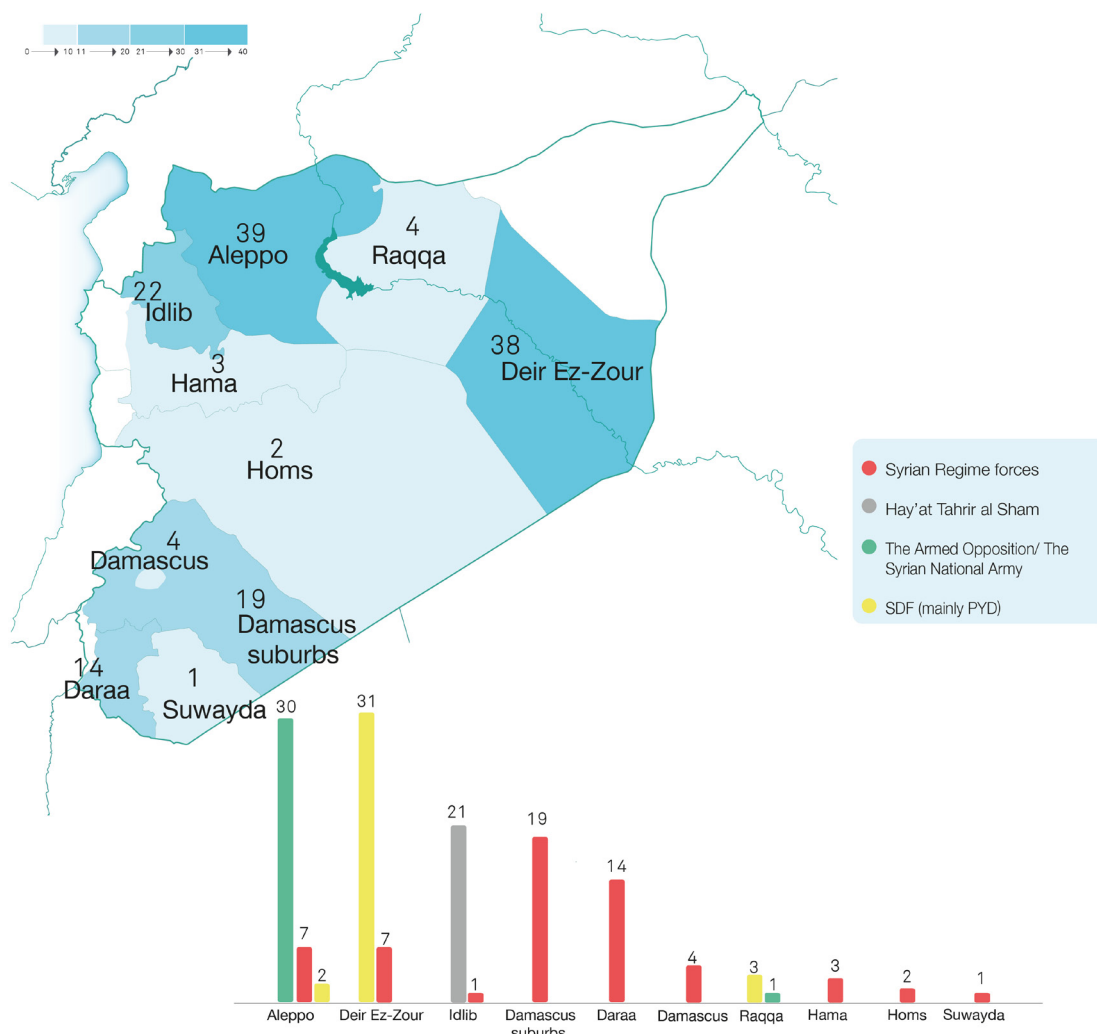
**B. Kurdish-led Syrian Democratic Forces:** 36 individuals, including three children. 32 of these have subsequently been categorized as cases of enforced disappearance.

**C. The Armed Opposition/ The Syrian National Army:** 31 individuals. 23 of these have subsequently been categorized as cases of enforced disappearance.

**D. Hay'at Tahrir al Sham:** 21 individuals, including one child. 16 of these have subsequently been categorized as cases of enforced disappearance.



The cases of arbitrary arrests/ detention documented in August at the hands of the parties to the conflict and the controlling forces were distributed across all the Syrian governorates as follows:



The Map above shows that the highest rates of cases of arbitrary arrests/ detention during this period were seen in Aleppo governorate, followed by the governorates of Deir Ez-Zour then Damascus Suburbs.

