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UNHCR
The UN Refugee Agency

# International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic – Update VI

March 2021

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UNHCR
The UN Refugee Agency

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# List of Institutions and Actors

| | |
|---|---|
| **AANES** | Autonomous Administration of North and East Syria |
| **FSA** | Free Syrian Army |
| **GAPAR** | General Authority for Palestinian Arab Refugees |
| **HAD** | Hurras Al-Din |
| **HTS** | Hay'at Tahrir Al-Sham |
| **ISIS** | Islamic State of Iraq and Al-Sham |
| **KNC** | Kurdish National Council |
| **NDF** | National Defence Forces |
| **NLF** | National Liberation Front |
| **PFLP-GC** | Popular Front for the Liberation of Palestine – General Command |
| **PKK** | Kurdistan Workers' Party |
| **PLA** | Palestinian Liberation Army |
| **PYD** | Democratic Union Party |
| **SAA** | Syrian Arab Army (*see also TSO*) |
| **SDF** | Syrian Democratic Forces |
| **SIG** | Syrian Interim Government |
| **SNA** | Syrian National Army |
| **TIP** | Turkestan Islamic Party |
| **TSO** | Turkish-supported armed opposition groups (*see also SNA*) |
| **YPG** | People's Protection Units |
| **YPJ** | Women's Protection Units |

# List of Abbreviations

| | |
|---|---|
| **ACLED** | Armed Conflict Location & Event Data Project |
| **AFP** | Agence France-Presse |
| **AGPS** | Action Group for Palestinians of Syria |
| **AOAV** | Action on Armed Violence |
| **AP** | Associated Press |
| **BBC** | British Broadcasting Corporation |
| **CARNEGIE MEC** | Carnegie Middle East Center |
| **CERI** | Consolidated Eligibility and Registration Instructions |
| **CGP** | Center for Global Policy |
| **CJTF-OIR** | Combined Joint Task Force – Operation Inherent Resolve |
| **COAR** | Center for Operational Analysis and Research |
| **CPJ** | Committee to Protect Journalists |
| **CRC** | United Nations Committee on the Rights of the Child |
| **DW** | Deutsche Welle |
| **ECCHR** | European Center for Constitutional and Human Rights |
| **ECFR** | European Council on Foreign Relations |
| **EIP** | European Institute for Peace |
| **ENS** | European Network on Statelessness |
| **ERW** | Explosive Remnants of War |
| **ESCWA** | UN Economic and Social Commission for Western Asia |
| **EUI** | European University Institute |
| **FAO** | United Nations Food and Agriculture Organization |
| **FES** | Friedrich-Ebert-Stiftung |
| **GCSP** | Geneva Centre for Security Policy |
| **HLP** | Housing, Land and Property |
| **HNAP** | Humanitarian Needs Assessment Programme |
| **HNO** | Humanitarian Needs Overview |
| **HRW** | Human Rights Watch |
| **ICG** | International Crisis Group |
| **ICRC** | International Committee of the Red Cross |
| **ICSR** | International Centre for the Study of Radicalisation |
| **ICTJ** | International Center for Transitional Justice |
| **IDMC** | Internal Displacement Monitoring Centre |
| **IDP** | Internally Displaced Person |
| **IED** | Improvised Explosive Device |
| **IFA/IRA** | Internal Flight or Relocation Alternative |
| **IHL** | International Humanitarian Law |
| **IICISyria** | Independent International Commission of Inquiry on the Syrian Arab Republic |
| **IRC** | International Rescue Committee |
| **ISI** | Institute on Statelessness and Inclusion |
| **ISPI** | Institute for International Political Studies |
| **ISW** | Institute for the Study of War |
| **KAS** | Konrad-Adenauer-Stiftung |
| **LDHR** | Lawyers & Doctors for Human Rights |
| **LGBTI** | Lesbian, gay, bisexual and transgender and intersex |
| **MEE** | Middle East Eye |
| **MEI** | Middle East Institute |
| **MSF** | Médecins Sans Frontières (Doctors Without Borders) |
| **NCA** | Norwegian Church Aid |
| **NRC** | Norwegian Refugee Council |
| **OCHA** | United Nations Office for the Coordination of Humanitarian Affairs |

| | |
|---|---|
| **OHCHR** | Office of the High Commissioner for Human Rights |
| **PHR** | Physicians for Human Rights |
| **POMEPS** | The Project on Middle East Political Science |
| **PRS** | Palestinian Refugees from Syria |
| **RSF** | Reporters Sans Frontières (Reporters Without Borders) |
| **SACD** | Syrian Association for Citizens' Dignity |
| **SDAID** | SAWA for Development and Aid |
| **SGBV** | Sexual and gender-based violence |
| **SHRC** | Syrian Human Rights Committee |
| **SJAC** | Syria Justice and Accountability Centre |
| **SNHR** | Syrian Network for Human Rights |
| **SOHR** | Syrian Observatory for Human Rights |
| **STJ** | Syrians for Truth and Justice |
| **SWP** | German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik) |
| **SYP** | Syrian pound |
| **TIMEP** | The Tahrir Institute for Middle East Policy |
| **UN** | United Nations |
| **UNHCR** | United Nations High Commissioner for Refugees |
| **UNICEF** | United Nations Children's Fund |
| **UNMAS** | United Nations Mine Action Service |
| **UNRWA** | United Nations Relief and Works Agency for Palestine Refugees in the Near East |
| **UNGA** | United Nations General Assembly |
| **UNSC** | United Nations Security Council |
| **USCIRF** | United States Commission on International Religious Freedom |
| **USIP** | United States Institute of Peace |
| **VOA** | Voice of America |
| **VDC** | Violation Documentation Center |
| **WFP** | World Food Programme |
| **WHO** | World Health Organization |
| **WVI** | World Vision International |

