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Note

This report has been translated and compiled in accordance with “Common EU Guidelines for processing Country of Origin Information” (2008) and “EASO Country of Origin Information Report Methodology” (2019). As a result, this report is based on some very carefully selected sources of public information. All sources used are references sources compiled from specialty reports and profile information and also press articles.

All information presented has been carefully verified, with the exception of some general aspects which represent common knowledge. The offered information has been studied, evaluated and carefully analyzed, with some time constraints. Thus, this document does not claim to be an exhaustive one. As such, we do not claim that it could be used in order to decide only on its basis the humanitarian issue in the country of origin.

The main way of presenting information within this report is citation, used to convey exactly what a source said, using the source’s own words. Whenever there are used other techniques, like summarizing or synthesizing, this will be marked in a visible way.

If a certain event, person or organization is not included in this report, this does not mean that the event did not take place or that the person and the organization itself do not exist. This document does not offer conclusions regarding the merits of granting any form of protection. It only partially contributes to forming the opinion of the decisive factor, who should take the decision by respecting the other procedural aspects and by taking into consideration the specific circumstances of each case.

The information and opinions expressed do not reflect the official position of the General Inspectorate for Immigration or of his partner in implementing the project AMIF/22.02.04 Management of COI Usage and Research Processes.

Romanian National Council for Refugees

Editorial committee

The present general report presents information publicly available as of 10.10.2023.

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1. GENERAL OVERVIEW

1.1. Political situation

In March 2011, the first protests for democracy took place in the southern city of Daraa, which spread to the whole country by the summer of the same year. The government used violence against the demonstrators. As a result of the violence, the demonstrators also increasingly took up arms and in the summer of 2011, deserted soldiers of the Syrian army founded the rebel group Free Syrian Army (FSA). In the course of 2012, the situation developed into a civil war, which increasingly led to a division of the conflict parties along religious and sectarian lines and resulted in the de-facto autonomy of the Kurdish areas in the north-east of the country (called Rojava or Autonomous Administration of North and East Syria, AANES). The Islamic State (IS) terrorist group infiltrated Syria and established a caliphate in eastern Syria and western Iraq in 2014, forcing the FSA to fight on two fronts against both government forces and the IS. Turkey conducted several operations in Syrian territory in 2016, 2018 and 2019 to push Kurdish forces out of the border area. With Lebanese Hezbollah and consequently Iran's support for the Syrian government in 2013, Russia's entry into the war in 2015, and Turkey's invasion campaigns in the north of the country and US engagement against IS, Syria has increasingly become an international battleground. While the front lines largely solidified with March 2020, the civilian population was massively affected by regime barrel bombing of residential areas and siege tactics by individual parties to the conflict. Chemical weapons were also used.¹

Syrian President Bashar al-Assad now controls about 70 percent of Syria's territory and has achieved normalization with several Arab states, as well as reinstatement in the Arab League, bringing him out of isolation. His military, along with Russian air support, continues to battle Hay'at Tahrir al-Sham (HTS), a coalition of Islamist militant groups in northwest Syria. Meanwhile, the Kurdish-dominated Syrian Defense Forces (SDF), which controls most of northeastern Syria, regularly clashes with Arab tribes that accuse the group of discrimination. Turkey and its proxies also control areas along the northern border and have ramped up attacks on Kurdish forces. Factionalized fighting has made space for the self-proclaimed Islamic State to maintain a presence and launch attacks, and the United States has at least nine hundred military personnel in Syria to conduct counterterrorism operations. Additionally, Israel regularly strikes Iranian and Syrian military positions in Syria and has

¹ ACCORD, „Syrian Arab Republic – Country Briefing“, 27 January 2023, <https://www.ecoi.net/en/countries/syrian-arab-republic/briefing/#ue3>, accessed on 05.10.2023.

increased attacks, including hitting the Damascus and Aleppo airports, since Hamas's October attack on Israel. Meanwhile, 7 out of 10 Syrians need humanitarian assistance, and there are 5.2 million Syrian refugees in the region.²

The president, who dominates the executive branch, is empowered to appoint and dismiss the prime minister and cabinet. In May 2021, President Bashar al-Assad won a fourth seven-year term, with the government reporting that he received 95.1 percent of the vote. Balloting was conducted under highly repressive conditions and only in government-controlled areas, as opposed to rebel- or Kurdish-held areas. The millions of Syrians living abroad largely refrained from voting. The election featured an uncompetitive slate of candidates. In early May 2021, the Supreme Constitutional Court allowed only three aspiring candidates, including Assad, to participate. Potential opposition challengers were also obstructed by a law requiring candidates to have lived within Syria for 10 years, effectively disqualifying those in exile. Major democratic states denounced the election as illegitimate.

Elections for the 250-seat People's Council were held in July 2020, though only in areas with a regime presence. These elections were also affected by the widespread displacement of the population. The balloting featured no meaningful competition, as exiled opposition groups did not participate, and the authorities do not tolerate independent political activity in the territory they control. The ruling Baath Party and its National Progressive Front coalition won 183 seats. The remaining 67 seats went to candidates running as independents, though all were considered government loyalists.

There is no transparency or accountability surrounding the official electoral process. The executive authorities, acting through the military-security apparatus, effectively grant or withhold permission to participate in elections in government-held areas. Although some provisional local councils outside government-controlled areas have organized rudimentary elections since the outbreak of civil war in 2011, ongoing attacks by progovernment forces and militant groups have made such processes untenable. Kurdish-held areas have a provisional constitution that allows local elections, but the PYD exercises ultimate control.³

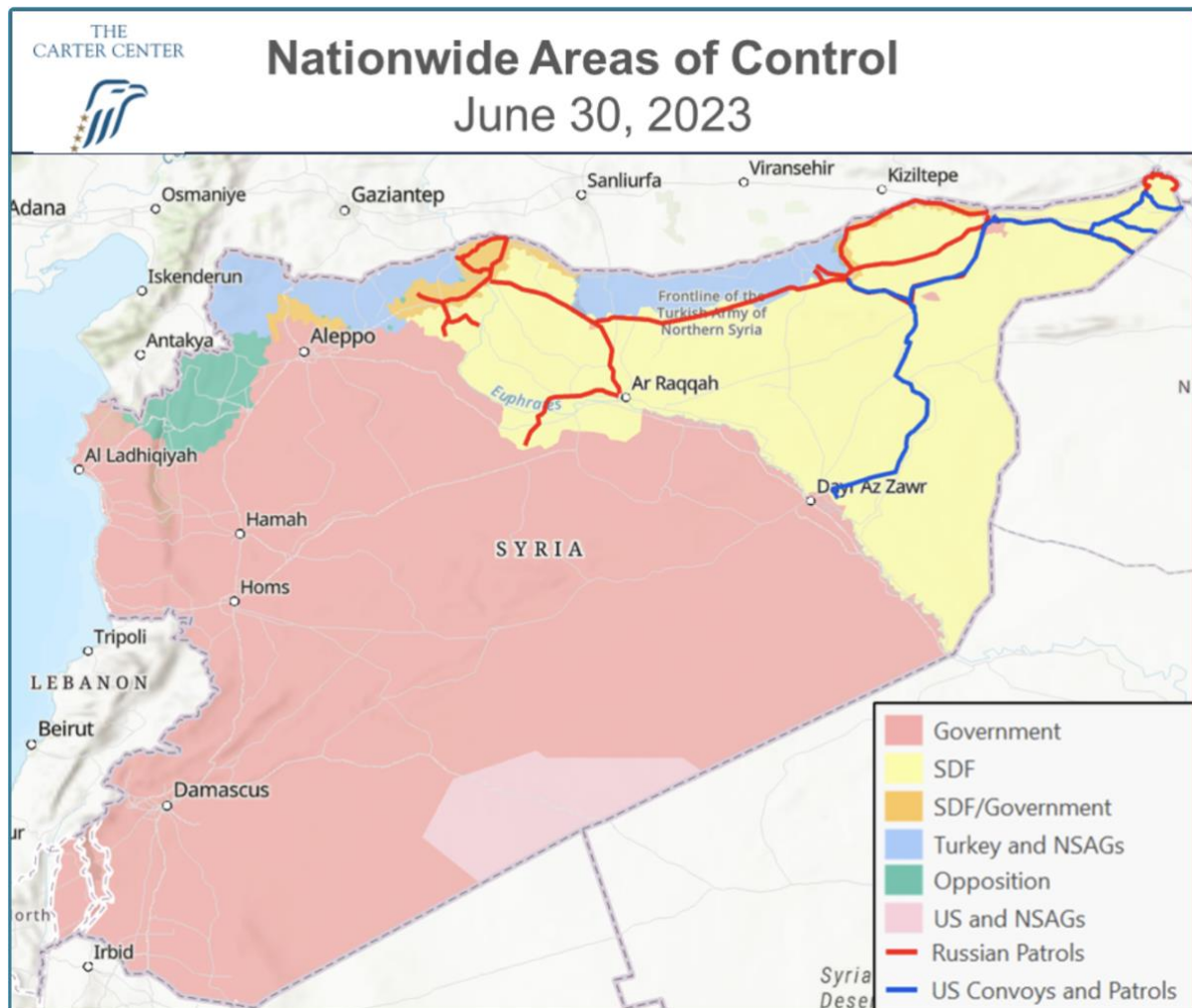
In May 2023, Iranian President Ebrahim Raisi met with President Bashar al-Assad in Damascus to strengthen economic cooperation—marking the first visit of an Iranian president to Syria since the war. Later that month, the Arab League agreed to re-admit Syria after a

² CFR, „Conflict in Syria”, 2023, <https://www.cfr.org/global-conflict-tracker/conflict/conflict-syria>, accessed on 07.10.2023.