## IV. Most Notable Cases and Incidents of Arbitrary Arrest in August:

### **A. Syrian Regime forces:**

#### **- Most notable incidents:**

On Tuesday, August 4, 2020, Syrian Regime forces and personnel from affiliated Iranian militias carried out a campaign of raids and arrests in Abu Laffa village, northeast of al Se'in town in the eastern suburbs of Hama governorate. SNHR documented the arrest of three civilians from one family, who were taken to an undisclosed location.

On Monday, August 10, 2020, personnel from the Syrian regime's Military Security Force arrested two nurses working at the Hamouriya Medical Center, in Hamouriya town in the Eastern Ghouta, east of Damascus Suburbs governorate, taking them to an undisclosed location.

#### **- Most notable cases:**

Muhannad Kabtoul, from al Hama village in the Western Ghouta in Damascus Suburbs governorate, was arrested by Syrian Regime forces on Sunday, August 9, 2020, in a raid on his home in al Hama village, on charges of writing anti-Syrian regime graffiti on walls, and taken to an undisclosed location.

Fadi al Mbayyed, from Harasta city in the Eastern Ghouta in Damascus Suburbs governorate, was arrested by Syrian Regime forces on Tuesday, August 11, 2020, in a raid on his real estate office in Harasta city, and taken to an undisclosed location.

### **B. Hay'at Tahrir al Sham**

#### **- Most notable cases:**

Lawyer Akram Jnaid, a member of the Free Lawyers Syndicate in northwestern Syria, and a member of the Political Bureau of the al Jaish al Thani faction of the Armed Opposition forces, was detained by Hay'at Tahrir al Sham personnel on Saturday, August 1, 2020, while he was passing through Deir Ballout crossing between Idlib governorate and Afrin city in the suburbs of Aleppo governorate; he was released after several hours.



Akram Jnaid

Mahmoud Subhi Harba, a 60-year-old man from Idlib city, was detained by Hay'at Tahrir al Sham personnel on Thursday, August 13, 2020, in a raid on his workplace in Idlib city, in retaliation for his refusal to hand over his home to the group's 'Spoils Committee', and taken to an undisclosed location.

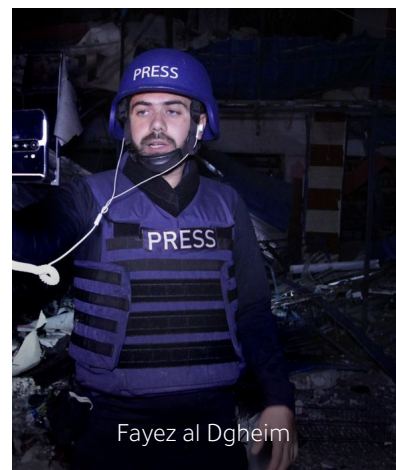
Mahmoud Subhi Harba



Mustafa al Jazi, a pharmacist and the director of the midwifery institute in Idlib city who is originally from al Bara town in the southern suburbs of Idlib governorate, was detained by Hay'at Tahrir al Sham personnel on Tuesday, August 18, 2020, after he was summoned to the group's al Falah Center (al Hisbah) for questioning in connection with an artistic event held by the Midwifery Institute for one of its students; we documented that he was released on Saturday, August 22, 2020.



Fayez al Dgheim, a media activist from Jarjanaz city in the east of Idlib governorate, was detained by traffic police affiliated with Hay'at Tahrir al Sham on Monday, August 24, 2020, in Idlib city in connection with a verbal altercation between him and a traffic police officer in al Sagha Market in Idlib city, and taken to an HTS detention center in the city.



Muhammad al Sheikh, and child Obadah al Sheikh, aged 22 and 15 respectively, from Atama town in the northern suburbs of Idlib governorate, were detained by Hay'at Tahrir al Sham personnel on August 25, 2020, in a raid on their home in the town and taken to an undisclosed location.

### **C. The Armed Opposition/ The Syrian National Army**

#### **- Most notable incidents:**

On Monday, August 10, 2020, the Armed Opposition/ the Syrian National Army forces carried out a campaign of raids and arrests in Breimja village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the arrest of six civilians, who were taken to one of the detention centers run by these forces in Afrin city.