# I. Executive Summary

This document updates and replaces UNHCR's *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, of November 2017.[1] These Considerations include the most up-to-date information available at the time of writing, from a wide variety of sources.[2] The analysis contained in these Considerations is informed by publicly available information as well as by information available to UNHCR in the course of its operations in Syria.

All claims lodged by asylum-seekers need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This applies whether the claims are analysed on the basis of the refugee criteria contained in the 1951 Convention Relating to the Status of Refugees ("1951 Convention")[3] and its 1967 Protocol,[4] UNHCR's mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

## A. Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims

In view of the serious violations of international humanitarian law and violations and abuses of human rights law and ongoing armed conflict in Syria, **UNHCR continues to characterize the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention.** Likewise, Palestinians from Syria who are outside the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) area of operations are likely to fulfil the requirements of Article 1D and would be *ipso facto* entitled to the benefits of the 1951 Convention.[5]

For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict. A particular feature of the conflict in Syria is that different parties to the conflict frequently impute a **political opinion** to larger groups of people, including families, tribes, religious or ethnic groups, or whole towns, villages or neighbourhoods, by association.[6] As such, members of a larger entity, without individually being singled out, may become the target of repercussions by different actors for reason of real or perceived support to another party to the conflict.[7] The perception of sharing a political opinion or affiliation in

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1 The current document supersedes UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, www.refworld.org/docid/5641ef894.html.

2 These International Protection Considerations are based on information available to UNHCR as of 28 February 2021, unless otherwise stated. It will be updated as the situation in the Syrian Arab Republic (hereafter Syria) evolves.

3 United Nations General Assembly (UNGA), *Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, Vol. 189*, www.refworld.org/docid/3be01b964.html, p. 137.

4 UNGA, *Protocol Relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series, Vol. 606*, www.refworld.org/docid/3ae6b3ae4.html, p. 267.

5 For an analysis on the interpretation of Article 1D, see: UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html.

6 "*Both pro-government forces and non-State armed groups in the north-western, northern and eastern parts of the Syrian Arab Republic continued to target civilians, including those perceived as being affiliated with opposing forces, including through killings, the arbitrary deprivation of liberty, torture and other ill-treatment and kidnappings*"; United Nations Security Council (UNSC), *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary-General*, 24 June 2020, www.ecoi.net/en/document/2032945.html, (hereafter: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html), para. 17.

7 In situations of armed conflict and violence, individuals or entire groups or populations may be at risk of being singled out or targeted for persecution for reasons of the 1951 Convention. In its Guidelines on claims for refugee status related to situations of armed conflict and violence, UNHCR noted that: "*Situations of armed conflict and violence may be rooted in, motivated or driven*

relation to the conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic or religious background. In those situations, the risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.

UNHCR maintains that Syrians and former habitual residents of Syria falling under the below mentioned risk profiles **are likely to be in need of international refugee protection**. Sub-categories of persons within risk profiles 3, 8 and 10 may be in need of international refugee protection depending on the individual circumstances of the case.

Relevant and reliable country of origin information and eligibility guidance for the following risk profiles, and, where applicable, also for family members or persons otherwise closely associated with persons of these profiles, is provided in this document:

1. **Persons opposing, or perceived to be opposing, the government**, including, but not limited to, members of political opposition parties; protestors; civil society and political activists; (former) opposition local council members; journalists and citizen journalists; humanitarian workers and civil defence volunteers; doctors and other medical personnel; human rights defenders; and academics; persons perceived to be members of anti-government armed groups; and civilians (particularly men and boys of fighting-age) from areas currently or formerly under opposition control;
2. **Draft evaders and deserters from the Syrian Armed Forces**;
3. **Persons supporting, or perceived to be supporting, the government**, including, but not limited to, government officials and Ba'ath Party functionaries; members and perceived members of government forces and civilians perceived to be collaborating with government forces; members of reconciliation committees; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be supporting the government;
4. **Persons opposing, or perceived to be opposing, the Syrian Democratic Forces (SDF) / People's Protection Units (YPG), the Democratic Union Party (PYD) and institutions of the Autonomous Administration**, including, but not limited to, members of Kurdish opposition parties, journalists and citizen journalists, humanitarian workers, activists and members of civil society, and protestors; persons perceived to be associated with the Islamic State of Iraq and Al-Sham (ISIS) on the basis of their ethnic origin and/or family relations; and persons perceived to be associated with Turkey or the Syrian National Army (SNA) on the basis of their ethnic origin and/or family relations;
5. **Persons opposing, or perceived to be opposing Hay'at Tahrir Al-Sham (HTS) and anti-government armed groups in areas under their *de facto* control in Idlib and adjacent areas**, including, but not limited to, political and rights activists, humanitarian workers, medical workers, as well as journalists and citizen journalists;
6. **Persons opposing, or perceived to be opposing armed groups affiliated with the SNA in areas under their *de facto* control**, including, but not limited to, persons affiliated, or perceived to be affiliated, with the the Autonomous Administration of North and East Syria (AANES) and the SDF/PYD/YPG and Kurds more broadly; as well as journalists and activists;
7. **Persons opposing, or perceived to be opposing, ISIS in areas with continued ISIS presence or influence**, including, but not limited to, civilians supporting or perceived to be

