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Syria: Detention, Harassment in Retaken Areas | Human Rights Watch

(Beirut) – Syrian (<https://www.hrw.org/middle-east/n-africa/syria>) intelligence branches are arbitrarily detaining, disappearing, and harassing people in areas retaken from anti-government groups, Human Rights Watch said today. The abuse is taking place even when the government has entered into reconciliation agreements with the people involved.

Human Rights Watch has documented 11 cases of arbitrary detention and disappearance in Daraa, Eastern Ghouta, and southern Damascus. The government retook these areas from anti-government groups between February and August 2018. In all cases, the people targeted – former armed and political opposition leaders, media activists, aid workers, defectors, and family members of activists and former anti-government fighters – had signed reconciliation agreements with the government. Local organizations, including Syrians for Truth and Justice and the Office of Daraa Martyrs, have documented at least 500 arrests in these areas since August.

“Active combat has ended in much of Syria, but nothing has changed in the way intelligence branches trample rights of perceived opponents of Assad’s rule,” said Lama Fakih (<https://www.hrw.org/about/people/lama-fakih>) , acting Middle East director at Human Rights Watch. “Lack of due process, arbitrary arrests, and harassment, even in so-called reconciled areas, speak louder than empty government promises of return, reform, and reconciliation.”

Human Rights Watch interviewed 16 former residents of Daraa and Quneitra governorates, Eastern Ghouta, and towns in southern Damascus. They said that Syrian intelligence branches have detained and harassed people related to anti-government activists or former fighters, along with defectors, members of anti-government groups, or activists. Humanitarian workers, community leaders, and media activists who remained in government-held areas were also detained and harassed. People have been arrested in their homes and offices, at checkpoints and in the streets, relatives and witnesses said.

The locations include Da’el, Ibttā’, Naua, al-Yadudeh, and Etaman in Daraa governorate; a town in Quneitra governorate whose name is withheld due to concerns about reprisals; Douma in Eastern Ghouta; and Babila in southern Damascus. Residents said, based on checkpoints and personnel conducting raids, that Da’el and Ibttā’ are under the control of Air Force Intelligence, while al-Yadudeh and Etaman are under the control of Military Intelligence.

In southern Damascus, the Military Intelligence Patrols Branch arrested people and transferred them to the Palestine Branch, also operating under Military Intelligence. Human Rights Watch could not ascertain which intelligence branch was responsible for detentions in Ghouta.

Most of those detained were apparently never charged. In three cases, intelligence branches apparently arrested people because someone filed a complaint against them. In the majority of cases, people were held incommunicado either throughout or for part of their detention and denied access to a lawyer. The authorities did not inform their families of their whereabouts or take them promptly before a judge, as far as their relatives and colleagues could tell. In one case, a detainee told friends that military intelligence beat them before taking them to military court, even though they were arrested in a civil suit.

In at least one case, authorities transferred the person to Sadnaya prison, which is known for torture and extrajudicial executions (<https://www.amnesty.org/en/documents/mde24/5415/2017/en/>). In three cases, relatives were detained and/or harassed by intelligence branch members to gain information about their wanted family member or to force that family member to return.

Relatives and friends of detained people said they were released only after their families paid a bribe and, in some of the cases, asked high level members of the reconciliation committees or Russian military police to intervene. One person interviewed said he got a relative released after reaching out to the Russian military police. Two others said they brokered the release of relatives through the Fifth Corps, an affiliated militia. In at least two other cases, relatives said they tried to reach the Russian military police or the local reconciliation committees but failed.

Interviewees said the Russian government’s ability to help depended on the area where the person was arrested and whether the person asking was an important community leader or had connections. In two other cases, former residents said, protests in the town where the detained person lived led to their release.

The Syrian government should immediately release all arbitrarily held detainees, or if there are valid grounds for holding them, make those clear. The authorities should present detainees to a judge within 48 hours of their arrest, provide them with access to a lawyer, and inform their families of their whereabouts.

Russia should use its influence with its ally Syria to stop arbitrary detention and harassment, Human Rights Watch said. Russia should expand its ad hoc intervention to release arbitrarily held detainees and information regarding those disappeared. Russia should also support the work of impartial international organizations to gather information on the whereabouts of disappeared people, monitor detention sites, and facilitate communications with families. Russia should press the Syrian government to cooperate fully with these organizations to ensure they have full access to formal and informal detention centers.

Local reconciliation committees should continue to monitor and address arbitrary detention, harassment, and disappearance and raise individual cases with the Russian military police, the Syrian government. Impartial international organizations working on these issues should provide support to the local committees.

