



The Syrian Regime Has Released 81 Individuals Under Amnesty Decree No. 13 of May 2021 and Arrested Nearly 176 Since Its Issuance

Despite All the Amnesty Decrees, At Least 131,000 of Those Arrested in Connection with the Popular Uprising against the Syrian Regime Are Still Detained/ Disappeared

Thursday 15 July 2021

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.

SNHR
SYRIAN NETWORK FOR HUMAN RIGHTS
الشبكة السورية لحقوق الإنسان

Content

I. Amnesty Decrees Issued by Bashar al Assad Violate the Syrian Regime's Own Constitution and Reveal the Extent of Its Manipulation of the Detainees' Issue.....	3
II. The Report's Methodology.....	5
III. At Least 92 Incidents of Extortion and Exploitation of the Families of Detainees and Forcibly Disappeared Persons Since the Issuance of Decree No. 13 of 2021.....	6
IV.A Comment on Legislative Decree No. 13 of 2021, the Record of Those Released under It, and the Charges and Crimes Brought against Prisoners of Conscience or in Connection with the Popular Uprising.....	8
V. The Record of Arrests and Releases by Syrian Regime Forces Since the Issuance of Amnesty Decree No. 13 of 2021.....	12
VI. Conclusions and Recommendations.....	17

I. Amnesty Decrees Issued by Bashar al Assad Violate the Syrian Regime's Own Constitution and Reveal the Extent of Its Manipulation of the Detainees' Issue:

The 2012 Constitution, issued unilaterally by the Syrian regime, states explicitly in Article 75, Paragraph 7, that the People's Assembly, as the legislative authority in the state, shall have the authority to "approve a general amnesty."¹ This constitutional rule is derived from Paragraph 6 of Article 71 of the previous 1973 Constitution. In reality, however, Bashar al Assad, like his father, Hafez al Assad, has a complete monopoly over the power of general amnesty through legislative decrees that he issues whenever he wants; this is one of the manifestations of the way in which the executive authority's power overrides that of the legislative authority, as we detailed in a previous report on [the elections for the People's Assembly](#) and its nihilistic role under the existing regime. With the exception of two occasions on which the People's Assembly issued a general amnesty law in the early years of Bashar al Assad's rule, the first No. 17 of November 22, 2000², at the beginning of his first term, and the second a partial amnesty law No. 56 of October 31, 2002, for some military crimes, the People's Assembly, as the legislative authority in the state, plays no role in issuing any general amnesty law, completely abandoning its constitutional authority, while Bashar al Assad has monopolized this authority absolutely, even during sessions of the People's Assembly.

It is recognized that a general amnesty, as a measure intended to decriminalize those charged with an act defined as a crime under the provisions of the law, means temporarily suspending the text of the relevant legislation in certain cases, so one of the basic rules of criminal legislation is that a general amnesty can only be introduced by law, that is to say, the sole authority considered competent to issue a general amnesty is the legislative authority, unlike a special amnesty which is the exclusive prerogative of the head of state³.

Under Syrian law, the authority to issue general amnesty legislation has been limited to the legislative authority, since the issuance of the amnesty through a legislative decree and its subsequent presentation to the People's Assembly for discussion, amendment or cancellation, is a process that cannot be followed in this case because amnesty decrees are implemented immediately upon being issued, making it impossible to remedy their legal effects in those cases for which the amnesty decree in question has not yet been implemented; this means that any amendment or cancellation may cause an unacceptable disparity in the legal position/s of the convict/s affected, constituting an additional motive that could prompt the constitutional legislator to limit jurisdiction in granting approval of a law by the People's Assembly, in addition to the fact that the law in general and the nature of the general amnesty law in particular includes

¹ | The People's Assembly of the Syrian Arab Republic, the 2012 Constitution of the Syrian Arab Republic, Article 75, Paragraph 7, <https://www.parliament.gov.sy/arabic/index.php?node=5518&cat=423&>

² The People's Assembly of the Syrian Arab Republic, Law 17 of 2000, <https://www.parliament.gov.sy/arabic/index.php?node=201&nid=15082&RID=-1&Last=13&First=0&CurrentPage=0&VId=-1&Mode=-1&Service=-1&Loc1=0&Key1=&S-Date=&FDate=&Year=2000&Country=&Num=&Dep=-1&>

³ Dr. Muhammad al Fadil, General Principles in Criminal Legislation, 1979-1980 edition, p. 533

objective rules of general implementation, with the people deciding on the societal aspect of this by approving the amnesty law through their representatives in order to grant amnesty for some crimes, all of which means that **it is wholly illegitimate for such a decree to be a personal order issued by the head of state on any occasion** ⁴.

A general amnesty is granted to detainees whose cases nobody has investigated, unlike a special amnesty, which is intended to atone for exceptional severity by the judiciary, or to save someone who wouldn't have committed any crime had it not been for painful or unavoidable circumstances beyond his or her control⁵. Given these facts, legislators rarely issue a general amnesty. We have noted that Bashar al Assad has issued at least 18 general amnesties, including a comprehensive amnesty and a partial amnesty for military crimes, since the beginning of the popular uprising for democracy in March 2011. This comprehensive amnesty led to the release of large numbers of dangerous criminals, some of whom were recruited into local militias. It's noteworthy that none of these decrees have included political prisoners from among the countless opponents of the Syrian regime jailed for dissent, except in very rare cases when a very few are released in order to give some credibility to these bogus and deceptive decrees.