*by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct hereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links*"; UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, para. 33.

supporting the government or the SDF/AANES such as tribal leaders, local mayors, members of local councils, as well as collaborators;

8. **Members of religious and ethnic minority groups, and persons perceived as contravening strict Islamic rules**;
9. **Women and girls with certain profiles or in specific circumstances**, in particular survivors and those at risk of sexual violence, forced and/or child marriage, domestic violence, "honour"-based violence or trafficking for the purpose of sexual exploitation and forced prostitution;
10. **Children with certain profiles or in specific circumstances**, in particular survivors and those at risk of sexual violence; forced and/or child marriage; domestic violence; or "honour crimes"; survivors and those at risk of under-age recruitment; trafficking; and other worst forms of child labour; children engaged in labour likely to harm their health, safety or morals ("hazardous work"), depending on the particular child's experience, his/her age and other circumstances; school-age children who are systematically denied from accessing education, including as a result of targeted attacks against schools; lack of civil documentation; disabilities; or discriminatory practices inhibiting access to education by girls on account of their gender; and children who are denied or at risk of being denied access to birth registration or other civil documentation;
11. **Persons of diverse sexual orientations and/or gender identities**;
12. **Palestinian refugees**.[8]

This list is not necessarily exhaustive. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected.

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is found not to be for reason of a Convention ground, or if otherwise the threshold for applying the 1951 Convention definition is not met, should broader international protection criteria as contained in UNHCR's mandate and regional instruments be examined, including subsidiary protection.

UNHCR considers that changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention. The status of recognized refugees should thus be reviewed only if there are indications, in an individual case, that there are grounds for: (i) cancellation of refugee status which was wrongly granted in the first instance; or (ii) revocation of refugee status on the grounds of Article 1F of the 1951 Convention.

## B. Internal Flight or Relocation Alternative (IFA/IRA)

UNHCR considers that an IFA/IRA is not available in areas currently or formerly outside of government control, in light of ongoing conflict, military operations, insecurity and human rights abuses in these areas; the risk of future shifts in territorial control; and the high levels of both humanitarian needs and destruction to civilian infrastructure in these areas. Some of these areas also remain inaccessible due to security restrictions or are accessible only for former residents holding a security clearance.

UNHCR further considers that an IFA/IRA is not available in areas that have seen systematic confiscation of properties and/or deliberate displacement, in view of the risk of exacerbating these dynamics through population movements.

[8] In this document, the term "Palestinian refugees" refers to Palestinians who fall within the scope of Article 1D of the 1951 Convention as set out in: UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html, para. 8.

UNHCR offers detailed guidance on assessing the availability of an IFA/IRA in Damascus City as the capital and the largest urban area that has mostly remained under government control throughout the conflict. In relation to Damascus city, the assessment of the relevance of an IFA/IRA would need to consider whether the individual would be exposed to new risks of being persecuted, or to other forms of serious harm, and whether the proposed area is practically, safely and legally accessible to the individual.

UNHCR considers that an IFA/IRA in Damascus city is generally not relevant for the following individuals:

- Individuals who would return to Syria without identity documents;
- Individuals who are required to "settle their status";[9]
- Individuals who originate from areas previously or currently outside of government control, and who may be perceived as opposing the government;
- Men of military-age who object to military service for reasons of conscience and/or who object to participation in activities that constitute violations of international humanitarian, criminal or human rights law;
- Individuals who have a well-founded fear of persecution at the hands of a state actor or at the hands of family, tribe, or community as a result of harmful traditional practices or religious norms of a persecutory nature; and
- Single, widowed or divorced women who do not or who are not perceived to have male protection through members of their family.

In cases for which an IFA/IRA in Damascus city would be assessed to be relevant, the reasonableness of the proposed IFA/IRA would have to be determined, taking into account the personal circumstances of the applicant, as well as the current economic crisis affecting all government-held areas, and the high levels of poverty and attendant humanitarian needs.

Due to the hardships faced by Syrians in ensuring their basic survival amidst deteriorating economic and humanitarian conditions, high and increasing levels of poverty, food insecurity and unemployment, as well as pressure on available housing and services, UNHCR considers that an IFA/IRA is generally not reasonable in Damascus city.