Despite the ongoing threats of persecution in areas held by the Syrian government, countries hosting refugees, including Lebanon, Denmark, and Germany, are under domestic political pressure to encourage returns. In some cases, countries have actively organized returns (<https://www.apnews.com/bfdac4831d4f4a248d840f3f8612d89b>) , created incentives for refugees to return (<https://www.euronews.com/2018/11/27/germany-offers-year-of-rent-to-asylum-seekers-who-return-home>) , made conditions in host countries increasingly inhospitable (<https://www.hrw.org/news/2018/04/20/lebanon-mass-evictions-syrian-refugees>) , and even deported refugees back to Syria (<https://www.hrw.org/news/2017/10/02/jordan-syrian-refugees-being-summarily-deported>) .

“Those who tell you there is stability or security in the south are lying,” a humanitarian worker from Daraa told Human Rights Watch. “There are still assassinations and arbitrary detentions, and the residents continue to suffer persecution.”

The United Nations Refugee Agency (UNHCR) has called on all governments not to forcibly return anyone to Syria.

“Nowhere is the effect of an absence of protection guarantees starker than in areas retaken by the government,” Fakihi said. “The harassment and abuse by intelligence branches is a major deterrent for people considering return and has forced out people who wish to remain. If Russia is serious about encouraging refugee returns, it should pressure the government to end detention abuses and create conditions conducive to a safe and dignified return.”

Applicable International Law

Under international law, detention is arbitrary when the detaining authority violates basic rights of due process, including for a prompt hearing before a judge. Principle 11 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that a detainee must be “given an effective opportunity to be heard promptly by a judicial or other authority,” and that a judicial or other authority should be empowered to review the decision to continue detention.

Extended detention without charge or trial or without an appearance before a judge is arbitrary and violates international human rights standards. Detention is also arbitrary if it lacks a clear basis in domestic law or if the person is detained for exercising a basic right such as free assembly.

Collective punishment is also prohibited under international law. It comprises any form of punitive sanctions and harassment, including but not limited to judicial penalties, imposed on families or other targeted groups for actions that they did not personally commit. It is contrary to basic principles of international human rights and

humanitarian law, which provide that no person may be punished for an offense they have not personally committed. This covers “sanctions or harassment of any sort, administrative, by police action, or otherwise.”

Under international law, governments are in principle prohibited from using military courts to try civilians when civilian courts can still function. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees everyone the right to timely trial by a competent, independent, and impartial tribunal. The Human Rights Committee, the international expert body authorized to monitor compliance with the ICCPR, has stated that civilians should be tried by military courts only under exceptional circumstances and only under conditions that genuinely afford full due process.

Under the International Convention for the Protection of All Persons from Enforced Disappearance, enforced disappearance is defined as:

The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Government Takeovers in 2018

Eastern Ghouta, Daraa, and Quneitra were identified as de-escalation zones as part of the Astana process, a negotiations track guaranteed by Turkey, Russia, and Syria. However, between February and August 2018, the Syrian-Russian military alliance opened an offensive on each of these areas, and within a few months managed to regain control of them. Southern Damascus was not included in the de-escalation zones, as it was controlled by Islamic State militants, but was also subject to an offensive that ended in May.

In the follow up to each of these take-overs, residents were given the option of being evacuated to areas under the control of anti-government armed groups in northwest Syria or remaining in these areas under government control. For many, remaining under the threat of arrest and abuse by the Syrian government was not an option, and they decided to leave. Others chose to remain.

The Syrian government’s takeover of Daraa and Quneitra in Syria was faster and resulted in fewer civilian casualties and less destruction than in other areas, including Aleppo (<https://www.hrw.org/news/2016/12/01/russia/syria-war-crimes-month-bombing-aleppo>) and Ghouta (<https://www.hrw.org/news/2018/03/18/russia-backs-syria-unlawful-attacks-eastern-ghouta>). In these areas, there was a proliferation of Russian-mediated reconciliation agreements, and guaranteed deals between anti-government commanders and the Syrian government. These deals allowed the majority of fighters to remain with their light arms, provided a vetting process to clear people of charges by the intelligence branches, and provided a six-month break before

conscription for those still required to serve in the military. In return, people who chose to remain had to sign a document indicating they would not be involved in anti-government activities.

Former residents and experts said that the result of these deals was that Daraa and Quneitra governorates were divided up by various security forces, including the armed forces and the National Defense Forces, various intelligence branches, and a newly created Fifth Corps. The Fifth Corps consists of former members of the Free Syrian Army, an umbrella group for anti-government forces. Former members told Human Rights Watch that it is led by Ahmed al-Odeh, a former anti-government group, supported by Russia, and controls certain towns in Daraa governorate.