³ Freedom House, „Freedom in the World 2023 – Syria”, 2023, <https://www.ecoi.net/en/document/2088564.html>, accessed on 07.10.2023.

twelve-year suspension, despite the persistence of Western sanctions against President Assad's government that could deter oil-rich Arab countries from investment in Syria. In July 2023, Iraqi Prime Minister Mohammed Shia al-Sudan discussed drug trafficking, the return of Syrian refugees, and the removal of the Western sanctions with President Assad in Damascus.⁴

1.2. Security situation



Map explanation:

Red – areas controlled by the Government of Syria

Yellow – areas controlled by the Syrian Democratic Forces

Orange – areas jointly controlled by both Syrian Democratic Forces and the Government of Syria

Blue – areas controlled by Turkey and Turkey-aligned militias

⁴ CFR, *ibidem*.

Green – areas controlled by the Syrian Salvation Government - Hay'at Tahrir al-Sham (HTS) - around Idlib

Pink – US military presence

Red lines – Russian patrols

Blue lines – US patrols

Map source: The Carter Center, “Quarterly Review on Syrian Political and Military Dynamics”, 22 September 2023, <https://storymaps.arcgis.com/stories/39c046a67e25483490861aba92746f5a>, accessed on 07.10.2023.

In the meantime, the front lines have more or less consolidated and four areas under the control of different conflict actors have de facto emerged (areas under the control of the Syrian government, areas under the control of the Kurdish self-administration, the area under the control of the "Syrian Salvation Government" and areas under the control of Turkey and allied militias). ⁵

1.2.1. Territorial control

(a) Areas controlled by the Government of Syria

Despite controlling about two thirds of the country, the GoS continued to be confronted with a low-level insurgency waged by ISIL cells in the central desert. ISIL militants temporarily managed to capture uninhabited villages from government forces and control valleys (wadis) and unsettled lands in the desert region, especially in eastern Homs. The government fought back with ground forces mainly consisting of NDF, Al-Quds Brigade and Fourth Division fighters as well as limited airstrike support. In the south of the country, particularly in Dar'a governorate, clashes and targeted killings were reported between GoS forces and armed groups. There, the GoS forces employed raids, airstrikes and missile attacks to consolidate power and force out armed opposition groups. They further employed siege tactics, such as in the town of Tafas in August 2022, in order to force settlements with local rebels. Meanwhile, the GoS increased its presence in SDF-held areas by sending army reinforcements to eastern Aleppo countryside as well as Ain Issa in northern Raqqa, close to the frontlines with Turkish-backed armed groups. During the reporting period, GoS forces continued to employ ground-based and

⁵ ACCORD, *ibidem*.

aerial attacks on populated areas resulting in civilian casualties. They were further responsible for extrajudicial killings and deaths in detention centres due to torture and medical negligence.⁶

The Syrian government, supported by Russian government forces, launched indiscriminate attacks and direct attacks on water stations, displacement camps, poultry farms and residential areas in north-west Syria. On 6 November, they launched a series of artillery attacks and air strikes on a forest next to displacement camps in Kafr Jallis in the north-west, killing four internally displaced people, including three children and a woman, and injuring more than 70 civilians. According to the Independent International Commission of Inquiry on the Syrian Arab Republic (UN Commission of Inquiry), the Syrian government and Russia launched multiple air strikes and ground attacks on civilians and civilian objects in the north-east. On 2 January, an air strike attack on Arashani water station that serves Idlib city injured one civilian and temporarily cut the water supply to at least 300,000 people. On 3 January and 12 May, air strikes on two poultry farms in Idlib governorate injured a woman and her eight-year-old son, and a man, respectively. The report added that there were “reasonable grounds” to believe that pro-government forces had “intentionally targeted objects indispensable to the survival of the population”.⁷

(b) Areas controlled by the Syrian Salvation Government - Hay'at Tahrir al-Sham (HTS)

Northwest Syria is home to more than 4.1 million civilians, at least half of whom have been displaced at least once since the start of the conflict. Civilians in these areas are effectively trapped, lacking resources to relocate, unable to cross into Turkey, and fearing persecution if they attempt to relocate to government-held areas. In Idlib and western Aleppo, indiscriminate attacks by Syrian-Russian military forces on civilians and critical civilian infrastructure persisted in 2022. One Russian air attack on Idlib on July 22 killed seven civilians, including four children from one family, according to the Syrian Network for Human Rights. Since the beginning of Russia's military intervention in Syria in 2015, and by March 2022, the civilian harm monitor Airwars estimated that Russian actions across the country had killed almost 25,000 civilians. At the same time, according to the COI, Hay'et Tahrir al-Sham (HTS), the dominant anti-government armed group, continued to raid and arbitrarily detain activists,

⁶ EUAA, „Syria – Security Situation”, October 2023, https://www.ecoi.net/en/file/local/2098436/2023_10_EUAA_COI_Report_Syria_Security_situation.pdf, accessed on 10.10.2023.

⁷ Amnesty International, „Amnesty International Report 2022/23; The State of the World's Human Rights; Syria 2022”, 27 March 2023, <https://www.ecoi.net/en/document/2089398.html>, accessed on 10.10.2023.

humanitarian workers, and civilians voicing critical opinions. The report also documented continued monopolization of the fuel market and other services as well as confiscation of property at the hands of the Al-Qaeda-affiliated armed group.⁸

Hay'at Tahrir al-Sham continued to repress freedom of expression by subjecting journalists, activists or anyone who criticized their rule to arbitrary detention without access to a lawyer or family members. Local organizations told Amnesty International that the group restricted some of the activities of humanitarian organizations or forced them to coordinate with the armed group, which led donors to temporarily withdraw or halt funding.⁹

(c) Areas controlled by the Syrian National Army and Turkey

The Syrian National Army (SNA) is the umbrella organisation of a loose formation of militias backed by Türkiye and several Gulf states, and consists of former Free Syrian Army (FSA) groups, Islamist factions, Syrian Arab Army defectors, civilians, as well as Syrians who have sought refuge in Türkiye. The SNA controls two areas adjoining the Turkish border, the first covers the northern countryside of Aleppo from Afrin to Jarablus, and the second one spans from Tall Abyad to Ras al-Ayn, in the north of Raqqqa and Hasaka governorates. According to estimated figures provided by the IISS Military Balance of 2023, the SNA comprised 70 000 fighters. These fighters form more than 40 SNA factions and receive their salaries from Türkiye, but also by Qatar. (...) Several sources termed the SNA's internal conflicts and rivalries a major issue. In October 2022, SNA infighting 'attracted considerable attention beyond the microcosm of Syria's armed opposition landscape' when HTS entered SNA territory and intervened in the infighting by supporting one of the fighting factions, reportedly leading to the emergence of two new alliances: the HTS alliance (comprising the Sultan Suleiman Shah Brigade, Al-Hamzah Division and Ahrar al-Sham) and the Third Legion alliance (consisting of the Levant Front, Jaysh al Islam and the Liberation and Construction Movement). In addition, the incident prompted Türkiye to move forward with restructuring plans for the SNA that included a centralised command structure and a unified force.¹⁰

⁸ HRW, „World Report 2023 – Syria“, 12 January 2023, <https://www.ecoi.net/en/document/2085501.html>, accessed on 10.10.2023.

⁹ Amnesty International, *ibidem*.

¹⁰ EUAA, „Syria – Security Situation“, *ibidem*.