We believe that Bashar al Assad has resorted to issuing all these decrees in order to give the appearance of infallible strength and godlike power over the lives of the Syrian people, with sole authority to pardon whoever he wishes, whenever and however he wants. These decrees are, in effect, a testament to absolute autocratic rule, demonstrating that this overrides the constitution, constitutional law, the spirit of laws and that the tyrant is free to do as he wishes to the nation and its people.

We have also noted that Bashar al Assad issued the latest amnesty decree No. 13 of 2021⁶ on May 2, prior to the 'presidential elections' on May 26, although it has been the custom since his father's time in power to issue such amnesties after these '[elections](#)'. It seems that through this earlier amnesty, Bashar al Assad wanted to appear magnanimous as though he were offering something to Syrian society, in light of his abject and complete failure throughout the years of his rule, especially since 2011, as well as in light of the devastating economic crisis the country is enduring as a result of his regime's looting, corruption and perpetration of the most heinous crimes, all of which have caused the displacement of half of the Syrian population, and the imposition of international sanctions.

⁴ Dr. Hanan Hamad Amr, Enhancing the Legislative Performance of the Syrian People's Assembly - A comparative study, unpublished Ph.D. thesis, held at Damascus University's Faculty of Law, 2013

⁵ Dr. Abdul Wahab Houmad, Detailed Explanation of the Penal Code, p. 1067, Edition 1990

⁶ Syrian Arab News Agency "SANA", President al-Assad grants general amnesty for crimes committed before May 2nd, <http://sana.sy/?p=1373048>

II. The Report's Methodology

The Syrian Network for Human Rights' (SNHR) Detainees Department makes extensive efforts to communicate with former detainees released from the Syrian regime's detention centers, as well as with the families of detainees and the forcibly disappeared, in order to collect the largest amount of information and data to track cases of detention and enforced disappearance and to monitor the context and background of the releases. The Detainees department also communicates with detainees in civil detention centers, their lawyers and families to monitor their conditions and follow up on the trials to which they are subjected. Over the past ten years, we have built up an extensive database of detainees, disappeared persons, and individuals who have been released.

In this report, we outline the results of the analysis that we conducted of Decree No. 13/2021, cross-checked with details from the SNHR's archive, as well as summarizing the cases and incidents of arrest and releases documented by the SNHR team in the period since Decree No. 13 was issued on May 2, 2021, up to July 15, 2021. In the report, we distinguish between the record of releases that took place related to the amnesty and those not related to it, which were within the context of the expiration of sentences. We have endeavored, as much as possible, to verify the charges against those released since this decree was issued, and we confirm that here we include only the cases in which those detainees whose 'crimes' are of a political nature have been released, and exclude cases involving the release of criminal detainees accused of theft, counterfeiting and similar criminal felonies. The record of releases included in this report does not include those detainees who were released as part of the reconciliation agreements conducted by the Syrian regime in the governorates of Damascus Suburbs and Daraa.

The report is also based on direct and preliminary communication with a large number of families. We also contacted a number of former detainees who had been released, taking into account their still fragile psychological and physical condition. Finally, we relied on the information we obtained from the detainees still being held in civilian prisons in the Syrian governorates, in particular the Hama Central Prison, Homs Central Prison, Adra Central Prison, and Suwayda Central Prison, as well as from their lawyers and families. In this report, we provide seven of the testimonies. We carefully analyzed all information and data we collected in order to reach the most accurate possible results in this report, and can confirm that we notified the families and surviving detainees of our goal in collecting this information, obtaining their freely given consent to cooperate with us.

The information contained in this report only represents the bare minimum of incidents that we have been able to document, and of the severity and magnitude of the violations that occurred. Also, it doesn't include any analysis of the profound social, economic, and psychological ramifications.

III. At Least 92 Incidents of Extortion and Exploitation of the Families of Detainees and Forcibly Disappeared Persons Since the Issuance of Decree No. 13 of 2021:

We have talked in many reports about the networks of interests established by the Syrian regime with the aim of generating illicit income and of extortion at the expense of the already suffering victims of its detention and forcible disappearance and their desperately worried families, with these networks consisting of officers, judges, lawyers, security personnel, local militias, and middlemen, and having links with the security branches, as well as the irregular Military Field Court and irregular Counter-Terrorism Court. These networks' operations are based on exploiting the emotionally and psychologically traumatized state of detainees' and forcibly disappeared persons' families and their desperation for any information on their loved ones and any way to check on them, contribute to their release, or simply arrange a visit to them in detention centers; all those involved in these networks charge vast sums of money, since the Syrian regime deliberately withholds any information on the fate of those it detains, and refuses to provide any information to the families (with the exception of periodically releasing information on some detainees' deaths in custody to military police stations in Damascus or Civil Registry departments across the country, with detainees' families regularly visiting these facilities to find out if their imprisoned loved ones have been registered as dead). In addition to paying these massive 'fees', the detainees' family members may be subjected to threats and security persecution and even arrested themselves if they repeatedly ask about the detainee at the security branch responsible for the arrest. These networks are highly active after or before the issuance of each amnesty decree, with the amnesty decrees providing an ideal pretext to increase their operations and profits and work in several ways to reach the detainees' family members, either by accosting them during their visits to of the military police station in Damascus or the courts, or via social media, and in other cases through a series of people while the family members were attempting to reach influential figures in the security services to obtain information. We at the SNHR have documented that many families were subjected to fraud and extortion more than once without being able to take any legal measures to hold those exploiting their suffering accountable due to these individuals' affiliations with other regime officials and influence within the security services.