The only exception to this finding are healthy adults who meet each of the following requirements: (i) no responsibility for other family members, (ii) guaranteed access to housing, and (iii) guaranteed access to a viable livelihood strategy that provides sufficient income to cover basic necessities, taking into account the rising price levels in Damascus city. UNHCR considers that an IFA/IRA is not reasonable for women who are single heads of household and who do not or who are not perceived to have male protection through members of their family.

For detailed guidance on the assessment of the availability of an IFA/IRA in Damascus city, please see Sections III.C.5 (relevance analysis) and III.C.6 (reasonableness analysis).

## C. Exclusion Considerations

In light of the serious violations and abuses of international human rights law and violations of international humanitarian law reported during Syria's history of conflict and repression, exclusion considerations under Article 1F of the 1951 Convention may arise in individual claims by asylum-seekers from Syria. In the context of Syria, careful consideration needs to be given, in particular, to the following profiles:

i. (Former) high-ranking members of the Syrian Government and Ba'ath Party (*before and after 2011*);

ii. (Former) members of the Syrian Armed Forces, including the Syrian Arab Army / SAA (and including the Palestinian Liberation Army / PLA), and in particular: all high-ranking military officers; all commissioned and non-commissioned officers who have served with the Republican Guards (*Al-Haras Al-Jumhuri*), the Special Forces, the 4th Armoured Division, the

[9] See Section III.A.1.d.

Military Police, or the Defense Companies (*Saraya Al-Difa'*, disbanded in 1984); and all military personnel who have served in the post-March 2011 period, including in military hospitals;

iii. (Former) members of the security and intelligence apparatus, including the National Security Bureau (*Maktab Al-Amn Al-Qawmi*); the Political Security Directorate (*Idarat Al-Amn Al-Siyasi*); the General Security Directorate (*Idarat Al-Amn Al-'Amm*); the Military Intelligence Service (*Shu'bat Al-Mukhabarat Al-'Askariyya*); and the Air Force Intelligence Directorate (*Idarat Al-Mukhabarat Al-Jawiyya*); and persons who provided information to any of these services without formal attachment (informants) (*before and after 2011*);

iv. (Former) members of pro-government forces, including (not comprehensive), the Popular Committees (*Lijan Sha'abiya*) and the National Defence Forces (*Quwat Al-Difaʿ Al-Watani* / NDF); the Eagles of Whirlwind (*Nusur Al-Zawba'a*); militias affiliated with wealthy Alawite businessmen with close links to the Government of Syria and more specifically, the Assad family; pro-government Palestinian groups, e.g. Popular Front for the Liberation of Palestine – General Command / PFLP-GC; Jerusalem Brigade (*Liwa Al-Quds Al-Filastini*) and the Free Palestinian Movement (FPM); and groups associated with foreign Shi'ite militias, including the Lebanese Hezbollah, the Quds Force of the Iranian Revolutionary Guard Corps (IRGC), Iraqi militias (e.g. *Asaib Ahl al-Haq*, *Kataib Hizb Allah*, the Badr Organization, *Harakat Hizb Allah Al-Nujaba* and *Kataib Sayyid Al-Shuhada*), as well as Afghan (*Liwa Fatemiyoun*) and Pakistani militias (*Zeinabiyoun Brigade*) (*after 2011*);

v. (Former) members of the police, including in particular the emergency police and the riot police (*before and after 2011*);

vi. (Former) prosecutors and judges, including those who worked in the Supreme State Security Court / SSSC (*1966 to 2011*), Economic Security Court / ESC (*1977 to 2004*), the Counter-Terrorism Court (*since July 2012*), and criminal and military field courts (*before and after 2011*);

vii. (Former) staff of prisons and detention centres, particularly directors, administrators, wardens and guards (*before and after 2011*);

viii. (Former) members of UN Security Council-designated terrorist groups, including HTS (formerly Al-Nusra Front / Jabhat Fateh Al-Sham), Al-Qa'eda and ISIS (*after 2011*);

ix. (Former) members of anti-government armed groups / alliances, including groups affiliated with the Free Syrian Army (FSA), the National Liberation Front (NLF), and the SNA (*after 2011*);

x. (Former) members of the Muslim Brotherhood (*Jama'at Al-Ikhwan Al-Muslimun*) (*particularly between 1976 and 1982*);

xi. (Former) members of the Kurdish-dominated armed forces and security/intelligence apparatus, including the SDF (*Quwwat Suriya Al-Dimuqaṭiya*); People's Protection Units / YPG (*Yekineyen Parastina Gel*); Women's Protection Units / YPJ (*Yekineyen Parastina Jin*); internal security forces of the AANES (*Asayish*); Syriac Military Council / MFS; Sutoro (Syriac Security Office, armed wing of the Syriac Union Party/SUP) (*after 2011*);

xii. (Former) members of groups and networks engaged in organized crime (*before and after 2011*).

## D. Moratorium on Forced Returns

In light of continued conflict, insecurity, and contamination with explosive remnants of war (ERW); 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 free and unhindered access to returnees is limited, while restrictions on humanitarian access persist. Forced returns would in most cases also be irreversible given the fact that the neighbouring countries keep a tight control of 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, 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.