(d) Areas controlled by the Syrian Democratic Forces

At the beginning of 2012, a silent agreement was reached between the Syrian government and the Kurdish party PYD, which granted the latter a certain degree of autonomy in areas with a Kurdish majority in the north-east of the country. In return, the PYD did not participate in the revolution and maintained economic relations with the central government. The armed arm of the PYD, the People's Defence Units (YPG), fought the Islamic State (IS) and enabled the Kurdish party to expand its sphere of influence to Arab cities such as Raqqa. In 2018, the Autonomous Administration of Northern and Eastern Syria (AANES) was founded. The YPG take a leading role within the Syrian Democratic Forces (SDF), an armed group composed of Arabs, Kurds and other minorities that is supported by the US and acts against remnants of IS in the region, but also generally acts as the military of the autonomous self-administration. Areas under SDF control now include large parts of the provinces of Deir ez-Zor, Raqqa, Hasaka and parts of Aleppo province, totalling about 25 per cent of the country's territory. The area of the Kurdish self-administration includes the notorious al-Hol camp, where about 56,000 mostly women and children of IS fighters live, as well as several prisons where members of the IS are imprisoned. The al-Sina prison in Hasaka, where 3,500 IS fighters are imprisoned, was the target of an IS attack in January 2021 that lasted almost nine days. AANES lives with recurring threats of attack by Turkey.¹¹

Türkiye considers the YPG, the leading component of the SDF, to be an extension of the Kurdistan Workers' Party (PKK). Turkish forces repeatedly targeted SDF-controlled territory with airstrikes, drones and artillery shelling. This forced the SDF to temporarily halt operations against ISIL and to reassign forces in order to bolster defences against a potential Turkish ground offensive. In response to a series of Turkish airstrikes in November 2022, the SDF shelled the SNA-held city of A'zaz in Aleppo countryside and a nearby Turkish military base as well targeting the Turkish border province Kilis with rocket-propelled grenades. Furthermore, there were clashes between the SDF and Turkish-backed SNA militias deployed in the Operation Peace Spring area, a territory captured by Türkiye in a military operation in 2019. In northern Aleppo governorate, the SDF and SNA used rocket and grenade shelling across the contact lines as well as IED attacks to target each other's respective areas of control. During the reporting period, the SDF reportedly engaged in extrajudicial killings, arbitrary arrests and enforced disappearance as well as torture in detention centres.¹²

¹¹ ACCORD, *ibidem*.

¹² EUAA, „Syria – Security Situation”, *ibidem*.

(e) ISIL

In the reference period, ISIL was reported to ‘remain resilient’ to be ‘taking advantage of political and military developments’ in Syria to regain presence but it was also reported that its capabilities in Syria ‘remained degraded’. ISIL fighters were present in the mountainous and hard-to-control Badia desert and along the Syrian-Iraqi border, especially in the areas of Deir Ez-Zor, Palmyra, Al-Sukhna, and also in Al-Qaryatain. The group reportedly used these regions as operational bases to rebuild cells, train its fighters and carry out attacks throughout the region. In the reference period, ISIL cells and activities were moreover reported in Syria’s south, particularly in Dar’a governorate.¹³

1.2.2. Brief overview of specific areas

(a) Idlib

In Idlib province, HTS [on] 7 August launched raid 10km behind regime lines to destroy Russian-Syrian base, [on] 11 August conducted raid on Latakia front, and [on] 26 August detonated tunnel bomb beneath regime base in southern Idlib. As of 28 Augst, HTS continued to heavily shell regime forces around southern Idlib amid one of most intense battles in northwest since 2020 ceasefire, although fighting remained contained to artillery and sniper fire. Amid hostilities, Russian resumed airstrikes in Idlib: [on] 21-22 Aug killed 15 HTS members and late Aug intensified deadly strikes across region.¹⁴

SNHR documented 246 civilian fatalities in 2021¹⁴²⁹ and 147 in 2022. Between August 2022 and July 2023, SNHR documented 91 civilian fatalities in Idlib governorate. For the year 2022, AOAV documented 279 civilian casualties (killed and injured) in Idlib resulting from incidents of explosive violence.¹⁵

(b) Aleppo

In northern Aleppo, controlled by Turkish-backed Free Syrian Army (TFSA), car bomb [on] 9 July killed five civilians in Shawwa village. Turkish IED [on] 9 July killed three in Manbij city, including senior commander of Syrian Democratic Forces (SDF)-affiliated Manbij Military Council. People’s Defence Units (YPG) forces [on] 10 July raided TFSA position near Afrin

¹³ EUAA, „Syria – Security Situation”, ibidem.

¹⁴International Crisis Group, „Tracking Conflict Worldwide – Middle East & North Africa – Syria, August 2023, https://www.crisisgroup.org/crisiswatch/database?location%5B%5D=83&date_range=last_12_months&from_month=01&from_year=2023&to_month=01&to_year=2023, accessed on 10.10.2023.

¹⁵ EUAA, „Syria – Security Situation”, ibidem.

city, killing at least five. SDF forces same day shelled Turkish base near Azaz, north Aleppo. Militants affiliated with YPG 29 July attacked TFSA positions in Afrin; Turkish drones next day struck YPG and regime positions nearby in response.¹⁶

Strikes reportedly targeted civilian areas in A'zaz, Al-Bab, Afrin and other areas in northern rural Aleppo. Clashes occurred in the reference period in areas north of Aleppo such as Ayn Al-Arab, Afrin and Tall Rifaat. Artillery shelling by GoS and Russian forces was for example reported in June 2023 in Kafr Nouran, Kaframa and Kaftraal in western Aleppo.¹⁷

(c) Hama

The beginning of the reference period saw a continued intensification of bombardment by GoS forces and affiliated militias. Regular artillery attacks by these forces against a variety of military and civilian targets throughout the reference period up until May 2023, and these instances of shelling continued into June 2023. Sometimes supported by Russian forces, these attacks hit towns and villages in western and northern areas of Hama, including the towns of Ziyara and Qastoun, causing several civilian casualties. On 19 January 2023, GoS forces launched ground-based strikes that hit a residential area in Qastoun in the western countryside of Hama, injuring five civilians. The positions of GoS forces in western Hama were reportedly targeted by, the armed opposition groups HTS (in April 2023) and Jaysh al-Nasr (in July 2023).¹⁸

(d) Dar'a

In the first five months of 2023, pro-GoS and anti-GoS armed groups, ISIL and unidentified perpetrators continued to be involved in security incidents in Dar'a governorate, which took the form of IED attacks, limited armed clashes, attacks on checkpoints, targeted killings and kidnappings. In June 2023, sporadic clashes between the 8th Brigade and other pro-GoS units took place in the governorate. IED attacks allegedly perpetrated by small opposition groups and targeting members of GoS security forces were also reported, leading to fatalities among GoS soldiers and commanders. In early July 2023, GoS forces launched a military campaign on the area between Tafas and Yaboudeh, western Dar'a countryside, where it alleged that opposition factions, drug traffickers and ISIL elements were operating, and assassinations

¹⁶ International Crisis Group, „Tracking Conflict Worldwide – Middle East & North Africa – Syria, July 2023, https://www.crisisgroup.org/crisiswatch/database?location%5B%5D=83&date_range=last_12_months&from_month=01&from_year=2023&to_month=01&to_year=2023, accessed on 10.10.2023.

¹⁷ EUAA, „Syria – Security Situation”, *ibidem*.

¹⁸ EUAA, „Syria – Security Situation”, *ibidem*.

against GoS security forces were recurrent. Limited clashes between GoS forces and opposition fighters were reported in Tafas in the first week of July, leading to casualties among the combatants and displacement of residents. The fighting stopped after the GoS forces and prominent clans in the area reached a truce.¹⁹

(f) Raqqa

Attacks by Turkish forces reportedly intensified in northern Syria during the second half of 2022. In November 2022, Türkiye launched Operation Claw-Sword, carrying out a series of airstrikes in the northern countryside of Raqqa, Hasaka and Aleppo governorates, one of which targeted an SDF site in the Ayn Issa area. Alleged Turkish drone strikes between September and December 2022 killed several civilians and SDF-backed militia members in northern Raqqa's Tall Abyad district/Ayn Issa area. However, the first half of 2023 only saw one Turkish drone strike, according to the NPA. Meanwhile, ground-based attacks in the same area also caused several casualties among civilians and the SDF.

(...)