On Sunday, August 16, 2020, the Armed Opposition/ the Syrian National Army forces carried out a campaign of raids and arrests in Sheikhoutka village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the arrest of three elderly men, who were taken to an undisclosed location.

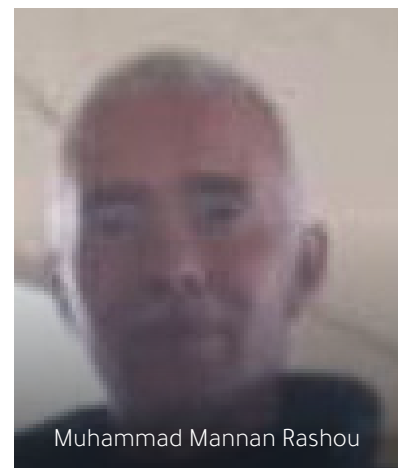
On Monday, August 17, 2020, the Armed Opposition/ the Syrian National Army forces carried out a campaign of raids and arrests in Kamrouk village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the arrest of eight civilians, who were taken to an undisclosed location.

#### **- Most notable cases:**

Muhammad Alo Primo, the imam and muezzin at the Mosque in his home village of Shadira village in Afrin city in the northern suburbs of Aleppo governorate, was detained by personnel affiliated with the Armed Opposition/ the Syrian National Army on Saturday, August 8, 2020, along with his 60-year-old wife Fekrat, in a raid on their home in the village, with both being taken to an undisclosed location.

Muhammad Sabri, from Hekjeh village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, aged 58, was detained by personnel affiliated with the Armed Opposition/ the Syrian National Army on Sunday, August 9, 2020, in a raid on his home in the village, and taken to an undisclosed location.

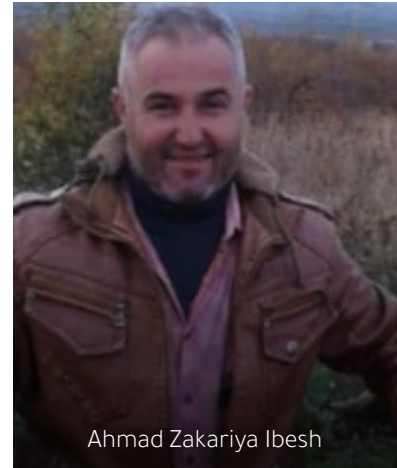
Muhammad Mannan Rashou, aged 53, from Sheikhoutka village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was detained by personnel affiliated with the Armed Opposition/ the Syrian National Army on Sunday, August 16, 2020, in a raid on his home in the village, and taken to an undisclosed location.



Muhammad Mannan Rashou

Omar Muhammad Jamil Rashou, from Ramdanli village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was detained by personnel affiliated with the Armed Opposition/ the Syrian National Army on Thursday, August 20, 2020, in a raid on his home in the village, and taken to an undisclosed location.

Ahmad Zakariya Ibesch, aged 42, from Qerzaihel village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was detained by personnel affiliated with the Armed Opposition/ the Syrian National Army on Monday, August 24, 2020, in a raid on his home in the village, and taken to an undisclosed location.



Ahmad Zakariya Ibesch

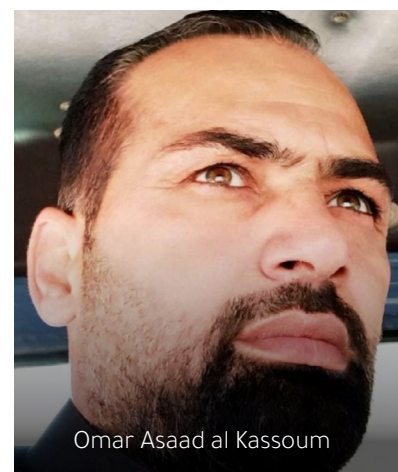
#### **D. Kurdish-led Syrian Democratic forces (mainly PYD)**

##### **- Most notable incidents:**

On Friday, August 7, 2020, forces affiliated with the Syrian Democratic Forces carried out a campaign of raids and arrests in al Sh-heil city and al Hawayej village in the eastern suburbs of Deir Ez-Zour governorate, in connection with earlier protests against SDF in the two areas. SNHR documented the arrest of 28 civilians, including two children, who were taken to an undisclosed location.

##### **- Most notable cases:**

Omar Asaad al Kassoum, from Raqqa city, was detained by Syrian Democratic Forces on Monday, August 3, 2020, in a raid on his home in the vicinity of Faculty of Art in north Raqqa city center, and taken to an undisclosed location.