# II. Main Developments in Syria since 2018

## A. Main Security and Political Developments

### *1) Main Security Developments since 2018*

Since the publication of the International Protection Considerations (Update V) in November 2017, conflict dynamics and territorial control in the country have substantively changed. However, the conflict in Syria remains multi-faceted and multi-fronted, plays out between different state and non-state actors and involves a multitude of different regional and international actors.[10] Despite relative security improvements following the expansion of government control over many parts of the country during the period 2018-2020, security gains can be tenuous and continued conflict and instability have a devastating impact on civilians.[11] In 2019, the North-West and North-East saw a renewed escalation of conflict; at the time of writing, security conditions along currently frozen frontlines remain volatile.[12] The situation in southern Syria is reported to be deteriorating[13] and ISIS remains active in many, mostly rural parts of the country.[14] Acute economic and humanitarian crises, exacerbated by the COVID-19 pandemic, further contribute to instability.[15] Serious violations and abuses of human rights law and violations of international humanitarian law continue across Syria.[16]

As areas of control have shifted throughout the conflict, many cities, towns, villages and neighbourhoods have seen repeated changes in territorial control by the various parties of the conflict.

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10 "*Four major sides have fought for control in Syria – the Syrian government and its allies, the conglomeration of groups known broadly as the opposition, Kurdish-led forces, and Islamic State. Each faction is made up of a variety of actors*"; Carter Center, *Analyzing Shifts in Territorial Control within Syria Offers Glimpse of Future Challenges*, 13 May 2020, https://bit.ly/2CLb4Ow. "(…) *no fewer than six interlocking conflicts are being waged inside Syria: The Assad regime versus anti-Assad rebels; Turkey versus Syrian Kurds; Israel versus Iran; The United States versus Russia; Continuing U.S.-led operations against ISIS* [Islamic State of Iraq and Al-Sham]*; and most recently, Turkey versus the Assad regime and its allies in Idlib*"; United States Institute of Peace (USIP), *After Nine Years, Syria's Conflict Has only Become more Complicated*, 12 March 2020, https://bit.ly/3ibGca5. "*With five international armies active inside Syria, the dangers of wider international conflagration remain*"; UN News, *Syria: UN Food Relief Agency 'Doing Everything We Can' to Reach Idlib Civilians*, 4 March 2020, https://shar.es/abnzOj. See also, Cyprus Mail, *Syria's Many Circles of Hell*, 12 September 2020, https://bit.ly/35vj96e.

11 The Global Peace Index 2019 ranked Syria as the second least peaceful country in the world; Institute for Economics and Peace, *Global Peace Index 2020: Measuring Peace in a Complex World*, 11 June 2020, https://bit.ly/38z35QC, pp. 2, 9. According to the UN Special Envoy, "(…) *there have been incidents of mutual shelling and bomb attacks around Afrin and the northeast; targeted killings and clashes in the southwest; reports of Israeli airstrikes in Deir-ez-Zor and Aleppo; as well as incidents that point to a resurgence of ISIL terrorist fighters in the eastern desert. Violence continues and there is a constant risk of escalation which could unravel [the] existing arrangement*"; UN News, *Renewed Trust and Cooperation Could Finally 'Unlock Progress' Toward Peace in Syria – UN Envoy*, 18 May 2020, https://shar.es/abnkdy. "*The UN High Commissioner for Human Rights, Michelle Bachelet, expressed serious concerns* (…) *about continuing human rights violations and abuses and a sharp rise in killings of civilians across Syria, saying 'the deteriorating situation is a ticking time-bomb that must not be ignored.*" And further: "*We are receiving more reports every day of targeted killings and bombings from one end of the country to the other, with many such attacks taking place in populated areas*"; Office of the High Commissioner for Human Rights (OHCHR), *Syria: Bachelet Warns of 'Ticking Time-Bomb' as Civilian Killings Mount*, 8 May 2020, www.ecoi.net/en/document/2029807.html. "*On 15 March 2020, Syria entered its 10th year of war. Although ACLED* [Armed Conflict Location & Event Data Project] *data show an overall decrease in violence over the course of 2019, the war in Syria remains the most active conflict in the world, and one of the deadliest for civilians*"; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, https://bit.ly/3ef9jGi.

12 See Sections II.B.3 and II.B.4.b.

13 See Section II.B.1.b.

14 See Sections II.B.1.b and II.B.2.

15 See Section II.F.

16 "*In 2020, civilians in Syria faced another year confronting stark challenges and abuses, first and foremost at the hands of the Syrian government and other authorities, despite a discernible decrease in violent conflict*"; Human Rights Watch (HRW), *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "*We are witnessing in Syria today a relative reduction in largescale hostilities and indiscriminate attacks, with the 5 March* [2020] *ceasefire in Idlib largely holding. However, Syrians are not any safer and they continue to suffer gross human rights violations by all the actors controlling territory*"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council Session*, 22 September 2020, https://shar.es/abI9Fy. See also Section II.E.