ISIL continued to conduct asymmetric attacks in the governorate as of the first half of 2023. From August 2022, attacks attributed to ISIL intensified in Raqqa, reflecting a wider trend across the AANES.²⁰

(g) Damascus

Although the capital has been 'largely spared the violence that happens in other parts of the country', car bomb attacks were reported in April 2023 and May 2023. The May 2023 incident involved a car bomb exploding at the Barzeh police station. According to Al Arabiya, a lieutenant colonel was killed and four others were wounded. The UNSC noted that three police officers were killed. ISIL claimed responsibility. In June 2023, four people were injured when attackers threw a bomb and stabbed a person in Dummar district. Israeli airstrikes were mainly carried out near Damascus city or on Damascus International airport. However, on 19 February 2023, 15 people, including two civilian women, were killed in an Israeli air strike in Kafr Sousa district of the capital. On 30 March 2023, the area was hit again by Israeli missiles.²¹

¹⁹ EUAA, „Syria – Security Situation”, *ibidem*.

²⁰ EUAA, „Syria – Security Situation”, *ibidem*.

²¹ EUAA, „Syria – Security Situation”, *ibidem*.

(h) Rural Damascus

During the reference period sources reported Israeli airstrikes on Damascus International airport, mostly resulting in the killing of soldiers. Besides Damascus International Airport, targeted areas included Khirbet Al-Shayab, Dimas airport, Al-Sayyida Zainab, AlKiswah,1166 Jebel el Mania, Hafir Al-Foka, and Al-Hamah. According to state news agency SANA, in April 2023, two civilians were killed. Civilians were also reportedly killed in an attack in February 2023. However, Hezbollah and Iranian militias reportedly were the main targets of the air attacks. In July 2023, several people were reportedly killed in a car bomb explosion outside the Sayeda Zeinab shrine. Some days earlier, two people were wounded in a separate explosion at the shrine. ISIL reportedly claimed responsibility for the attack.²²

²² EUAA, „Syria – Security Situation”, *ibidem*.

2. REFUGEE CONVENTION CLAIMS

2.1. Race/nationality

2.1.1. Kurds

The Kurds, as a non-Arab ethnic group, have had an uneasy relationship with the Assad regime whose ideology—Baathism—emphasizes pan-Arab nationalism. Although Hafez al-Assad, who ruled from 1970 to 2000, gave sanctuary for several years to Turkish Kurdish militants of the Kurdistan Workers' Party (PKK), this was done to keep Turkey off-balance and not out of sympathy for the Kurds. In 2004, after his son, Bashar, had come to power, the Syrian regime reportedly used live ammunition against unarmed Kurdish civilians in the city of Qamishli after clashes between Kurdish and Arab soccer fans. About 30 people were killed and another 160 were injured during this episode.²³

During the war, President Bashar al-Assad focused on crushing mainly Sunni Arab rebels with the help of Russia and Iran, turning a blind eye as Kurdish fighters carved out self-rule across northern and eastern Syria. Assad has vowed to recover the northeast, but the two sides have kept some channels open.²⁴

Under pressure, the SDF turned to the Assad regime for help, brokering a deal that allowed Syrian government forces to return to northeast Syria. Shortly thereafter, the United States managed to broker a ceasefire. Meanwhile, Erdoğan reached a deal with Russia—the Assad regime's main backer—that called for Kurdish forces to withdraw 20 miles back from the border. Under the deal, Turkey keeps control of the area it seized, while Syrian government and Russian forces move into the remaining border areas from which the SDF has withdrawn. Joint Turkish-Russian patrols are monitoring these areas up to six miles from the frontier.²⁵

In GoS-controlled areas, stateless Kurds were denied the right to work, form and join trade unions, and the right to social security, health care and education. They had no right to travel freely without prior permission of the security service. Stateless persons were denied the right to register property in their name (and had to rely on registering it in the name of relatives), nor could they hire a lawyer, unless they had permission from the political security branch.

²³ Arab Center Washington DC, Kurdish Dilemmas in Syria, 13 January 2021, <https://arabcenterdc.org/resource/kurdish-dilemmas-in-syria/>, accessed 05.10.2023.

²⁴ Reuters, Factbox: The Kurdish struggle for rights and land, 14 October 2019, <https://www.reuters.com/article/us-syria-security-kurds-factbox-idUSKBN1WT1YP>, accessed 05.10.2023.

²⁵ Refugees International, Displacement and Despair: The Turkish Invasion of Northeast Syria", 12 November 2019, <https://reliefweb.int/report/syrian-arab-republic/displacement-and-despair-turkish-invasion-northeast-syria>, accessed 05.10.2023.

They were not allowed to inherit or bequeath property. The Kurdish-led AANES reportedly did not differentiate between stateless Kurds and those holding citizenship.

ACAPS stated in March 2021 that at least 80 % of Afrin's total population of 442 000 (including 154 682 residents, 285 550 IDPs, and 2 596 returnees) were in need of humanitarian assistance, with the Kurdish population reportedly being one of the most affected groups. Access to shelter was reportedly particularly problematic for Kurdish residents, as in many cases their property had been looted, occupied by IDPs from GoS-controlled areas or the families of SNA fighters. Other residents, predominantly of Kurdish origin, had reportedly been forced to leave their homes through threats, extortion, detention, and abduction by SNA-affiliated local militia groups. Fighters of SNA factions had reportedly forced former residents to pay large sums of money to take some of their belongings from their houses, or to share their houses with families relocated by the militia groups. The UNCOI reported in August 2020 that it had received accounts by Kurdish civilians from Afrin and Ras Al-Ayn on the looting and appropriation of their property by members of SNA factions, including Division 14, Brigade 142 (Suleiman Shah Brigade) and Division 22 (Hamza Brigade). Al-Monitor reported in May 2020 on similar incidents in Tall Abyad. In Ras Al-Ayn, members of the Sultan Murad and Hamza Divisions reportedly confiscated about 800 houses belonging to Kurds and Arabs affiliated with AANES institutions. Moreover, Kurdish neighbourhoods were reportedly discriminated when it came to the provision of services such as electricity supplies and road network maintenance.²⁶

In July, Hevdesti-Synergy, an association for victims in northern Syria, reported the arrest of 79 people by the SNA and affiliated armed groups in Afrin, Ras al-Ayn and Tall Abyad – areas occupied by Türkiye – for their alleged affiliation with the Autonomous Administration, attempting to cross to Türkiye irregularly, extortion or being Kurdish. Thirteen were released while the fate and whereabouts of the others remained unknown. In August, Syrians for Truth and Justice, a Syrian organization, recorded the arrest of 311 people in Afrin, a predominantly Kurdish town in northern Syria, during the first six months of the year on account of their ethnicity or to extort a ransom. Of these, 282 were released.²⁷

²⁶EUAA, „Syria: Targeting of individuals”, September 2022, https://www.ecoi.net/en/file/local/2078321/2022_09_EUAA_COI_Report_Syria_Targeting_of_individuals.pdf, accessed on 10.10.2023.

²⁷ Amnesty International, *ibidem*.

2.1.2. Palestinians

85 % of Palestinian refugees in Syria are those that fled to the country in or before 1956 and their descendants. They have the same rights as Syrian citizens in terms of residence, freedom of movement, work, trade and access to civil service positions and public services. However, they do not have the right to vote, hold public office, own agricultural land or more than one house per person. Those who fled in 1948 are required to perform compulsory military service in the Palestinian Liberation Army, a Palestinian unit within the Syrian Armed Forces. Palestinians who fled to Syria after 1956 and their descendants were registered with UNRWA in other countries or the occupied Palestinian Territories and are treated as Arab foreigners. They have a 10-year renewable residence permit, and have to apply for a work permit, without having the right to work in the public sector. They have free access to public health and education. UNRWA provides services in nine official and three unofficial Palestinian refugee camps in Syria. Operations in Syria include mainly cash and food assistance, education and healthcare services. UNRWA does not administer or police the refugee camps, as this is the responsibility of the GoS.(..)Palestinians have suffered immensely during the civil war. According to the Action Group for Palestinians of Syria, approximately 3,414 Palestinians were killed in Syria between 2011 and 2016. The same group reported that 456 Palestinians had been killed by torture in regime prisons as of December 2016. According to UNRWA, over 120,000 Palestinian refugees had fled the country and 280,000 were internally displaced by 2017; an estimated 43,000 were trapped in inaccessible locations. Palestinians' lack of nationality documents compounds the difficulties faced by displaced Syrians. Palestinian factions are divided in their political allegiances. The Popular Front for the Liberation of Palestine and the Palestine Liberation Army back the Assad regime, and many Palestinian-Syrian militias have fought alongside the government. Hamas and Fatah both attempted to appear neutral, especially in the early stages. However, Hamas disengaged itself from the government after 2012 while Fatah reestablished relations with Assad in 2015.²⁸