In Ghouta and south Damascus, anti-government armed groups have not maintained any power even if they signed reconciliation agreements, and intelligence branches have regained full control of the area. The offensives to re-take these areas included unlawful tactics such as indiscriminate strikes and the use of prohibited weapons.

Methodology

All but 1 of the 16 Human Rights Watch interviews were conducted remotely with people who had managed to leave the areas in question after the government retook the area or with people who were in close and regular contact with their relatives in government-held areas.

Of the people Human Rights Watch interviewed, six had left the area because security forces had harassed them or because authorities issued warrants against them or arrested their relatives. In several cases, the humanitarian situation and government restrictions on their ability to move freely also contributed to their decision to leave.

Human Rights Watch only included those cases in which the person interviewed was a close relation or had witnessed or experienced the harassment. Given the restrictions on access and associated security concerns, it is likely that the total number of people arrested and harassed in these areas is much larger than the cases identified.

Arrests, Harassment of Aid Workers, Activists, Community Leaders

In 6 of the 11 cases documented, security forces harassed, arbitrarily detained, disappeared, or placed on wanted lists aid workers, activists, and community leaders, seemingly as a result of their legitimate work.

“Yaser” and “Tareq”

“Yaser” and “Tareq,” Palestinians born in Syria and who worked for a Palestinian relief organization, were arrested by the Patrols branch of Military Intelligence in Babila, a town south of Damascus, in the first week of April, 2019, three of their colleagues said. The government retook the town the first week in May 2018.

They were among 15 Palestinians taken in a wave of arrests from Babila, Qudsieh, and Yalda, all towns retaken by the government in May 2018 and whose residents were primarily Palestinian. Their colleagues said that both Yaser and Tareq had signed reconciliation agreements and neither was required for military service or had participated in any anti-government armed action.

The colleagues said the Patrols branch had summoned both men from the organization’s headquarters. It is unclear why they were detained. Their colleagues had been able to visit Yaser once while he was in Patrols branch, the day after his arrest. Since the men’s transfer to the Palestine branch of Military Intelligence, neither their colleagues nor family members had heard from them, and their whereabouts have not been revealed.

“Wael” and “Farid”

“Haitham,” a media worker with anti-government groups, said that almost immediately after the reconciliation in Daraa in August, two of his friends in Da’el were arrested: “Wael” and “Farid,” brothers who were closely affiliated with the opposition. Their sister said that Military Intelligence raided their house at 1 a.m., looting and causing damage, and roughing up the women. Their sister called Haitham right after the arrests and said the men were taken without being told why or where they were being taken.

When the sister followed up by visiting the local security branches, she was told that there was a suit filed against them, but the family was not told where they were or given access to them.

They were released in mid-November and told Haitham that they had been handed over to Air Force Intelligence in Sweida and then transferred to Damascus. They said they had been denied access to a lawyer or contact with their families. They were not promptly brought before a judge, and when they were taken to court, it was before a military tribunal despite their civilian status.

The brothers told Haitham that members of the Air Force Intelligence branch beat them fiercely but that they had not confessed to anything. Four or five months into their confinement they were taken before the military judge who ordered their release.

“Samir”

“Samir” worked for prominent humanitarian organizations, including the Norwegian Refugee Council and the Swiss Department for Foreign Affairs, in al-Yadudeh, in Daraa governorate. He left Daraa in January 2019 after he found out that he was wanted by the Criminal Intelligence branch for working with aid groups and receiving funding from foreign entities for his work in contravention of the Counterterrorism Law of 2012.

He said that after he signed the reconciliation agreement, both the Political Intelligence Directorate and Military Intelligence asked him about others who had signed the agreement. A few days later, a contact he had inside the Military Intelligence branch told him they would be coming for him. He immediately left. His family told him that an official summons from the authorities arrived a few days later.

“Sahar”

“Jamil,” a media activist from Da’el and a former detainee who left Syria for Jordan in October 2017, told Human Rights Watch that Military Intelligence arrested “Sahar,” a community leader, in mid-November at the ‘Manket al-Hattab checkpoint. While Daraa was under the control of anti-government armed groups, Sahar had been a member of the local council and the head of the Women’s Affairs Bureau. Her husband had died in protests in 2012 and her son had died in the conflict. She signed the reconciliation agreement in the hopes that she would be able to remain in Daraa, but was detained nonetheless. Jamil said that he and one of her brothers used several personal connections to get her released.