Omar Asaad al Kassoum

M'alla al Ejail al Hamlah, from al Hous village east of Raqqa governorate, was detained by Syrian Democratic Forces on Monday, August 3 2020, in a raid on his workplace in the village, and taken to an undisclosed location.



Ahmad Hussein al Assaf, from al Rmaila neighborhood of Raqqa city, was detained by Syrian Democratic Forces on Thursday, August 3, 2020, in a raid on his home in the neighborhood, and taken to an undisclosed location.

Omar and Omran Ismail Ibrahim al Salem, two children from al Hawayej village, were detained by Syrian Democratic Forces on Friday, August 7, 2020, in a raid on the village in connection with earlier protests against the SDF, and taken to an undisclosed location.

A female child, Shaden Ali al Hmoud al Darwish, born in 2005, from al Hurriya village, which is administratively a part of al Jarniya district in the western suburbs of Raqqa governorate, was kidnapped by personnel affiliated with Syrian Democratic Forces on Friday, August 14, 2020, with the aim of forced conscription in Hamret Jammaasa village, east of Raqqa governorate, and taken to one of the group's conscription centers in Raqqa governorate.

## V. The Most Notable Work Carried Out by SNHR on the Detainees Issue

Since 2011, the SNHR has created complex electronic programs to archive and categorize the detainees' data, which the team collects and verifies; this enables us to catalogue the detainees according to gender, the location where each was arrested, the governorate from which each detainee originally came, and the party responsible for their arrest. These programs also enable us to make comparisons between these parties, as well as identifying the governorates from which the largest proportion of residents have been arrested and disappeared.

Over the years, we have published periodic [news](#) reports on arrest incidents, as well as publishing a [monthly report](#) that monitors the record of cases of arrest, enforced disappearance, or release that occurred in the past month, as well as semi-annual and annual reports, in addition to dozens of additional reports that provide information on the various detention centers of the parties to the conflict, and other [special reports](#) related to detainees. We also periodically submit special forms to the United Nations Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Arbitrary Detention and the Special Rapporteur on Torture.



## **VI. Many Face Multiple Charges Following False Confessions Extorted Via Torture and Intimidation, Before Being Referred to ‘Courts’ More Like Security Branches, With the Regime Issuing Decrees and Laws That Violate the Principles of Law**

We at the SNHR wish to emphasize that the vast majority of detainees involved in the popular uprising for democracy in Syria, including political and human rights activists, media workers, and relief activists, and similar prisoners of conscience, have been falsely accused by the security branches of several charges based on testimonies taken from detainees by the regime under coercion, intimidation and torture. The most prominent of these charges are: provoking sectarian strife, threatening the system of governance, weakening national sentiment, collusion with external agents and the enemy, supporting and financing terrorism, and weakening the nation's morale, all of which are broad and wide-ranging charges, which are documented within regime security authorities' reports; these detainees may be transferred to another security branch if they are wanted by more than one security branch. The detainees are forced to place their fingerprint on these coerced report under threats, torture and general intimidation; it should be noted here that the security branches rarely allow detainees to read and sign these false confessions, but rather order them to use a fingerprint in place of a signature, with the detainees in most cases doing so while blindfolded with a piece of cloth; these security reports are then referred to the Public Prosecution service, after which the majority of these cases are referred to either the Counter-Terrorism Court or the Military Field Court (The stages mentioned here may take months and possibly years, during which the detainees are subjected to the worst forms of torture, which often prove lethal.).

Regarding the Counter-Terrorism Court in short, this was established in accordance with Presidential Decree No. 22 of 2012 to serve as a substitute for the exceptional Supreme State Security Court, and examines detainees' cases according to the Counter-Terrorism Law No. 19 of 2012, an article of legislation similar to the legislation on 'counter-revolutionary goals' issued in 1964, which violates the most basic principles and rules of law and human rights, under which a person can be arrested simply because he or she is suspected of not supporting the Syrian regime, with the court ruling on most cases of arrest carried out by Syrian Regime forces. The Counter-Terrorism Court consists of three judges appointed by the President of the Republic, according to the proposal submitted by the Supreme Judicial Council, which is also chaired by the President of the Republic, who try civilians, military personnel and juveniles, and issue sentences in absentia. In addition, these sentences may not be appealed except in the case of those who surrender themselves voluntarily. Although the body's official name is the Counter-Terrorism Court, it tries all types of crimes and can therefore be called an exceptional court; it is, in fact, part of the regime's security apparatus.