Reportedly Palestinian refugees in Syria have been targeted by the GoS throughout the conflict in the whole country, including in Damascus and Rural Damascus governorates. According to a report published in July 2020 by SNHR, 3 196 Syrian Palestinians were killed by GoS forces between March 2011 and July 2020 and 2 663 imprisoned by GoS during this

²⁸ Minority Rights, „Syria. Palestinians”, March 2018, <https://minorityrights.org/minorities/palestinians-4/>, accessed on 05.10.2023.

time period were still detained or remained forcibly disappeared. The source mentions GoS repression against Palestinians for supporting the anti-GoS opposition in the conflict. SNHR further stated that GoS was ‘responsible for approximately 87 % of all the violations’ inflicted on Palestinian refugees in Syria since 2011 according to its own database. In April 2021, AGPS reported that more than 1 700 Palestinian refugees were still imprisoned in Syria, while over 620 had died under torture in prison, including women, children and elderly persons. The source does provide details on the reasons behind the imprisonment. AGPS reported in April 2021 that Syrian security bodies periodically summon males from Khan Eshieh camp (Rural Damascus) for interrogation. The men are blackmailed, arrested and threatened with arrest and forced to pay money. AGPS further reported on the arrest of a number of Palestinian refugees by GoS security forces in 2020, including 56 Palestinian children aged 10 to 16 years. Residents of Hussayniya camp according to the source also complain about a tightened security situation including arrest campaigns and home raids by GoS and affiliated popular forces.²⁹

2.2. Religion

2.2.1. Sunni Muslims

The political elite includes members of the Sunni sect, but the country’s Sunni majority makes up most of the rebel movement and has borne the brunt of state repression as a result. (...) Sunni Arab civilians bear the brunt of attacks by the Alawite-led government and loyalist militias. In 2018–19, the regime forcibly displaced as many as 900,000 civilians—most of them Sunni Arabs—from captured opposition areas to Idlib Governorate after bombing and besieging their cities.³⁰

The regime continued to target those within the country who criticized or opposed it, the majority of whom were Sunni and whom the regime described as violent extremists. According to an article published by MEI, in regime-controlled areas of the country, “Key positions in the state apparatus, especially the military, are held mostly by Alawites, adherents of a heterodox sect affiliated to Shiism to which President Assad belongs. But the Shiites and Alawites are relatively few, so the regime also relies on a network of mostly Sunni businessmen, who are rewarded for loyalty with state contracts and concessions. ... Serious opponents of the regime are jailed or forced to depart regime-controlled territory.”

²⁹ EUAA, „Syria: Targeting of individuals”, *ibidem*.

³⁰ Freedom House, *ibidem*.

According to the SNHR, from March 2011 to June 2022, at least 14,685 persons died from torture, with 98 percent of the deaths attributed to regime forces. Regime forces were reportedly responsible for at least 115 deaths by torture during the year. As was the case with others who previously died in regime custody, most were Sunni Muslims, whom analysts stated the regime targeted believing they were members of the opposition or likely to support the opposition.

The COI and numerous independent sources reported that during the course of the conflict, nonstate actors, including a number of groups designated as terrorist organizations by the United Nations and the United States and other governments, such as HTS, targeted members of religious minority groups as well as Sunnis with killings, kidnappings, physical mistreatment, and detentions. These resulted in the deaths and disappearance of thousands of civilians.³¹

2.2.2. Christians

Christians reportedly continued to face discrimination and violence at the hands of violent extremist groups. NGOs reported social conventions and religious proscriptions continued to make conversions relatively rare, especially Muslim-to-Christian conversions, which are prohibited by law. These groups also reported that societal pressure continued to force converts to relocate within the country or to emigrate in order to practice their new religion openly.

The SNHR documented at least 1,282 attacks on mosques in the country between March 2011 and September, attributing 914 attacks to the regime (71 percent) and 204 (16 percent) attacks to Russian forces. The SNHR also documented at least 126 attacks on Christian places of worship during the same period, attributing 76 attacks to the regime, 33 to armed opposition groups, 10 to ISIS, five to other parties, and two to terrorist group Hay'at Tahrir al-Sham (HTS). In June, the Syrian Democratic Times reported that Turkish forces targeted an Assyrian Christian village near Tel Tamr, nearly destroying the Mar Sawa Church in May.³²

Sources reported on the confiscation of homes and property of Christians by HTS in areas under its control. The UNCOI noted in February 2022 that it had received reports and witness accounts that HTS confiscated or used private property such as houses and land of individuals who had fled the country and that Christians and other minority groups were specifically targeted. 'Islamist factions' operating in Idlib governorate imposed so-called

³¹ USDOS, „2022 Report on International Religious Freedom: Syria”, 15 May 2023, <https://www.ecoi.net/en/document/2091896.html>, accessed on 06.10.2023.

³² USDOS, „2022 Report on International Religious Freedom: Syria”, *ibidem*.

‘jizya’ taxes (a tax historically imposed on non-Muslims by Muslim rulers) on Christians, to pressure them to leave their homes. An office of ‘Christians’ properties’, established by HTS, reportedly notified Christian tenants and property owners to consult with HTS administrative offices before renewing contracts or setting new terms, including increasing the rent of houses or shops. Christians who fled their homes in Idlib were reportedly also prohibited by HTS from appointing someone to appeal against rulings handed down by Sharia courts regarding their property. HTS reportedly banned Christians from ringing the bells and celebrating holidays in the only church in a neighbourhood in Idlib city. They were, however, allowed to pray inside secretly. Media was reportedly not allowed to report from the neighbourhood in a manner that would reflect the Christian populations’ grievances. USCIRF pointed in its 2022 Annual Report to HTS seizing properties and churches of Christians and restricting their right to worship in the north-western region of Idlib. Individuals converted to Christianity reportedly faced threats in areas under control by Turkish forces and the SNA. USCIRF reported in its 2021 Annual Report on the case of a Kurdish convert to Christianity who was detained and charged with apostasy by an SNA-backed court in Afrin.³³

2.2.3. Druze

The largely Alawite-led regime presents itself as a protector of that and other religious minority populations. In practice, political access depends not on sect but on proximity and loyalty to Assad and his associates. Alawites, Christians, Druze, and members of other smaller sects who are outside Assad’s inner circle are politically disenfranchised.³⁴

The Druze population in Sweida has been treated with ‘caution’ by the GoS as a ‘politically sensitive minority’, and large-scale mass arrests and bombings have largely been avoided in Sweida. The neutrality of the Druze during the conflict contributed to the cessation of compulsory and reserve recruitment by the government forces. However, 50 000 individuals were reportedly wanted for the military service and a large number of them joined local militias instead. Since mid-2018, the GoS and its allies were increasingly pressuring Sweida to resolve the issue of the Druze youths absconding from their military service. Following the July 2018 ISIL attacks in Sweida, the GoS temporarily stopped putting pressure on Sweida concerning this matter] The Druze were targeted by the ISIL with an attack that resulted in the death of 300 people and the kidnapping of 20 women and 16 children, who were released later following

³³ EUAA, „Syria: Targeting of individuals”, *ibidem*.

³⁴ Freedom House, *ibidem*.

negotiations, ransom and exchange of prisoners, while two died in captivity and 1 person was executed. The Druze were also persecuted by Jabhat al-Nusrah, forcing large groups of Druze to flee from Jabal Al-Summaq in the Idlib governorate. Another source reported that the Druze of Qalb Lawza in Idlib were forced to convert to Islam by HTS. According to other sources, religious minorities such as Druze are treated fairly well by both the authorities and the opposition groups and were not subjected to any interrogation or checks at the checkpoints in Damascus.³⁵

2.2.4. Alawites

Families and networks with ties to the ruling elite receive preferential treatment in legal matters, and are disproportionately Alawite, though Alawites without such connections are less likely to benefit from any special advantages.³⁶

The Alawite minority continued to hold an elevated political status disproportionate to its numbers, particularly in leadership positions in the military, security, and intelligence services, although the senior officer corps of the military continued to accept into its ranks individuals from other religious minority groups. According to a 2020 report by the EU Agency for Asylum, Alawites “hold key regime positions, dominate the police and the army and have high-ranking positions in elite military and militia units.” The report also noted that Alawites have higher chances of obtaining employment in the public sector compared to other groups such as Christians, Sunni Arabs, or Kurds. The regime continued to exempt Christian and Muslim religious leaders from military service based on conscientious objection, although it continued to require Muslim religious leaders to pay a levy for exemption.³⁷

According to sources, almost every Alawite family was affected by the war. Many Alawites died during the war which led many young Alawites to hide and avoid conscription. In some villages and towns, 60 % - 70 % of the Alawite young males were either killed or wounded during the war, especially in Latakia and Tartous governorates. Alawite opposition activists were targeted by the government forces for arbitrary arrest, torture, detention and killing. Moreover, the Alawite community is targeted by different non-state actors. Alawi shrines and other sacred places and monuments were destroyed by Islamist groups. Throughout the conflict, Alawite civilians were executed by anti-government armed groups. In February

³⁵ EUAA, „Country Guidance: Syria”, February 2023, https://www.ecoi.net/en/file/local/2086796/2023_Country_Guidance_Syria.pdf, accessed on 05.10.2023.