These changes have regularly been accompanied by armed hostilities, killing of civilians, looting, and destruction and damage to infrastructure and homes.[17]

Key security developments and changes in territorial control in the period 2018-2020 include:[18]

### a) Expansion of Government Control

Through a combination of military operations, sieges[19] and so-called reconciliation agreements,[20] Syrian government forces[21] have reasserted control over significant parts of the country, including in areas previously controlled by the Salafist-jihadist group HTS[22] and/or anti-government armed

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17 "*At least 56% of Syrian communities (including neighborhoods of major cities) have changed hands at least once over the course of the conflict. Some communities have changed hands repeatedly as frontlines ebbed and flowed. Often, when a community changes hands, people are killed or injured, infrastructure is damaged, looting occurs, and new grievances are born.* (…) *Changes of territorial control often included hours or days of shelling or bombing from warplanes, leaving many towns damaged and civilians traumatized. When a new group took control of a territory, some left civilians alone while others brutalized civilians as the Islamic State did to the people of Raqqa city when it took charge there.*" According to the Carter Center, some areas have changed control up to nine times between 2014 and 2020; Carter Center, *Analyzing Shifts in Territorial Control within Syria Offers Glimpse of Future Challenges*, 13 May 2020, https://bit.ly/2CLb4Ow.

18 "*According to Jusoor for Studies map, the ratios of control of the forces on the ground are as follows:*
- *The opposition factions maintain the control ratio recorded last month at (10.98%).*
- *The Syrian regime maintain the ratio of control recorded last month at (63.38%).*
- *The Syrian Democratic Forces (SDF) have maintained the same recorded ratio of control since November 2019 at (25.64%).*

*The Islamic State of Iraq and Syria no longer has any military control over Syrian territory since February 2019*"; Jusoor for Studies, *Map of Military Influence in Syria 01-11-2020*, 4 November 2020, https://bit.ly/3k7ZQDO. For maps on areas of control, see Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, http://bit.ly/37SB87g; Institute for the Study of War (ISW), *Syria Situation Report: January 30 - February 18, 2021,* 19 February 2021, https://bit.ly/3bqI5hQ; ACLED, *The State of Syria: Q3 2020 - Q4 2020*, 24 February 2021, https://bit.ly/3dXoA26; Center for Global Policy (CGP), *The Syrian Battlespace: A Net Assessment*, 13 April 2020, https://bit.ly/3dHesHN. See also: "*Estimated area of influence maps, 2013-2020*" as included in: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 21 January 2021, A/HRC/46/54, www.ecoi.net/en/document/2045772.html (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html), Annex II.

19 "*The Assad regime has embraced a zero-compromise policy after assuring that maximum force, provided by allies, would guarantee regaining liberated areas. Maximum force included systematic destruction, mass-crimes, siege, and hunger that ended with an offer to sign a reconciliation agreement or truce – surrender in fact – that resulted in forced migration of many*"; Omran Center for Strategic Studies, *Safe Environment as a Precondition for the Return of Refugees and the Internally Displaced*, 17 December 2020, https://bit.ly/2LUSVCz, p. 10. "*Assad forces and allies have implemented siege tactics accompanied by intense aerial bombardment and destruction of civilian infrastructure, forcing communities to surrender. The forced surrender deals that were then signed offered the coercive choice of submitting to regime rule – with its high risk of detention, torture or forced conscription – or of being forcibly transferred to northwest Syria via the infamous green buses that became a symbol of this policy of collective punishment.* (…) *This use of siege tactics followed by forced displacement that may amount to forcible population transfers has caused demographic change in these areas*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, pp. 3, 4. See also, UN Human Rights Council, "*They Have Erased the Dreams of My Children": Children's Rights in the Syrian Arab Republic – Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 January 2020, A/HRC/43/CRP.6, www.ecoi.net/en/document/2023152.html (hereafter: UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html), para. 26. "*City after city, town after town, where people rose up against the repression of the Syrian regime, were systematically reduced to rubble in relentless bombardment and shelling, and its citizens subjected to starvation, widespread targeting of civilian areas and chemical attacks. The policy's end goal was not only to conquer these areas militarily, but also to remove the population through either physical destruction or forced displacement*"; Syrian Association for Citizens' Dignity (SACD), *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou, p. 3.

20 "*Sieges were often concluded through the use of 'evacuation agreements', negotiated by parties to the conflict, concerning the removal of fighters, their families and civilians of dissenting opinions from besieged areas*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47. See Section III.A.1.d.

21 The term "government forces", unless specified otherwise, includes the Syrian Armed Forces and security and intelligence agencies, as well as a range of pro-government armed groups that are, to varying degrees, affiliated with the government and/or act on behalf of the government, Russian forces, as well as foreign pro-government groups such as Hezbollah and Iraqi and other Shi'ite militias. "*Regime forces do not have a monopoly on the use of force and depend on Russian airpower and Iranian and Iran-backed ground forces to maintain control*"; Syria Study Group, *Final Report and Recommendation*, September 2019, https://bit.ly/2utiEsV, pp. 25-26.