As for the Military Field Court, again briefly, this was established by Decree No. 109 of August 17, 1968, with its jurisdiction originally specified as being only for crimes committed in wartime; its remit was expanded in 1980, however, to allow it to operate in both war and peace times and to try civilians, military personnel and juveniles. This court is also formed by the executive authority through the Minister of Defense, and consists of a president and two members who are not required to be law graduates. The rulings issued by this court are not open to appeal, being endorsed by the Minister of Defense. Regarding the death sentences issued by this court, they are ratified by the President of the Republic, with both the Minister of Defense and the President of the Republic able to manipulate the rulings issued according to their personal whims. The Military Field Court is wholly managed by the executive authority that dominates the judicial authority, and therefore the most fundamental conditions of fair trial are not met in this court, which is also closer to a military-security branch than to a court of law.

According to the SNHR's database, the vast majority of detainees were arrested in connection with their participation in activities opposed to the Syrian regime, no matter how innocuous, such as attending demonstrations, being involved in media or humanitarian relief activism, or even as a result of their kinship ties with an activist; this means that the vast majority of detainees are arrested in connection with their political activism, meaning that they are political detainees.

The Syrian regime also legalized the crime of torture, despite the fact that the current Syrian constitution, issued in 2012 by Decree No. 94, prohibits arbitrary arrest and torture according to Article 53, and the General Penal Code in accordance with Article 391 which imposes a penalty of from three months to three years in prison for anyone who beats a person with a degree of severity during the investigation of crimes, and prohibits torture during investigation in accordance with Article 391; however, there are legal texts that explicitly oppose previous constitutional articles and Article 391, giving almost complete immunity to the security services and legalizing impunity, with the most prominent of these being the following:

1. Legislative Decree No. 14 of January 25, 1969, stating that: "It is impermissible to pursue any workers in the State Security Administrations for crimes they have committed during the execution of the specified duties they were authorized to carry out, except by virtue of an order to pursue issued by the director."
2. Article / 74 / of the Internal Security Law of the State Security Department and the rules of service for its employees issued by Legislative Decree No. 549 of May 25, 1969, states that: "No legal action may be taken against any General Intelligence Department employees, those assigned or detailed to the department, or those contracted with it for crimes incurred on the job or in the course of performing the job before referral to a department disciplinary board and before an order is obtained from the director."

3. Legislative Decree No. 69 of 2008, by which an amendment to the Military Penal Code gave immunity to police and political security personnel, who were previously amongst those who could be tried before the ordinary judiciary, and limited the ability to take action against them or against the army and the armed forces. Paragraph (a) of Article 1 of this decree stipulated: “Crimes committed by each of the officers, warrant officers and members of the Internal Security forces, members of the Political Security Division, and members of Customs Brigade, due to performing the tasks entrusted to them.” Paragraph (b) of the same article states, “Prosecution orders for officers, warrant officers, members of the Internal Security forces, members of the Political Security Division, and members of Customs Brigade are issued in a decision by the General Command of the Army and the armed forces, in accordance with the provisions of Article / 53 / of Penal Code and the Military Trial Procedure and its amendments.” This prosecution is issued in wartime, according to the Penal Code and the Military Trial Procedure by the Commander-in-Chief of the Army and the Armed Forces, who is at the same time the President of the Republic. Consequently, such prosecution was banned - if it had ever taken place - for officials at any level of leadership and limited to the senior leadership.

4. Decree No. (55) issued on April 21, 2011, related to counter-terrorism, of which Article 1 states: “Added to Article 17 of the Code of Criminal Procedure, the following paragraph: responsible for law enforcement or authorized tasks investigate the crimes stipulated in Articles 260 up to 339 articles 221 and 388 and 392 and 393 of the Penal Code and collection of evidence and surveillance of the suspects, which should not exceed the reservation for them for seven days subject to renewal from the Attorney-General and in accordance with the data of each file on the unit should not exceed this period of sixty days.”