³⁶ Freedom House, *ibidem*.

³⁷ USDOS, „2022 Report on International Religious Freedom: Syria”, *ibidem*.

2018, the anti-GoS group Ahrar Al-Sham launched mortars on a predominantly Alawite populated neighbourhood of Damascus, which resulted in the death of at least seven civilians. In the Kurdish-controlled areas in north-east Syria, sources indicate that Alawites are at risk of being treated as adversaries, based on their political affiliation with the Syrian government rather than their religious affiliation.³⁸

2.2.5. Yazidis

In 2014, thousands of Yazidi women were abducted by ISIL in Iraq and brought to Syria to be sold as sex slaves, solely for their religious belief. Many of them are considered to have been found dead in mass graves after the SDF offensive in the last ISIL-held territory in Syria. In March 2019, a large number of Yazidi women were found and taken to Al-Hol camp by the SDF, together with ISIL families. Many of these women had to conceal their ethnic and religious identities fearing retaliation by ISIL supporters. In April 2019, the Yazidi Supreme Spiritual Council issued a declaration accepting Yazidi women survivors into their community, but excluding children born to ISIL fighters as a result of rape. Different sources stated that in Afrin region, Aleppo governorate, the Yazidi minority was targeted by local actors. FSA forces reportedly rounded up Yazidis and forced them to convert to Islam and demolished their places of worship. Following the Turkish-led incursion in northeast Syria in October 2019, many Yazidi villages were deserted, forcing more than 50 000 Yazidis to leave. Yazidi community leaders condemned the bad treatment of minorities including Yazidis at the hands of radical groups allied with Türkiye, alleging that various temples and religious sites were destroyed in Afrin and thousands of Yazidis were displaced.³⁹

2.3. Political opinion

2.3.1. Opposition to the Government of Syria

In GoS-controlled areas, enforced disappearances, military trials, and torture were reportedly ‘rampant’, with sources indicating that any suspicion of anti-GoS activity was sufficient to put a person at risk of arrest and reprisal by the authorities. A wide range of categories of individuals have been targeted by the GoS, including political activists, protesters and others who expressed criticism of the government (including on social media), lawyers and human rights defenders, pro-democracy student activists, members of political parties other than the ruling

³⁸ EUAA, „Country Guidance: Syria”, ibidem.

³⁹ EUAA, „Country Guidance: Syria”, ibidem.

Baath Party, men of military age, returnees from abroad, IDPs returning from parts of Syria outside of GoS control, and former armed opposition fighters who then settled their position with the GoS through so-called reconciliation agreements. Moreover, the authorities went after individuals who did not themselves participate in opposition activities but whose family members or neighbourhoods were associated with such activities. In many cases, an individual's level of vulnerability to being targeted was linked to more than one aspect of their identity including, for example, aspects of place of residence, political opinion or religious affiliation.⁴⁰

2.3.2. Opposition to the Syrian Democratic Forces

Kurdish forces in the SDF-controlled areas have been targeting individuals with real or perceived links to a variety of groups or activities. Against the backdrop of ongoing intra-Kurdish tensions, the SDF continue to arbitrarily arrest persons who have links to political parties opposing the PYD or the Kurdish-led Autonomous Administration or criticise their policies. These detainees included political activists, humanitarian workers, civil society activists and media professionals. The majority of these individuals were either affiliated to parties within the Kurdish National Council (KNC) including the Kurdistan Democratic Party (KDP), or worked for organisations closely aligned to the KNC. The KNC has been long accused by the PYD of entertaining too close relations with Turkey and its proxy factions in Syria. In other cases, as reported in Hasaka governorate in the first half of 2021, the SDF arrested teachers who taught students based on the GoS curriculum and opened fire on demonstrators protesting against a policy of the Kurdish-led Autonomous Administration that was linked to a rise in fuel prices, killing at least seven people. Moreover, the SDF reportedly targeted individuals under the pretext of fighting terrorism.⁴¹

2.4. Membership of a social group

2.4.1. Journalists

Syria is considered one of the worst countries in the world regarding freedom of press and media. In 2022, it ranked 171 out of 180 countries by Reporters Without Borders, which also ranked it first in the Arab world and sixth in the world in terms of the number of detained journalists. Journalists, correspondents, and media activists suffer from an extremely hostile

⁴⁰EUAA, „Syria: Targeting of individuals”, *ibidem*.

⁴¹EUAA, „Syria: Targeting of individuals”, *ibidem*.

environment created by all parties that control various areas in the country. The Syrian regime continues to detain hundreds of media professionals who have been forcibly disappeared for many years. The deteriorating situation was exacerbated further by Law No. 20/2022: ‘Reorganising the criminal legal rules for information crime,’ which was issued in 2022 and entails a complete restriction on use of social media whilst imposing imprisonment penalties and large fines for violations. In 2022, the Syrian Democratic Forces and its apparatus extended their violations against media freedom by arresting journalists and shutting down press outlets critical of its policies in areas under its control. The involvement of factions within the National Army in the killing of a media activist was documented, suggesting the possibility of their involvement in other incidents that were not disclosed at the time. Territory controlled by Tahrir al-Sham are ruled with an iron security fist, suppressing all media freedom, whilst supporting the brutal actions of various factions within the National Army, such as the latter’s involvement in the killing of media activist Muhammad Abdel Latif Abu Ghanoum and his pregnant wife. It is worth noting that Turkish warplanes entered the line of killing and wounding media personnel while bombing sites controlled by the Syrian Democratic Forces.⁴²

Regime forces reportedly detained, arrested, harassed, and killed journalists and other writers for works deemed critical of the state as well as journalists associated with networks favorable to the regime. Harassment included intimidation, banning individuals from the country, dismissing journalists from their positions, and ignoring requests for continued accreditation. YouTubers and other citizen journalists were routinely detained, intimidated, and tortured, both by the regime and violent extremist groups. The regime and, to a lesser extent, HTS, ISIS, and other armed groups routinely targeted and killed both local and foreign journalists, according to the COI, Freedom House, and the Committee to Protect Journalists (CPJ). Reporters Without Borders (RSF) reported three journalists were killed in Syria this year. (...) RSF reported the risk of arrest, abduction, torture, or murder caused journalists to flee the country. According to NGO reports, the regime routinely arrested journalists who were either associated with, or writing in favor of, the opposition. It also instigated attacks against foreign press outlets throughout the country. The SNHR recorded at least 1,304 cases of arrests and abductions of journalists and media workers by parties to the conflict since March 2011. According to the SNHR, at least 479 of these individuals, including nine women and 17 foreign journalists, remained under arrest or forcibly disappeared. The SNHR attributed 386 of the

⁴² Syrian Human Rights Committee (SHRC), „The 21st Annual Report on Human Rights in Syria 2022”, January 2023, https://www.shrc.org/en/wp-content/uploads/2023/01/21st-report_En.pdf, accessed on 06.10.2023.

arrests and abductions to the regime, 48 to ISIS, 17 to the SDF, 16 to armed opposition groups, and 12 to HTS.⁴³

2.4.2. Women⁴⁴

Throughout the conflict, women have been exposed to a range of human rights violations and abuses. Women have been targeted for arbitrary arrest, abduction, enforced disappearance, torture, rape and other forms of sexual violence, as well as extrajudicial killing for their real or perceived support for or affiliation with a party to the conflict, including on account of their own political views or activities, their family links, their place of residency or origin, or their religious or ethnic identity. Parties to the conflict are also reported to have used women as bargaining chips in hostage exchanges. Women and girls also face societal and legal discrimination, including in respect to citizenship rights and family affairs, such as inheritance, marriage, divorce and child custody. Women further face specific forms of violence on account of their gender, including rape and other forms of sexual violence, forced and child marriage, domestic violence, “honour”-based violence, trafficking for the purpose of sexual exploitation and forced prostitution, as well as punishments for perceived infringements of hard-line groups’ strict interpretations of Islam and Islamic law. All forms of sexual and gender-based violence are reported to have increased since 2011; however, in all of Syria, cases remain unreported and women often do not seek legal redress, including due to lack of trust in service providers and fear of stigmatization and reprisals; movement restrictions as well as legal and financial barriers; lack of police and judicial personnel trained to deal with cases of sexual and gender-based violence; and limited availability of specialized services.⁴⁵

2.4.3. LGBTQ+ persons

The law criminalizes consensual same-sex sexual conduct between adults, defined as “carnal relations against the order of nature,” and stipulates imprisonment of up to three years. In previous years, police used this charge to prosecute lesbian, gay, bisexual, transgender, queer, or intersex persons (LGBTQI+) individuals. There were no reports of prosecutions under the law during the year, but COAR reported the lack of protections in the legal framework created

⁴³ USDOS, „2022 Country Report on Human Rights Practices: Syria”, 20 March 2023, <https://www.ecoi.net/en/document/2089061.html>, accessed on 10.10.2023.