The material exploitation and extortion of the families of detainees and forcibly disappeared persons doubles their already intense suffering, especially at the economic level, with many families resorting to selling property or borrowing money and exhausting all their savings in order to secure the massive sums of money demanded from them by these networks; in most cases, the families did not receive any information, manage to secure visitation rights or achieve any of the other objectives related to their detained family members, for which they paid these charlatans massive sums. Adding insult to injury, all these activities are taking place in the complete absence of a properly functioning judicial authority, due to the Syrian regime's practices in monopolizing control of the existing judicial authority and emptying it of its proper role, thereby creating this state of corruption, chaos and suffering.

In the period since the latest amnesty decree was issued on May 2 up until July 15, 2021, the Syrian Network for Human Rights (SNHR) has documented at least 92 cases involving extortion of families of detainees held in central prisons by these exploitation networks who paid vast sums of money in exchange for promises to include their detained family members in amnesty decree and to issue release decisions for them. We estimate the real number of financial extortions that have taken place since the issuance of Amnesty Decree No. 13 to be at least ten times greater than the number that we were able to monitor either through the victims' families' communications with us or through cooperative lawyers.

The SNHR spoke with Ms. Fatima al Rayyes⁷, the mother of one of the detainees held for trial at the Counter-Terrorism Court since June 2017 in Hama Central Prison, who explained how she was subjected to exploitation after the issuance of Amnesty Decree No. 13. She told us: **"Since the amnesty was issued, I learned of the release of two women from our area who had been imprisoned for drug trafficking. When I asked about the circumstances of their release, I reached a lawyer who told me that he could include my son in the amnesty in return for paying 10 million Syrian pounds, half of which I was to pay directly and the other half when the release decision is signed. After I paid him, he began to avoid our contacts and then told us that my son's case is difficult and refused to return the money, arguing that the judge had taken it from him in exchange for mitigating the sentence for my son."** Fatima told us that her son was arrested after his return from Lebanon in 2017, and since his arrest she has been defrauded in this way four times, while she succeeded once in transferring her son from the Military Security Branch to Hama Central Prison and Counter-Terrorism Court in exchange for paying seven million Syrian pounds to an officer in the branch.

The SNHR also spoke with Ahmad Thahabiya⁸, a lawyer who assists the SNHR, and who represents many detainees at the Counter-Terrorism Court in Damascus. He told us: **"Eight families of detainees in Adra Central Prison who are subject to the Counter-Terrorism Court contacted me in order to consult me about the recent amnesty decree, with all of these families paying a sum of money collectively to the relative of a judge at the Counter-Terrorism Court for their sons or spouses in prison, and these families are still receiving promises of their loved ones' release, although more than a month has passed since the amnesty without these detainees being released. According to my information, the charges against them are not covered by the amnesty, and these families cannot do anything because the Counter-Terrorism Court is a big bazaar, and any complaint by the families about it will lead to the judges taking revenge against their sons by aggravating the term of their sentences."** Lawyer Ahmad added that such exploitation of defendants' families is a daily occurrence that takes place in the Counter-Terrorism Court, with the court being an accomplice.

⁷ Via phone on May 20, 2021

⁸ Via phone on June 1, 2021

The SNHR also spoke with detainee, Fares al Afandi⁹, who is currently detained in Suwayda Central Prison and is held for trial at the Counter-Terrorism Court since July 2016. He told us: **“I was arrested at the beginning of 2016 by the Air Security division in my city because of a phone call I had with my brother who is in Idlib governorate. About six months later, I was transferred to the Counter-Terrorism Court, where I was tried on five charges at once, none of which I’d committed, while there was no evidence for them; I appointed a lawyer after my transfer to the court, but to no avail. Despite the issuance of more than one amnesty decree during my imprisonment, I did not benefit from them. Following the last amnesty, a prisoner advised me to communicate with someone who might help me, who asked me for a sum of money in exchange for moving my file. Indeed, I paid him because all of the detainees I know left after they paid the money, meaning if we don’t pay, we will remain here, forgotten.”** Fares told us that he is still waiting for the results promised to him by the mediator, adding that he has no other option but to wait, with the expectation that he may well have been cheated.

IV.A Comment on Legislative Decree No. 13 of 2021, the Record of Those Released under It, and the Charges and Crimes Brought against Prisoners of Conscience or in Connection with the Popular Uprising:

On Sunday, May 2, 2021, the Syrian regime issued Legislative Decree No. 13, which provides for a general amnesty for perpetrators of misdemeanors, contraventions, and felonies committed before the date it was issued; it included a broad reprieve applying to a wide range of misdemeanors and felonies, with the amnesty including the full punishment for misdemeanors and contraventions, measures of reforms and pardons for juveniles, and for those who evaded military service domestically or fled abroad to escape it, for some temporary criminal penalties, crimes by juveniles and other offences. In this report, we will not detail the articles of the amnesty decree as these are found in the text of the decree, with most being related to the perpetrators of criminal crimes. Instead, we will focus on analyzing the articles related to prisoners of conscience and how these reflect on their legal status, and on monitoring their implementation by the courts in which these detainees were tried.