These three decrees and Article 74, which are supposed to be legal texts but in reality constitute a violation of the law, are decrees and texts that legitimize crimes, violate even the 2012 constitution, and violate fundamental tenets of human rights. For this reason, Syria under the current Syrian regime suffers from two problems; the first in terms of the legal texts themselves, and the second in terms of applying the law which is far graver; without a doubt, these legal texts, which express a commitment to ensuring impunity, along with the Syrian regime's failure to carry out any investigation or accountability for any member of the regime's security forces, no matter how low-ranking, against the background of acts of torture, have all contributed to increasing the rate of torture. Indeed, the regime's security services, in coordination with some doctors in military hospitals, are so sure of their impunity that they have invented new and horrific methods of torture that are even more brutal and savage than their usual methods. We have noted using new methods of torture in the past two years that were not used in previous years, which have caused deaths due to torture to continue up to this day. The laws established by the Syrian regime do not justify committing or concealing crimes, because they are not laws but rather pseudo-legal provisions that violate the law.

Other parties to the conflict have also established courts to try their detainees in accordance with procedures that are, to a great extent, similar to the courts affiliated with the Syrian regime. Extremist Islamist groups have established Sharia courts made up of sharia judges or security personnel and issued sentences according to their extremist ideology. As for the areas under opposition control, these have established courts which operate according to amended forms of existing Syrian laws. Syrian Democratic Forces, meanwhile, have established the ‘people’s courts’ and established their own laws and legislation derived from the Syrian laws, with all these courts following the policy of exceptional courts by holding brief proceedings, essentially amounting to kangaroo trials, to try the cases before them without any considerations of the fundamental standards of fair trials, and relying mainly on the jurisprudence of judges, most of whom are unqualified or illegal.

Over the past nine years, the Syrian regime has issued nearly 17 amnesty decrees, many of which were similar to one another and focused on securing the release of perpetrators of crimes, felonies and offences, while including only a very small number of detainees referred to exceptional courts such as the Counter-Terrorism Court and the military field courts, and excluding the largest proportion of detainees who were not subjected to any trial during the years of their detention, who have been classified as forcibly disappeared. We previously [issued a report](#) in which we monitored the detention and torture incidents that we recorded since the issuance of the last two amnesty decrees, Decree No. 20 of 2019, and Decree No. 6 of 2020. We also issued [a special report](#) in which we outlined our follow-up work regarding the implementation of the latest decree No. 6, nearly two months after its issuance, and the record of arrests, torture and releases recorded by the SNHR between the issuance of Decree No. 6 on March 22, 2020, and May 15, 2020. Despite all the amnesty decrees issued, at least 130,000 citizens in the categories of detainees and forcibly disappeared persons are still detained by the Syrian regime.

## **VII. The Syrian Regime Is Responsible for Threatening the Lives of Thousands of Detainees Because of the COVID-19 Pandemic**

Detainees and individuals forcibly disappeared by Syrian Regime forces are subjected to exceptionally brutal and sadistic methods of torture, which have assumed a particularly vengeful character since the popular uprising for democracy began in March 2011. In a detailed report published by SNHR previously, we recorded [at least 72 methods of torture](#) practiced in the Syrian regime’s detention centers and military hospitals.

As well as inflicting these horrendous methods of torture on detainees, the Syrian regime also deliberately subjects the imprisoned detainees to unimaginably squalid, unsanitary and massively overcrowded conditions in its detention centers which lack even the bare minimum of hygiene or sanitation to protect against illness and disease. These conditions are especially horrific in the headquarters of the four main security branches and military prisons, where large numbers of detainees are packed

into cells of various sizes, with an average cell area measuring 4 x 6 square meters containing approximately 50 detainees; this means that each detainee barely has an area of 70 cm<sup>2</sup> for sitting and sleeping, with detainees usually taking turns to attempt to sit or lie down to sleep when their numbers exceed the holding capacity of the cell, as they routinely do. These cells also lack ventilation and the most basic standards of sanitation and cleanliness, with the conditions being even more squalid in the solitary confinement cells located on the detention centers' lower floors which lack even light. Throughout the duration of their detention in the security branches, detainees are also prevented from going outside to get any exercise, or exposure to fresh air or sunlight.

In addition to these congested unsanitary conditions, detainees are able to shower or wash only very rarely throughout the period of their detention, which often lasts for many years, with all these factors contributing to and exacerbating the spread of diseases, epidemics and infectious conditions, especially respiratory and skin diseases, which are further aggravated due to the lack of fresh air and the lack of exposure to sunlight and light. The narrowness of the cells and the cramped, overcrowded conditions also lead to suffocation and shortness of breath amongst many detainees due to inhaling the putrid smells of bodily waste, sweat, pus, and blood from wounds. The conditions of detention in security branches and military prisons are somewhat similar to the civilian central prisons in terms of overcrowding, human stacking, and lack of cleanness and ventilation.