⁴⁴ For an in-depth treatment of the situation of women in Syria, see the special Thematic Report – Syria. Situation of Women (October 2023), accessible at: <https://www.portal-ito.ro/#/view/82d8c496-fa5f-4609-93c9-4fb651352622>

⁴⁵ UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic – Update VI”, March 2021, <https://www.ecoi.net/en/file/local/2049565/606427d97.pdf>, accessed on 10.10.2023.

an environment of impunity for rampant, targeted threats and violence against LGBTQI+ persons and those perceived to be LGBTQI+ persons. NGO reports indicated the regime arrested dozens of LGBTQI+ persons since 2011 on charges such as abusing social values, selling, buying, or consuming illegal drugs, and organizing and promoting “obscene” parties.

The regime incited, perpetrated, condoned, and tolerated violence against LGBTQI+ individuals or those reporting such abuse. According to human rights organizations, state and nonstate actors subjected members of the LGBTQI+ community to physical, psychological, and sexual violence, resulting in severe physical and mental health consequences. NGOs continue to report that the regime and other armed groups subjected perceived members of the LGBTQI+ community to humiliation, torture, and abuse in detention centers, including rape, forced nudity, and anal or vaginal “examinations.” There was no reporting to suggest the regime or armed nonstate actors took any official action to investigate, prosecute, and punish those complicit in violence and abuses against LGBTQI+ persons. HTS and other armed groups used unauthorized “courts” to impose draconian social restrictions, particularly against women and LGBTQI+ individuals.⁴⁶

⁴⁶ USDOS, „2022 Country Report on Human Rights Practices: Syria”, *ibidem*.

3. COMPLEMENTARY PERSECUTION CLAIMS

3.1. Torture, Cruel, Inhumane and Degrading Treatment

On 30 March, President al-Assad enacted Syria's first ever law criminalizing torture (Law No. 16/2022), which failed to address impunity granted to military and security agents, offer redress to past victims of torture, include any protection measures for witnesses or survivors of torture, or state whether torture survivors or, in the event of their death, their families, would receive compensation. According to the UN Commission of Inquiry, the Syrian government authorities continued to torture and otherwise ill-treat detainees, including with "electric shocks, the burning of body parts, being folded into car tyres (dulab) and suspended by one or two limbs for prolonged periods (shabeh), often combined with severe beating with various tools, including sticks or cables."⁴⁷

In the regions under the control of the Syrian Democratic Forces there are 49 prisons and detainment centres, 38 of which are informal, eight central prisons and three of which belong to the international coalition. The Military Intelligence detention centre in Raqqah is considered the worst, which residents in Raqqah and Deir ez-Zor are referred to while being investigated. There they are subjected to the most severe forms of torture and forced confessions according to the testimonies of previous detainees. Some examples confirmed by the Syrian Human Rights Committee were the death of Tariq Sayyid Ahmed aged 30 under torture in the SDF's prisons on 20/4/2022 seven months after his detainment; the death of Mustafa AlHamdo under torture in the Alaya prison on 5/3/2022; the death of Yusuf Muhammad Al-Salamah Al-Rashid as a result of torture on 20/2/2022; Humud Ibrahim Al-Shalash aged 31 at the end of February; and Jasim Muhmmad Khatabb Al-Badawi aged 48 under torture, who was imprisoned on 8/10 and killed on 11/10/2022, that is three days after his detainment, among many others. Noticeably, the names of all those subjected to detainment and barbaric torture are from the Arab majority in the SDF's regions which enjoys support and direct coverage from the international coalition led by the United States of America. Under the excuse of the War on Terror and ISIS, the Syrian Democratic Forces (the military wing of the Autonomous Administration) commits terrorist acts no different from those done by the regime, whereas some regime forces commit acts of detainment and torture based on sect, some of the SDF soldiers commit the same acts but on an ethnic basis against the Arab majority, taking advantage of the international support for the war against ISIS. (...)

⁴⁷ Amnesty International, *ibidem*.

The means of detainment and torture among Hayet Tahrir Al-Sham do not differ much from the two aforementioned. Abu Al-Alaa Al-Shami, one of the founders of the group and one of its enemies today, narrates in his book “Speech of Prisons” published this spring, in which he collected testimonies from previous detainees in the groups’ prisons and published them through social media. He says “The ordeal begins when Al-Jolani decides to silence somebody who tried to advise him and was in favour of reform. He orders his spies to follow the man carefully. Then he is detained by officials and bound and tied. They drag him to the world of disappearances which begins by dressing him in a prison uniform, a finely tailored blue suit used by previous detainees. He is then thrown into a solitary confinement cell or an overcrowded dormitory in preparation for the investigation which relies on means of torture.” (...)

Incidents of detainment and torture were also repeated among the factions of the National Army in Northwest Syria. On February 25, the Faylaq alSham faction of the Syrian National Army, admitted the responsibility of its security council, for the killing of of the civilian “Abd Al-Razzaq Tarad AlObeid” under torture. The faction surrendered the responsible soldiers to the military court of the national army.⁴⁸ A woman arrested in Afrin in 2018 and released two years later described how she and her fellow detainees were held in a prison run by the SNA faction Hamza Division, where they were subjected to various forms of torture and rape. One of the accusations levelled against her was being associated with the PKK and the GoS, however, no formal charges were ever brought against her, nor was there an official legal process. In May 2021, a man detained by a SNA faction in Tall Abyad reportedly died under torture. In September 2021, another SNA faction arrested a man during a home raid in Ras Al-Ayn on charges of having dealings with the SDF. Several days later the faction handed over his dead body to his family, apparently having suffered torture in custody.⁴⁹

3.2. Forced recruitment

Conflicting information exists on how the GoS considers draft evasion. On the one hand, it was reported that draft evasion was seen as disloyalty or even political dissent towards the GoS and that persons who refuse military service are considered cowards and traitors by the authorities. In a war situation, military field tribunals with summary execution are possible, as draft evasion is regarded as betrayal of the nation. On the other hand, a source noted that the GoS does not

⁴⁸EUAA, „Syria: Targeting of individuals”, ibidem.

⁴⁹EUAA, „Syria: Targeting of individuals”, ibidem.

necessarily consider draft evaders to be opponents of the government in general, knowing that many people have fled only to avoid death and not because of an oppositional attitude. Regarding recruitment methods, it was reported that the GoS sent out notices to the homes of men who had reached military service age, requesting them to register. In addition, the names of men called up for military service were recorded in so called ‘wanted lists’ and in central databases, which were also accessible to officers at checkpoints and at the border. There is information that, even if the authorities were not actively searching for draft evaders most of them were recruited at checkpoints, for example when travelling between or around cities. As a result, there are reports of draft evaders hiding for years and not leaving their homes. Paying bribes was reportedly a common method of evading military service, e.g. to have one’s name removed from wanted lists or to be waved through checkpoints. (...) There are also reports of family members of those evading military service and deserters facing retaliation by GoS. Concerning family members of draft evaders, reports range from pressure and harassment to house searches, interrogations and arrests, with sources noting that family members of draft evaders from former opposition-held areas have been more severely harassed.⁵⁰

According to the Military Penal Code (Articles 100, 101), desertion is punishable by one to five years imprisonment in peacetime and can result in a prison sentence up to twice as long in wartime. Those who have left the country following desertion can be punished with a penalty of up to 15 years imprisonment in wartime. Desertion to the enemy is punishable by life imprisonment or the death penalty. (...) A number of sources interviewed by DIS indicated that the GoS has changed its practice and would no longer kill or execute deserters as in the previous years of the war. However, some sources assessed that deserters would still risk being killed or executed by the GoS authorities, giving the examples of men who were executed in 2020 while trying to desert during the Idlib offensive or the case of Safwan Bakour who was executed in 2019 for treason despite having sorted out his affairs. Suhail Al-Ghazi assessed in January 2021 that the treatment of defectors may include arrest, prolonged detention, torture, death in detention and execution. Some defectors, depending on their background and influence in reconciled areas, would not be subjected to this type of treatment.⁵¹

⁵⁰ EUAA, „Country Guidance: Syria”, ibidem.