Article 5 of Amnesty Decree No. 13 provides “For the full punishment for the crimes stipulated in Articles 285 and 286, paragraph 1 of Article 293, Article 295, paragraph 1 of Article 305 and paragraph 1 of Article 306 of the Penal Code promulgated by Legislative Decree No. 148 of 1949 and its amendments if the perpetrator is a Syrian.”

⁹ On May 29, 2021 - The means of communication is not mentioned in order to ensure the safety of the detainee

Article 6 of the decree states, "For the full punishment for the crimes stipulated in Article 2 if the perpetrator is a Syrian," and refers to paragraph 2 of Article 7, Article 8 and Article 10 of Law No. 19 of 2012.

The crimes included in the aforementioned articles include weakening national sentiment, transmitting news that would weaken the psyche of the nation stipulated in Articles 285 and 286 of the Penal Code, provoking an armed insurrection against the existing authorities in Paragraph 1 of Article 29, conspiracy in Articles 295 and 305, and establishing an association with the intention of changing the economic or social structure of the state in Paragraph 1 of Article 306. Meanwhile, in the Counter-Terrorism Law No. 19 of 2012, the decree included the charges of conspiracy stipulated in Article 2, acts of terrorism in Paragraph 2 of Article 7, the promotion of acts of terrorism in Article 8, and the duty to report the crimes included in the Counter-Terrorism Law in Article 10.

These charges can be and are tailored to frame any person, being so loosely phrased that they are not limited by a specific definition; the Syrian regime has relied on the use of such vague unspecified charges in formulating its definitions of crimes against state security listed in the Penal Code and in drafting the Counter-Terrorism Law, under which detainees are tried, in order to use them against dissidents and to punish any expression of political opposition, violating the fundamental characteristic that penal texts must possess, namely accuracy of expression, clarity of pronunciation, and the use of explicit speech to denote certain, specific meanings.

We at the SNHR also stress that the above-mentioned crimes cited in Amnesty Decree No. 13 of 2021 are usually included by the Syrian regime in most of the amnesty decrees issued by it, as well as being routinely and automatically used against the vast majority of detainees in its custody from the moment of their arrest, in addition to charging them other crimes with more severe penalties that are not included in the amnesty decrees; this is one of the main reasons behind the regime's failure to release detainees held in connection with their involvement in the popular uprising under the amnesty decrees, as the Syrian regime uses an arsenal of charges against each detainee all at once, so if the amnesty stipulates some of these, it does not include the others, demonstrating the deceptive and misleading nature of the regime's amnesty decrees whose primary objective is to secure the release of actual criminals while detaining those who are subject to trial until the end of their sentences.

The record of those released under Decree No. 13 of 2021:

The SNHR documented the release of at least 81 individuals, among whom were 17 women, including civilians, media workers, state employees, lawyers, and university students, under Legislative Decree No. 13 of 2021, since its issuance on May 2, 2021 until July 15, 2021. The duration of the detention period for most of those released ranged between two to six months.

Most of those released were charged with **weakening national sentiment and transmitting news that would weaken the psyche of the nation**, as stipulated in Articles 285 and 286 of the Penal Code, with these being charges customarily brought against individuals arrested over posts on social media criticizing the poor economic conditions, whose punishment is often temporary detention, which is a criminal penalty for which the detention period ranges from three to 15 years. Syrian regime forces arrested these individuals after they criticized the dire living conditions and corruption in the regime-held areas on social media by raiding their residences or workplaces or summoning them to the headquarters of the Criminal Security Branch in Damascus city. Most of those arrested under these charges have been detained in Adra Central Prison with no sentences issued against them by the Criminal Court, with most of these detainees, especially the media workers, known for their support for the Syrian regime.

Lawyers working in Damascus city, whom we spoke with, told us that the Criminal Court had not issued any sentences against those recently arrested over their criticism of living conditions; this is because the court deliberately slows down their trial procedures pending the issuance of an amnesty decree - which is expected - which includes in most cases an amnesty for the 'crimes' of undermining the prestige of the state, weakening national sentiment, and transmitting news that would weaken the psyche of the nation. Thus, we can consider this a judicial policy, according to which the court detains those arrested on remand awaiting trial for short periods, then slows down the litigation process until an amnesty is issued to include the charges against them.

We contacted Mr. Yaman al Aqra¹⁰, from Homs city, a student at the Faculty of Food Engineering at al Ba'ath University, who was arrested by the Criminal Security Branch after being summoned, over publishing a post on his Facebook page criticizing the living conditions for students on March 17, 2021, and was released under Amnesty Decree No. 13 of May 3, 2021. He told us: **"I wrote a post while I was upset because most students were unable to secure their university fees and their families could not bear these expenses. In the post, I mentioned the university president and a number of our professors, accusing them of increasing the burden on the students. Then, I was surprised that my post was published in several university private groups; a week later, a Criminal Security patrol arrested me from my home, and there they interrogated me directly about what I posted and whether anyone from abroad had asked me to post, while confiscating my phone and checking all my messages on the phone. The next day, I was transferred to Adra Prison in Damascus Suburbs, and about a week later, I attended a trial before a judge, in which he asked me about the authenticity of what I posted, so I told him 'Yes', and I remained like this until the amnesty decree was issued, and I was released."** Yaman said that the dean of his university sent him a warning that he would be expelled if he repeated his offence against the university, adding that he had been spared on this occasion due to the amnesty decree that was issued, although he was also held back for a semester.