Syrian Regime forces deliberately withhold sufficient quantities of pillows and blankets from detainees in detention centers, with those which are issued usually being filthy, threadbare, soiled and encrusted with blood, pus or other bodily waste and fluids, and lousy with parasites. In addition, detainees are denied adequate clothing and often left only in their underwear since their clothing is worn, soiled or torn during torture or forcibly removed during inspections; all these practices expose detainees to severe cold in winter, when temperatures fall below freezing.

All these practices make each of the days, months, and years that detainees spend in detention into a never-ending hell, with these brutal conditions being a very deliberately imposed and widespread strategy on the part of the Syrian regime inflicted with the aim of degrading and further torturing detainees. Subjecting detainees to conditions that foster disease and infection and leaving them to suffer without medical help or treatment is another deliberate and conscious part of this strategy, forcing already physically and emotionally traumatized detainees to endure an additional layer of torment and debasement often leading to death. With the recent global spread of the COVID-19 pandemic and the Syrian regime's admission that it has already documented cases of infection, the already grave situation facing prisoners in regime jails is now critical, particularly in light of the detention conditions that are, as explained above, favorable for the spread of infectious diseases such as the COVID-19 coronavirus; this now threatens the lives of approximately 130,000 people who are still documented as being detained or forcibly disappeared by Syrian Regime forces, according to the SNHR database.

Instead of releasing prisoners of conscience and other detainees, including detainees whose sentences' periods have ended, in order to contribute to alleviating the terrible overcrowding suffered by detainees and threatening their lives due to the spread of the coronavirus, we have documented the Syrian regime arresting even more citizens, which means additional overcrowding in detention centers. This behavior completely conflicts with the demands of some countries allied with the Syrian regime and prominent figures and organizations affiliated with them to ease or freeze the sanctions imposed by other countries on this regime, under the pretext of helping it to overcome the coronavirus. The Syrian regime's policy towards the issue of detainees clearly reveals the inconsistency of this request, clarifying precisely how the Syrian regime deals with citizens in light of the spread of the COVID-19 coronavirus and how indifferent it is to their wellbeing.

## VIII. Conclusions and Recommendations

- The issue of detainees and forcibly disappeared persons is one of the most crucial human rights issues in Syria which there has been no progress in resolving despite its inclusion in several resolutions of the UN Security Council, as well as in UN General Assembly resolutions, in Kofi Annan's plan, and finally in the statement of cessation of hostilities issued in February 2016, which states that "all parties undertake to work for an early release of any arbitrary detained persons, particularly women and children", and in Security Council resolution 2254 of December 2015, article 12, which states that all detainees, especially women and children, must be released immediately. Despite all these resolutions and other official statements, no progress has been made on the issue of securing the release of detainees in any of the rounds of negotiations sponsored by international parties regarding the conflict in Syria. The International Committee of the Red Cross has been unable to conduct any periodic visits to any of these detention centers, constituting a violation of International Humanitarian Law.
- The SNHR believes that the Syrian regime has not fulfilled any of its obligations under any of the international treaties and conventions which it has ratified. We refer specifically to the International Covenant on Civil and Political Rights. The regime has also violated several articles of the Syrian Constitution itself, with thousands of detainees detained without any arrest warrant, held for many years, without charges, and prevented from appointing a lawyer and from receiving family visits. 65 percent of all detentions documented have subsequently been categorized as cases of enforced disappearance, with detainees' families being denied any information on their loved ones' whereabouts, while anyone making enquiries about the detainees faces the risk of being arrested themselves for doing so. The Syrian regime has also violated the right to liberty enshrined in article 9 of the ICCPR through the widespread practice of arbitrary and unlawful detentions.
- Hay'at Tahrir al Sham imposes absolute authority over the large areas it controls and the residents there. The group which has a political entity, and has developed a highly hierarchical structure, is therefore obliged to implement the provisions of international human rights law. Hay'at Tahrir al Sham has committed widespread violations through arrests and enforced disappearances.

- The Armed Opposition/ The Syrian National Army have carried out arrests and torture against a number of residents in areas under their control.
- Kurdish-led Syrian Democratic Forces have violated many basic rights and practiced numerous violations such as torture and enforced disappearance. They also have a political entity with a largely hierarchical structure and are, therefore, also obliged to apply the provisions of international human rights law.