22 HTS (formerly Al-Nusra Front / Jabhat Fateh Al-Sham) formally split from Al-Qa'eda in 2016, but it continues to be considered by the UN and a number of countries as an Al-Qa'eda affiliate and is a UNSC-designated terrorist group; see footnote 1068. "*Hay'at Tahrir al-Sham currently comprises Jabhat Fatah alSham (also known as Jabhat al-Nusrah and previously as the Al-Nusrah Front), Ansar al-Sham and Ajnad al-Sham, among others*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 28 January 2020, A/HRC/43/57, www.ecoi.net/en/document/2025856.html (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, footnote 14.

groups,[23] or by ISIS.[24] Following the recapturing of formerly opposition-held areas by government forces, large-scale military operations, airstrikes and artillery shelling in these areas have largely ceased.[25] However, the level of control exercised by the government in these retaken areas varies and

[23] The term "anti-government armed groups" refers to various non-state armed groups and alliances, whose primary goal is to overthrow the Syrian Government through violent means. In 2018, government forces retook significant portions of areas held by anti-government armed groups, including Eastern Ghouta and the Qalamoun area of Rural Damascus Governorate (April 2018), the northern part of Homs Governorate (May 2018), the suburbs of Yalda, Babila and Beit Sahem in southern Damascus (May 2018), and parts of Dera'a and Quneitra Governorates (July 2018), leading to large-scale displacements and the evacuation of civilians and fighters to areas in Syria's North-West. In August 2019 government forces retook areas in northern Hama and southern Idlib, including the town of Khan Sheikhoun (Idlib Governorate), which is strategically located on the Aleppo-Damascus highway, and in January 2020 government forces retook Maarat Al-Numan, the second largest town in Idlib Governorate, followed by the towns of Kafranbel and Saraqib in late February 2020; The New Arab, *Syrian Rebel Forces Retake Idlib's Saraqeb after Heavy Fighting*, 27 February 2020, https://bit.ly/3feJuHh; Reuters, *Syrian Government Forces Enter Town South of Idlib City*, 28 January 2020, https://nyti.ms/2U0Mpw5; British Broadcasting Corporation (BBC), *Khan Sheikhoun: Syria Rebels Pull Out of Key Town after Five Years*, 20 August 2019, https://bbc.in/2mdGyVD; Associated Press (AP), *Syria Retakes Territory in NW Held by Rebels since 2012*, 23 August 2019, https://yhoo.it/2ncyq8y; BBC, *Deraa, Birthplace of Syria Uprising, Retaken by Government Forces*, 12 July 2018, https://bbc.in/2utQhHt; Reuters, *Syrian Rebels Pull Out of Their Last Besieged Area*, 16 May 2018, https://reut.rs/2rNK8EJ; France 24, *Syrian Army Claims Recapture of Eastern Ghouta*, 15 April 2018, http://f24.my/2qia.T.

[24] Since late 2017, government forces have retaken territory from ISIS, including the cities of Deir Ez-Zour and Albu Kamal in Deir Ez-Zour Governorate (November 2017), the southern Damascus neighbourhoods of Yarmouk, Qadam, Hajar Al-Aswad and Tadamon (May 2018), and Al-Safa region in south-eastern Syria (November 2018); Reuters, *Syrian Army Advances Against Islamic State in Southeastern Desert,* 18 November 2018, https://reut.rs/2PAUwyl; BBC, *Syria War: IS Militants 'Leave Damascus Suburbs'*, 20 May 2018, https://bbc.in/2lZ2sLT.

[25] "*Over the past few months the conflict in Syria has shifted away from large-scale military hostilities, with various parties to the conflict now consolidating their control over civilian populations*"; Global Centre for the Responsibility to Protect, *Syria*, 15 January 2021, http://bit.ly/37Mg2XW. See also, Syrian Observatory for Human Rights (SOHR), *12th Month in a Row: Regime Aircraft Halt Aerial Operations in "De-Escalation Zone", and Continue Their Airstrikes on Syrian Desert*, 20 February 2021, http://bit.ly/3uz5wNM; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, https://bit.ly/3ef9jGi.

is, particularly in the South, limited and tenuous.[26] The Syrian Government has repeatedly vowed to retake all of Syria's territory.[27]

### b) Conflict in the North-West: Escalation and Ceasefire

Parts of Idlib Governorate and adjacent areas in Hama, Aleppo and Latakia[28] remain under *de facto* control of HTS and/or other anti-government armed groups.[29] Despite the Memorandum on Stabilization of the Situation in the Idlib De-escalation Area agreed upon by Russia and Turkey on 17 September