¹⁰ Via phone on May 12, 2021

The most notable cases among those released under Decree No. 13 of 2021:

[Waddah Muhi al Din](#), born in 1955, from Aleppo city, the office manager of the 'Buq'aat Daw' (Spotlight) magazine in Aleppo city, was arrested by Syrian regime forces in the city on Saturday, January 9, 2021, after he criticized robberies taking place in the city's markets on his Facebook account, and was taken to the Criminal Security Branch in Damascus city. He was released on May 4, 2021, under Decree No. 13 of 2021.

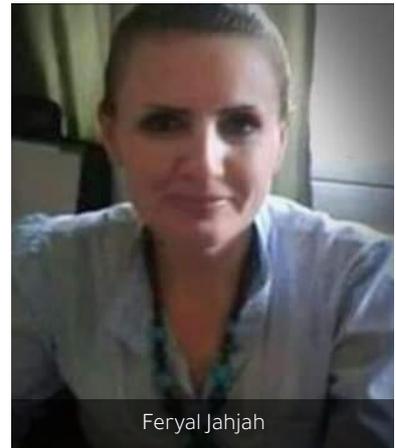


Waddah Muhi al Din



Screenshot of the post in which Waddah Muhi al Din criticized the robberies

Feryal Jahjah, an inspector with the rank of judge in the General Authority for Supervision and Inspection, from Tartus city, was arrested by members of the Criminal Security Branch's Cybercrime Department in Tartus, on Thursday, January 14, 2021, after she was summoned for investigation, in connection with her criticism of corruption and poor living conditions on her Facebook account, before being taken to Adra Central Prison in Damascus Suburbs governorate on charges of 'weakening the nation's psyche'. She was released in May 2021 under Decree No. 13 of 2021.



Feryal Jahjah

[Halah al Jarf](#), an employee of the Syrian regime-affiliated Public Authority for Radio and Television, from Salamiya city in eastern Hama governorate, lives in Damascus city. Syrian regime forces arrested her on Saturday, January 23, 2021, as she was passing through a regime checkpoint in Damascus city over criticism posted on her Facebook account of the living conditions endured by the Syrian public in areas under the Syrian regime's control, and took her to the Criminal Security Branch in the city, before taking her to Adra Central Prison in Damascus Suburbs governorate. Halah was charged with a generalized accusation of "weakening the nation's psyche" and a series of other charges related to the regime's cybercrime law. She was released on May 4, 2021, under Decree No. 13 of 2021.



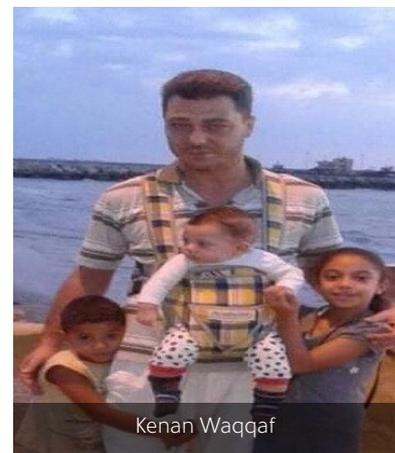
Halah al Jarf

Farah Khazem, a 20-year-old university student at the Faculty of Pharmacy, from Jabla city in the suburbs of Latakia, was arrested by Syrian regime forces on Saturday, January 23, 2021, while she was passing through a regime checkpoint in Damascus city over her criticism of corruption and poor living conditions on her Facebook account, and taken to one of the regime detention centers, before she was released on May 4, 2021, under Decree No. 13 of 2021.



Farah Khazem

[Kenan Waqqaf](#), a reporter for al Wehda newspaper in Latakia city, from Tartus city, was arrested by Syrian regime forces on Sunday, March 7, 2021, after being summoned by the Criminal Security Branch in Damascus city over criticism of poor living conditions and corruption in areas under the Syrian regime's control on his Facebook account. He was released on May 4, 2021, under Decree No. 13 of 2021.



Kenan Waqqaf

V. The Record of Arrests and Releases by Syrian Regime Forces Since the Issuance of Amnesty Decree No. 13 of 2021:

A. The record of arrest incidents by Syrian regime forces between May 2 and July 15, 2021:

Among the points which we wish to emphasize in this report is Syrian regime forces' continued persecution and targeting of Syrian citizens in regime-controlled areas in connection with their political dissent and expression of opinions, despite the right to both being guaranteed by the Syrian constitution and international law. This proves once again the truth of a crucial point which we have reiterated several times previously, namely that no Syrian citizen can feel safe from arrest by the regime since these are carried out without any basis in law or any oversight by any independent judiciary, and are perpetrated by the security services with no involvement by the judiciary. Following these arrests, detainees are routinely classified as forcibly disappeared persons, and therefore the areas under the control of the Syrian regime cannot be considered to constitute any sort of safe haven for residents there, with a large percentage of those we talked with during our documentation of violations expressing a strong desire to emigrate, flee and seek refuge in other countries; all this underlines that regime-controlled areas of Syria are very

definitely not a safe environment for the return of refugees or IDPs. There will be no stability or safety in light of the survival of the regime's brutal security services, who have committed crimes against humanity since 2011 and are still continuing to do so up to the current date.