## **Recommendations**

### **Security Council**

- The Security Council should monitor the implementation of Resolution 2042, adopted on April 14, 2012, Resolution 2043, adopted on April 21, 2012, and Resolution 2139, adopted on February 22, 2014, all of which demand the immediate cessation of the crime of enforced disappearance.
- In light of the spread of the coronavirus, it is vital to put pressure on the Syrian regime to release tens of thousands of arbitrarily detained persons, primarily medical personnel whose professional skills and services the Syrian people are in dire need of.

### **Human Rights Council**

Follow up on the issue of detainees and forcibly disappeared persons in Syria and highlight this issue in all annual meetings.

Cooperate and coordinate with all active local human rights groups in Syria.

### **Independent International Commission of Inquiry (COI)**

Launch investigations into the cases included in this report and previous reports. SNHR is willing to cooperate and provide more evidence and data.

### **International, Impartial, and Independent Mechanism (IIIM)**

Address the cases mentioned in this report and previous reports. SNHR is willing to cooperate and provide more evidence and data.

### **United Nations, the international community and the guarantors of the Astana talks**

- An impartial special committee should be formed to monitor cases of enforced disappearance, and to make progress in revealing the fate of the nearly 99,000 documented missing persons in Syria, approximately 85 percent of whom are detained by the Syrian regime.
- Immediately begin applying pressure on all parties to ensure that they immediately reveal their detention records according to a timetable. In the meantime, detention places should be revealed immediately, and humanitarian organizations and the International Committee of the Red Cross should be allowed to visit them directly.

- We call on the official appointed to take charge of the detainee file at the UN Special Envoy's office to include the issue of the detainees during the upcoming round of Geneva talks, as this issue is of far greater importance to the Syrian people than other longer-term issues which can be jointly addressed later by the parties after a political settlement is reached, such as the constitution.
- Support organizations working to document cases of arbitrary arrest, enforced disappearance, and torture, support the course of accountability and its mechanisms, and support organizations working in victim rehabilitation programs.

#### **The Russian regime:**

- Must demand that its ally, the Syrian regime, disclose the fate of nearly 98,000 forcibly disappeared persons and immediately release tens of thousands of arbitrarily detained persons and detainees whose sentences ended, before demanding that those states which imposed sanctions on the Syrian regime lift them.
- Must provide the Syrian regime with the necessary medical supplies and equipment to examine tens of thousands of detainees and ensure that they are not infected with the COVID-19.

#### **All parties to the conflict and the controlling forces:**

- The arbitrary arrests and enforced disappearances, which are still ongoing, as detailed in this SNHR monthly report, must be ended immediately, the fate of all detainees and the forcibly disappeared persons must be revealed, their families should be allowed to visit them immediately, and the bodies of detainees who were killed as a result of torture should be handed over to their families.
- Unconditionally release all detainees who have been imprisoned merely for exercising their political and civil rights, release women and children, people with special needs, the sick, and the elderly, and stop using any detainees as prisoners of war.
- Allow the independent international monitors of the Independent International Commission of Inquiry and the International Committee of the Red Cross to access all official and unofficial detention centers without establishing any prior arrangements or any restrictions or conditions, and improve the conditions of places of detention to meet the legal standards of detention centers.
- A UN committee should be formed to monitor and periodically assess the release of the detainees according to a timetable that must be presented by all the detaining parties, primarily the Syrian regime forces that are responsible for 89 percent of all detentions.
- Publish a register containing the detainees' data together with the reasons, locations, and sentences issued.
- All sentences issued by the regime's field military courts and Counter-Terrorism courts should be suspended or repealed, since they are non-compliant with domestic and international legislation, as well as failing to provide guarantees of a fair trial.



- End the policy of carrying out arrests without legal warrants, release all detainees imprisoned by them without judicial charges, and emphasizes that individuals should also be detained only briefly before being presented in a court of law, and that such trials do not take weeks or months.

## Acknowledgments

We wish to extend our sincere thanks to victims' family members and friends, as well as to eyewitnesses and local activists, all of whom have contributed effectively to the collection and verification of data, and to extend our sincere solidarity to the detainees and the forcibly disappeared persons and their families.



Federal Foreign Office

**SNHR**  
SYRIAN NETWORK FOR HUMAN RIGHTS  
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