Relatives Detained, Harassed

In three of the cases documented, intelligence branches either arrested or repeatedly harassed relatives of media activists, former fighters, and people who fled Syria in an attempt to gain information about their wanted family member or to force him to return.

“Manal”

“Jamil,” the media activist, said that Military Intelligence arrested his sister, “Manal,” on November 16 at the same checkpoint as Sahar. She was on her way from Da’el to Damascus to visit her husband, who had had heart surgery. He said a friend who was with her alerted him at the time. Jamil said that he reached out to one of the reconciliation committee members in Daraa, who then reached out to the Russian military police who helped release her after a few days. He indicated that they also had to pay 300,000 SYP (US\$582) to the military intelligence officials for her release.

Jamil said that his sister told him that during the interrogation, she was asked about him and one of her other brothers who fought with the anti-government armed groups in Daraa before the government retook it. When she chose to remain in Da’el, she had signed a reconciliation agreement, but had been arrested nonetheless. As Jamil put it: “Reconciliation or no reconciliation – it is the same.”

“Iyad’s” family

“Iyad,” a media activist, left Syria where he was living in Etaman, Daraa in February because he needed medical treatment that he could not reliably obtain in Damascus due to concerns about being arrested at the checkpoints on the way there.

He said that after he left, Military Intelligence went to his house and detained his father, mother, and wife. Intelligence officials held the family for a day and interrogated them regarding Iyad’s whereabouts. The family members said they didn’t know. He said that based on the questioning, he was unsure if the authorities were detaining his relatives because of his work as a media activist or because he was wanted for military service.

He said that after the arrests, his neighbor had immediately called him, telling him to come back. Iyad then reached out to his uncle, who was close to Military Intelligence officers in the region. The uncle intervened and managed to secure their release in a couple of days but had to pay 700,000 SYP (US\$1,359) to the officers.

He said that Military Intelligence had visited his family four more times after their release, most recently on April 12, only a week before he spoke to Human Rights Watch, and they threatened to re-arrest his wife, mother, and father unless they paid them 50,000 SYP (US\$97). Now his parents rarely leave the house, Iyad said.

“Hashim”

“Hashim” was a media activist in al-Yadudeh, in Daraa governorate in Syria, but left in December when he found out that Air Force and Military Intelligence wanted him for his media work. He said he discovered he was wanted when Military Intelligence called in a relative with a government job and asked about Hashim and his whereabouts.

After that, members of the Air Force Intelligence branch visited his house three times to ask about him. “I wasn’t there, but can you imagine if I had been?” he said. “It would have been over. The next day I prepared to leave. Since I left, they’ve visited the house twice more.”

Detaining and Disappearing Defectors

Human Rights Watch documented the detention or disappearance of three defectors by Military Intelligence and other security forces even though the men had signed reconciliation agreements with the government.

“Laith”

A man who left Quneitra in August in the evacuations after the government retook the area, said that Military Intelligence took away his son in February. “Laith,” who defected from the army in 2012, chose to remain in Quneitra following the government takeover and signed a reconciliation agreement in August, his father said. In February, Military Intelligence asked Laith to report back to their station and detained him. His father does not know his whereabouts.

“Khaled”

“Iyad” said that 20 days after the Syrian government retook Etaman in Daraa governorate, between August 10 and 15, he and a group of three other men attempted to re-enter the area to check on their houses. Military Intelligence members at the

checkpoint at the town entrance stopped them and requested their identification and settlement cards, which they checked against the computer. Iyad and one of the others were wanted for military service but were told they could wait until the six-month grace period ended. But “Khaled,” a defector, was detained even though he had signed a reconciliation agreement.

Iyad said he was afraid to ask the Military Intelligence officers questions for fear of being arrested but did raise Khaled’s case with the Etaman reconciliation committee, who promised he would be released. But as of April 14, Khaled’s whereabouts had not been revealed, Iyad said.

“Omar”

Security services arrested “Omar,” a 27- or 28-year-old defector who had lost both his legs in a landmine accident, in February or March in Naua, in Daraa governorate, his cousin said. Omar’s wife said even though he had signed a reconciliation agreement, he was arrested after someone had submitted a complaint about him.

His cousin said that Omar’s wife was able to track him to Sadnaya prison, where she was able to visit him. The wife told Omar’s cousin that Omar’s situation was very difficult, and that he looked like he had been beaten and tortured.

ecoi.net summary:

Article on arbitrary detention, disappearance and harassment of civilians by intelligence branches in areas retaken by government



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