Since the issuance of Amnesty Decree No. 13, Syrian regime forces have targeted and arrested people who were granted a settlement certificate and a promise from the regime that they would not be harassed after settling their status, including people who tried to emigrate illegally to Cyprus from the Syrian coast, as well as those who refused to participate in the 'presidential elections' held on May 26; hardly a day passes without the SNHR's team documenting at least one case or incident of arbitrary arrest, with some of these arrests taking place on a mass scale, as part of raid campaigns on areas and neighborhoods. The SNHR's Detainees Department has documented at least 176 arrests by Syrian regime forces, with those detained including five children and two women, since the issuance of Amnesty Decree No. 13 on May 2, 2021, up until July 15, 2021. We have observed that the number of people arrested by the Syrian regime is far greater than the number of those it released, whether under Amnesty Decree 13 of 2021 or due to the expiry of their sentence, or of both groups combined. We have detailed the arrests carried out by the Syrian regime in [May](#) and [June](#) in our monthly reports on arrests.

Most notable cases and incidents of arrest/ detention:

Most notable incidents:

[On Monday, May 3, 2021](#), personnel affiliated with Syrian regime forces carried out a campaign of raids and arrests in Eqerbat town in the eastern suburbs of Hama governorate. SNHR documented the arrest of four civilians from the same family, including a retired colonel, who were taken to an undisclosed location.

On Saturday, May 22, 2021, personnel affiliated with Syrian regime forces carried out a campaign of raids and arrests in al Dweil'a neighborhood and Kashkoul area in Damascus city. SNHR documented the arrest of six civilians, on charges of tearing up pictures of the President of the Syrian regime, Bashar al Assad, in al Dweil'a neighborhood and Kashkoul area, with all those detained taken to an undisclosed location.

On Thursday, May 27, 2021, the Syrian regime's Air Security Force and State Security Force personnel carried out a campaign of raids and arrests in the neighborhoods of Bustan al Qasr and al Kallasa in Aleppo city. SNHR documented the arrest of 14 civilians over their opposition and refusal to participate in the 'presidential elections' that took place on May 26, with all being taken to an undisclosed location. The raid was accompanied by regime forces destroying shops in the neighborhoods.

Most notable cases:

[Mamoun Qasem Oweir](#), from Dael city in the northern suburbs of Daraa governorate, was arrested on Friday, May 7, 2021, by Syrian regime forces as he was passing through one of the regime's checkpoints in Damascus city, and taken to an undisclosed location.

¹¹ Via phone on June 1, 2021

Haitham Salah al Ghazawi, from Tafas city, west of Daraa governorate, was arrested on Friday, May 7, 2021, by Syrian regime forces as he was passing through one of the regime's checkpoints in Menket al Hatab in the northern suburbs of Daraa governorate, and taken to an undisclosed location.

B. The record of releases not related to Amnesty Decree No. 13 of 2021 by Syrian regime forces between May 2 and July 15, 2021:

The SNHR team documented the release of at least 63 detainees, including two children and one woman, who were released from the Syrian regime forces' detention centers, with their release coinciding with the period between the issuance of Amnesty Decree No. 13 on May 2, and July 15, 2021, although they were not released as a result of it. Most of those released in this category are from the governorates of Damascus Suburbs, Daraa, Idlib, and Deir Ez-Zour, and were released from regime detention centers in Damascus governorate, after the end of their sentences, which we consider to have been arbitrary. According to the released individuals' families, relatives and friends, and to the information recorded on our database, the former detainees spent an average period of one to nine years in the Syrian regime's detention centers, in extremely poor conditions which included being subjected to torture, and enduring an almost complete lack of healthcare and medical care, as well as severe overcrowding, while all had been arrested without receiving any explanation of the reasons for their detention and without any arrest warrants being provided.

This category includes only those arrested in connection with their participation and activities in the popular uprising for democracy, or those who were randomly arrested or detained based on malicious security reports, or due to their kinship relationships with political opponents/ activists/ military defectors, without a warrant, with the security branches undertaking investigations into them and extracting confessions under torture.

We also documented several cases of individuals who were released a few days or months after their arrest without being subject to trials, with most of these being individuals who tried to migrate illegally by sea from Tartus governorate. Also among the released were people released based on exchanges between Syrian National Army and Syrian regime forces.

We spoke with Mr. Ahmad al Zu'be¹¹, from Dael town in the suburbs of Daraa governorate, who was arrested by Syrian regime forces at a regime checkpoint in Daraa city on September 13, 2018, and who was subsequently among those who had previously settled his security status. He was released on May 18, 2021, after the end of his sentence period. Ahmad told us: **"I was arrested by the Military Security and transferred to the Military Police in al Qaboun, then to Seydnaya Prison, where I remained for five months, before I was transferred to Adra Central Prison; all that time, I did not know what my charges were and what my court was, even during my interrogation in the branch, the inter-**

rogator told me **'We know everything about you and we do not need your confessions and we do not have time for you'**; then I was fingerprinted on a set of papers. When I arrived at Adra Prison, I was subjected to the Counter-Terrorism Court and was sentenced to three years on charges of possession of a weapon. I was supposed to be released six months ago, but the judge didn't sign the petition for a quarter reduction of my sentence, until I bribed him through my family paying a middleman a sum of money, and I was released after the end of my sentence." Ahmad added that only two other people were released from the dormitory cell where he was held in Adra Central Prison, both of whose sentences had also expired.