⁵¹ EASO, „Syria. Military service”, April 2021, https://www.ecoi.net/en/file/local/2048969/2021_04_EASO_COI_Report_Military_Service.pdf, accessed on 08.10.2023.

4. OTHER CONSIDERATIONS

4.1. Judicial system

The constitution forbids government interference in the civil judiciary, but judges and prosecutors are essentially required to belong to the Baath Party and are in practice beholden to the political leadership. (...) Military officers can try civilians in both conventional military courts and field courts, which lack due process guarantees. Civilians may appeal military court decisions to the military chamber of the Court of Cassation, though its judges are ultimately subordinate to the military. Extremist groups have set up religious courts in their territories, imposing harsh punishments for perceived religious offenses by civilians. The general breakdown of state authority and the proliferation of militias in much of the country has led to arbitrary detentions, summary justice, and extrajudicial penalties by all sides in the civil war.⁵²

The constitution provides for an independent judiciary, but the government did not respect judicial independence and impartiality. Authorities regularly subjected courts to political influence and prosecutors and defense attorneys to intimidation and abuse. The Global Organized Crime Index reported that judicial officials, who were required to be members of the ruling Ba'ath party, and law enforcement entities lacked political independence. Outcomes of cases where defendants were affiliated with the opposition appeared predetermined, although defendants could sometimes bribe judicial officials and prosecutors. NGOs reported that the regime at times shared with proregime media outlets lists of in-absentia sentences targeting armed opposition groups before the court issued the sentences. The SNHR reported that most of the individuals detained by regime authorities this year were denied access to a fair public trial.⁵³

4.2. Treatment of returnees

In spite of the difficulties with monitoring returns systematically, several organisations have confirmed that the GoS continue to arrest, detain, interrogate, torture, kidnap, kill, extort money and/or try returnees before terrorism courts upon return to Syria. The information provided by these A Syrian human rights organization interviewed by DIS in April 2022 stated that it is not possible to obtain information about the extent of mistreatment and violations committed by the Syrian authorities against the returnees as no independent organisations are present in the country to monitor the returns to Syria. According to the source, different parties of the conflict

⁵² Freedom House, *ibidem*.

⁵³ USDOS, „2022 Country Report on Human Rights Practices: Syria”, *ibidem*.

try to depict different pictures of what is going on and exaggerate about the situation of returnees; whilst GoS is denying all allegations about mistreatment of returnees and has been depicting a picture where refugees abroad can return to the country without facing any issue, the opposition groups claim that every returnee will be subject to violations upon return. The fact is that nobody has complete knowledge of the situation and the available information is not always reliable. The organisation has experienced that some returnees or their families do not report about the violations they have been subjected to for fear of what may happen to them. Oppositely, the source had seen reports of returnees being detained which turned out not to be true.

With regard to returnees who have reported mistreatments by the GoS, Amnesty International (AI) documented in a report published in September 2021 that 66 persons faced mistreatments/violations, including arrest, detention, torture, kidnappings, enforced disappearances and killings, by the Syrian authorities upon return in the period between mid-2017 and spring 2021.

In a report published in October 2021 based on 65 interviews with 54 persons who had returned from Lebanon and Jordan between 2017 to 2021, Human Rights Watch (HRW) documented 21 cases of arrest and detention, 13 case of torture, 3 kidnappings, 5 extra-judicial killings, 17 enforced disappearances and 1 case of sexual violence committed by the GoS against returnees upon their return.

In a report published in November 2021, the Turkey based NGO, Voices for Displaced Syrians Forum (VDSF) and the Gaziantep (Turkey) based think tank, Operation and Policy Center (OPC), presented the result of their research conducted in 2021. The research included a total of 700 surveys with residents, IDPs and returnees (i.e. returnees from abroad as well as internal returnees) in different control areas in Syria, including GoS-controlled areas. 17% of the returnees across all control areas, who participated in the survey, stated that they or a close family member had faced arbitrary arrest or detention during the past year. However, there were clear variations between returnees from abroad and returnees from within Syria, where internal returnees, especially in areas controlled by the GoS, reported more violations. Whilst 46% of internal returnees in GoS-controlled areas reported of arbitrary arrest or detention, 18% of returnees from abroad had experienced such violations. Less international oversight over internal return processes is mentioned in the report as a potential reason for this variation.⁵⁴

⁵⁴ Danish Immigration Service, „Syria. Treatment upon return“, May 2022, <https://www.ecoi.net/en/file/local/2072754/notat-syria-treatment-upon-return-may-2022.pdf>, accessed on 07.10.2023.

To add more confusion to the picture, Syria's security apparatus is inconsistent in its treatment of returnees. For instance, Jusoor for Studies had knowledge of returnees who were arrested because their relatives were wanted. Yet, the same expert also knew returnees who had family members on a wanted list and who were nonetheless not arrested. In its February 2020 report on the situation of Syrians in Lebanon, ICG concluded that there is no certainty about who is safe from arrest upon return, because the authorities' concept of who is an opponent is not always clear or can change over time. This conclusion made by ICG was corroborated by several interviews with experts. A Syria expert at the EIP mentioned that in some cases the lack of an exit stamp in one's passport will not cause an immediate problem upon return, but could nevertheless be used against the returnee by the Syrian authorities later on. Jusoor for Studies and Urnammu for Justice and Human Rights stated that some returnees are directly arrested upon return, whereas others are arrested within one month or one to two months after their return.⁵⁵

4.3. UNHCR positions

In light of continued conflict, insecurity, and contamination with explosive remnants of war; severe concerns about the rule of law and widespread human rights violations and abuses, including against returnees; fragmented community relations and a lack of genuine reconciliation efforts; massive destruction and damage to homes, critical infrastructure and agricultural lands; and deepening economic and humanitarian crises, which are compounded by the COVID-19 pandemic, UNHCR continues to call on states not to forcibly return Syrian nationals and former habitual residents of Syria, including Palestinians previously residing in Syria, to any part of Syria, regardless of whether the area is under control of the Government or under control of another state or non-state entity. UNHCR further wishes to remind states that restrictions on humanitarian access persist, which limits free and unhindered access to returnees. Forced returns would in most cases also be irreversible given the fact that the neighbouring countries tightly manage their borders with Syria. UNHCR also continues to consider that it would not be appropriate to forcibly return nationals or former habitual residents of Syria to neighbouring countries and non-neighbouring countries in the region,

⁵⁵ EASO, „Syria: Situation of returnees from abroad“, June 2021, https://www.ecoi.net/en/file/local/2053723/2021_06_EASO_Syria_Situation_returnees_from_abroad.pdf, accessed on 10.10.2023.

unless specific arrangements are in place that guarantee that the individual concerned will be readmitted to the country and can re-avail him/herself of international protection.⁵⁶

⁵⁶ UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic – Update VI”, March 2021, <https://www.ecoi.net/en/file/local/2049565/606427d97.pdf>, accessed on 10.10.2023.

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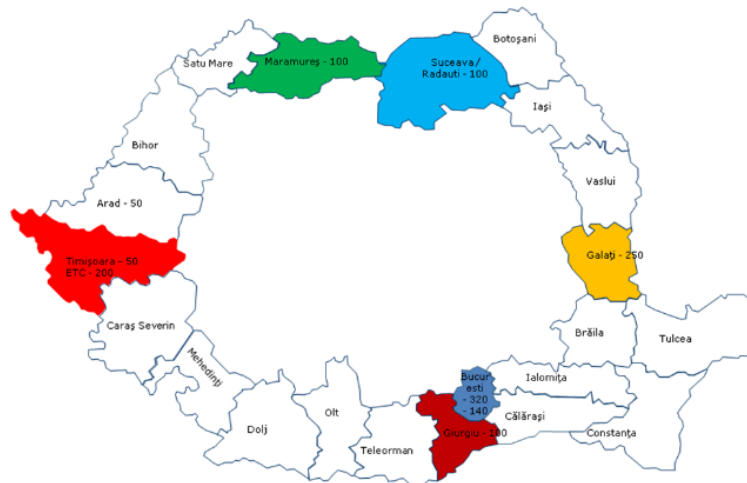
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