We also spoke with Mr. Abdullah al Muhammad¹², from Douma city in Damascus Suburbs governorate, who now lives in Damascus city, who was arrested by members of the State Security Branch on February 12, 2021, in his workplace in a shop in a Damascus market, and who was released on May 24, 2021. He told us: **"I was arrested because of a false security report from my shop, and I remained in the branch for about 15 days, during which I tasted all the scourges of torture, then I was transferred to Adra Central Prison and the Counter-Terrorism Court on charges of communicating with and assisting armed men. After dozens of mediations and because the judge knew that these charges were fabricated, he signed the release document, but to this day I am in danger of being tried again."** Abdullah said that he was not released in connection with any amnesty decree, and there was no mention of any amnesty decree in his file or release document.

We also spoke with Mr. Ayman al Salwan, from Kanaker town in Damascus Suburbs governorate, who was arrested by Syrian regime forces on May 1, 2021, in a house in Tartus city, where he and a number of people were preparing to migrate from the coast of Tartus towards the island of Cyprus; he was released on May 16, 2021, along with five other detainees, without any trial. He told us: **"We were arrested with a large group of my townspeople as we sought to migrate to Cyprus to escape our unknown fate, as my town is at risk of being stormed by regime forces at any moment and the 'reconciliation agreement' failed there. We were arrested by a joint Military Security and Criminal Security patrol. After they took my information, I was put in the Criminal Security car with five others, and none of us were wanted by the regime, while the others remained in the custody of the Military Security in Tartus. Two days later, we were transferred to the Criminal Security in Damascus, and there they asked us to sign a pledge and then released us."** Ayman said he expected that Russian forces had played a role in securing their release, especially since they are not wanted by the regime forces, and because the 'reconciliation agreement' in his town is supervised by Russian forces.

¹² Via phone on June 2, 2021

Most notable among those released:

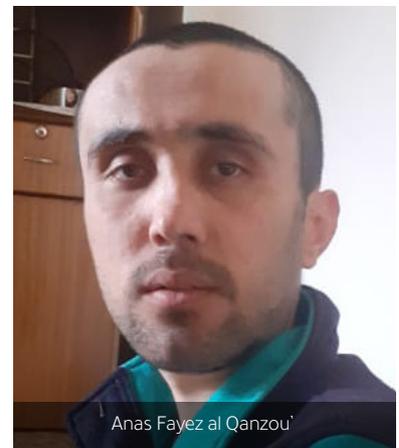
[Muhammad Mahmoud Khalil](#), a 30-year-old man from Mu'adamiyet al Sham city, west of Damascus Suburbs governorate, was arrested by Syrian regime forces personnel on Tuesday, May 11, 2021, in front of the local council building in the city center over shouting anti-regime phrases, and was taken to an undisclosed location. We documented that he was released on May 16, 2021, from the Security Office of the Syrian regime's Fourth Division in Mu'adamiyet al Sham city.

Ms. Nisreen Muhi al Din Wanli, and her young sons, Muhammad and Shivan Bassam al Sanbaki, who are from the Rukn al Din neighborhood of Damascus city, were arrested by Syrian regime forces in 2013, in connection with the defection of her husband, Colonel Bassam al Sanbaki, and taken to one of the regime detention centers in Damascus city. They were released on Wednesday, May 12, 2021, by Syrian regime forces as part of a prisoner exchange deal with Syrian National Army forces, under the supervision of the Syrian Arab Red Crescent, with the Syrian National Army forces handing over five Syrian regime forces members and a dead body to the regime forces, in exchange for the release of the defector officer's wife and sons.



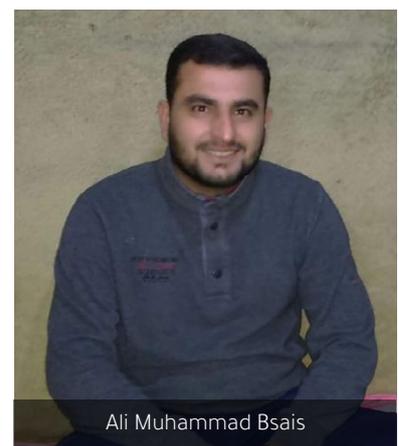
Photo of the family, Ms. Nisreen Muhi al Din Wanli, her husband, Colonel Bassam al Sanbaki, and their two sons, Muhammad and Shivan, after their release

Anas Fayez al Qanzou', from Talmennes village in the suburbs of Idlib governorate, was arrested by Syrian Democratic Forces in 2016 in the Afrin area in the northern suburbs of Aleppo governorate, and handed over to Syrian regime forces, who took him to Seydnaya Military Prison in Damascus Suburbs governorate. We documented his release on Friday, May 7, 2021, from Seydnaya Military Prison.



Anas Fayez al Qanzou'

Ali Muhammad Bsais, a military recruit with Syrian regime forces, from Khirbet al Naqous village in the suburbs of Hama governorate, was arrested by Syrian regime forces in 2016 as a result of a malicious report, during his military service in the coastal areas. We documented his release on Saturday, May 15, 2021.



Ali Muhammad Bsais

Brothers Alaa and Muhammad Adnan al Khalil, from Tafas city in the west of Daraa governorate, were arrested by Syrian regime forces in May 2018, in Tafas city, and taken to regime detention centers in Damascus city. On Wednesday, May 19, 2021, they were released from Adra Central Prison in Damascus Suburbs governorate.

Muhammad Khaddouj, aged 27, from al Rhaiba city in al Qalamoun al Sharqi in Damascus Suburbs governorate, was arrested by Syrian regime forces on November 30, 2019, while he was passing through one of the regime checkpoints on the road between Damascus and Homs cities. After he was transferred between several security branches in Damascus city, he was taken to Adra Central Prison in Damascus Suburbs governorate. We documented his release on Monday, May 17, 2021, from Adra Central Prison.

VI. Conclusions and Recommendations:

Conclusions:

1. The Syrian regime is the party responsible for forcing detainees to confess to acts they did not commit, trying them on the basis of these false coerced confessions, and then issuing a partial amnesty for them; this manufactured cycle aims to blackmail detainees and their families and to increase their suffering, and constitutes a violation of the most basic principles of human rights.
2. Decree No. 13 of 2021 did not include political detainees or those detained in connection with their expression of opinion, or activists in the popular uprising, while including provisions of the charges that were automatically brought against the vast majority of detainees, which are included in every amnesty decree; therefore, although these charges included the detainees in previous decrees, they were not released due to the presence of other charges over which they are being tried; this is an intentional policy by the Syrian regime to mislead public opinion.
3. There is a lack of any clear mechanism for the methods used in selecting and releasing detainees included in the amnesty, as well as a failure to include detainees held, often for years, in security branches and unofficial detention centers, without being charged or subjected to any trial.
4. Most of those released were civilians, who had been arbitrarily arrested and framed on charges of terrorism, under which they were tried in courts that lack the most fundamental legal standards of justice or degrees of litigation, who were granted amnesty, and released.
5. The Syrian regime not only brought charges against and tried detainees under the General Penal Code in the articles related to crimes against state security, but also issued the Counter-Terrorism Law, in which it provided vague articles and ambiguous, non-specific definitions of terrorist acts and conspiracy, according to which the largest possible number of detainees could be tried before the Counter-Terrorism Court, with the legislation leaving room for the judges to define and analyze the accusations made according to their own opinions, opening the door to the material exploitation and extortion of any detainee in exchange for his or her release or inclusion in the amnesty decrees issued.

6. Originally, there was no legal basis for the mechanism for criminalizing and charging political detainees, with charges brought either under the Counter-Terrorism Law or the General Penal Code, based on confessions extracted from detainees under torture and coercion, especially those who have been subject to military field courts, which are not courts in any legal or judicial sense but are instead more like parallel centers of the regime's security branches.
7. The amnesty decree is, essentially, a tool providing a new opportunity for the security services to extort more money at the expense of the suffering of the detainees' families.
8. The Syrian regime uses amnesty decrees to pardon those fleeing from military service in order to re-conscript them into its forces.

Recommendations:

The United Nations and the international community:

- Should not be deceived by the tricks and ruses of the Syrian regime and should continue to put constant pressure on it to release political and human rights activists, protesters, and all peaceful, democratic opponents and dissidents.
- Must demand that the Syrian regime reveal the fate of tens of thousands of forcibly disappeared Syrian citizens, and reveal the fate of the bodies of thousands who were killed due to torture.
- Must do everything possible, starting from imposing sanctions to invoking a threat of military action, to allow international organizations access to the Syrian regime's detention centers, to reveal the torture methods detainees are subjected to, and to make every possible effort to secure their release.

Independent International Commission of Inquiry (COI):

- Follow up on the regime's use of futile partial amnesty decrees created to deceive both the Syrian people and the international community.

Office of the United Nations High Commissioner for Human Rights (OHCHR):

- Condemn the Syrian regime's continuing forcible disappearance of tens of thousands of Syrian citizens, manipulating their fate, and extorting their families financially and politically.

Countries friendly to the Syrian people and countries of asylum:

- Should not be deceived by the amnesty decrees issued by the Syrian regime, as these decrees hardly represent any of the tens of thousands of detainees and forcibly disappeared persons, with the decrees' main objective being to mislead international public opinion, and to extort the detainees' families financially.

The Russian regime:

- Put pressure on its ally, the Syrian regime, to release tens of thousands of political detainees.

The Syrian regime:

- Revoke the sentences issued by the Counter-Terrorism Courts, the military courts, and the Military Field Courts in relation to detainees imprisoned in connection with the popular uprising, as these lack the foundations of court, justice, and law.
- Unconditionally release detainees imprisoned in connection with the popular uprising, disclose the fate of the disappeared among them, compensate the affected people, and stop manipulating their fate and extorting their families.
- Stop using the Syrian state as a private family property.
- Cease terrorizing Syrian society through enforced disappearances, torture and death due to torture.
- Stop manipulating the constitution and laws by using them to serve the goals of the ruling family and enacting deceptive legislation.
- Bear the costs of all the legal and material consequences, and compensate the victims and their families.

Gratitude

We offer our sincere thanks to the survivors of detention centers, the families of detainees and forcibly disappeared persons, and the activists, whose participation contributed to the completion of this report.



www.snhr.org - info@sn4hr.org



Federal Foreign Office



Institut für
Auslandsbeziehungen

Supported with German Federal Foreign Office funds by the
ifa (Institut für Auslandsbeziehungen) Zivik Funding Programme