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26 According to Abdullah al-Jabassini, a Syrian scholar and researcher, the government's "*proclaimed military victory and the physical return of its institutions does not mean the restoration of security and stability*"; Washington Post, *Escalating Violence in Strategic Syrian city Belies Assad's Claim that He's in Control*, 24 November 2020, https://wapo.st/39tFR0D. "*To assert that the Syrian Government has regained control over the majority of the Syrian Arab Republic, however, should not be misunderstood as denoting the type of control it enjoyed prior to 2011. Indeed, in significant parts of areas reclaimed from opposition control, government authority is often nominal, and/or requires a heavy military presence*"; UN Economic and Social Commission for Western Asia (ESCWA), *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 18. "*Even in territory that it ostensibly holds, the Syrian government has limited control over the predatory activity of its intelligence apparatus, pro-government militias, and reconciled factions*"; The Cairo Review of Global Affairs, *Syria's Prospects for Reconstruction Are Bleak*, 23 August 2020, https://bit.ly/3gIAGd6. "*In reality, the Government of Syria's security presence in much of southern Syria is superficial, patchy, and ineffective*"; Center for Operational Analysis and Research (COAR), *Syria Update: 3 August 2020*, 3 August 2020, https://bit.ly/33lvZmJ. "*But while Homs Governorate has reverted back to regime control, this means little on the ground, especially in the governorate's southern and northern rural areas, because the regime is hardly visible. In many areas it has been relegated to an intelligence gathering role instead of taking on responsibilities for the welfare of citizens with a monopoly over military power. The intelligence services also compete for control among themselves and fail to coordinate their activities*"; Carnegie Middle East Center (Carnegie MEC), *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/3iZgWEi. According to Heiko Wimmen, a researcher at the International Crisis Group (ICG), "[I]*n many areas that the regime recaptured, it is not so clear who actually holds control*"; Al Jazeera, *Tensions Escalate in Deraa, 'Cradle of the Syrian Revolution'*, 5 March 2020, https://aje.io/5y8sb. "*The regime has recaptured large swaths of territory and now holds 60 percent of the country. However, its control outside Damascus is tenuous, in part because it lacks the forces to secure the areas it retakes, but also because it pursues punitive policies against local populations*"; Syria Study Group, *Final Report and Recommendation*, September 2019, https://bit.ly/2utiEsV, p. 7. While retaken areas such as Eastern Aleppo, Eastern Ghouta and Southern Damascus came under full government control, non-state armed groups in parts of Dera'a Governorate negotiated "reconciliation" agreements under the auspices of Russia, guaranteeing to them a level autonomy and the right to retain light weapons. Government presence in these areas remains limited to civilian and governing institutions while these "reconciled" non-state armed groups retain effective military control. A similar arrangement in the northern Homs countryside ended in October 2018 when Russia handed over control to the Syrian Government (with the exception of the town of Talbiseh); HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html; OHCHR, *Press Briefing Note on Dar'a*, 21 May 2019, https://bit.ly/2lXz7RZ; Atlantic Council, *The Aftershocks of Reconciliation in Syria: Reflections on the Past Year*, 17 April 2019, https://bit.ly/2lSKP0d. See also Section II.B.1.b.

27 PBS, *Syria's Assad Vows to Continue Retaking Territory, Despite Turkish Opposition*, 17 February 2020, https://to.pbs.org/38MQcCo; The New Arab, *Syria Regime Forces on Edge of Key Rebel-Held Town amid Heavy Bombardment*, 26 January 2020, https://bit.ly/312crAk.

28 "*Idlib governorate and its environs – comprising rural northern Ladhiqiyah, north-western Hama, and western Aleppo – is one of the last remaining areas beyond Government control in the Syrian Arab Republic*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2 July 2020, A/HRC/44/61, www.ecoi.net/en/document/2035513.html (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html), para. 5. "*Idlib is also strategically important to the government. It borders Turkey to the north and straddles highways running south from the city of Aleppo to the capital Damascus, and west to the Mediterranean city of Latakia*"; BBC, *Syria War: Why Does the Battle for Idlib Matter?*, 18 February 2020, https://bbc.in/2UQ4Gf7. See also, European Council on Foreign Relations (ECFR), *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, pp. 7-8; USIP, *After Nine Years, Syria's Conflict Has only Become more Complicated*, 12 March 2020, https://bit.ly/3ibGca5. Another area that remains under control of anti-government armed groups is the so-called Tanf de-confliction zone in Homs Governorate. The 55 km de-confliction zone was set up by the US military in 2016 with the aim of shielding US troops at the Al-Tanf military base close to the Jordanian and Iraqi borders in south-eastern Syria. Al-Tanf military base was established as part of the US Administration's fight against ISIS; ICG, *Al-Tanf, Syria*, last updated 25 February 2021, https://bit.ly/2VqMf2O.

29 HTS has consolidated control over large parts of Idlib Governorate by defeating groups operating under the umbrella of the Turkish-backed National Liberation Front (NLF) in early 2019. HTS is estimated to have assumed control over more than 90% of Idlib Governorate, alongside adjacent strips of north-eastern Lattakia, northern Hama and western Aleppo Governorates; Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, https://bit.ly/3629DWP (with map depicting HTS areas of control); Carter Center, *The Armed Opposition in Northwest Syria*, 15 May 2020, https://bit.ly/2Z2m8Q4, p. 7. In July 2020, the UN estimated that HTS had between 12,000 and 15,000 fighters in Idlib and its surrounding areas; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 5. In contrast, in June 2020 the US Department of State estimated that HTS had between 5,000 to 10,000 fighters in Syria; US Department of State, *Country Report on Terrorism 2019: Islamic State of Iraq and Syria (ISIS)*, 24 June 2020, www.ecoi.net/en/document/2032625.html. See also Section II.B.3.

2018,[30] the area has seen a major government-led military escalation since April 2019, resulting in large numbers of civilian casualties and "*the largest wave of displacement in the Syrian conflict*".[31] A fragile ceasefire brokered by Turkey and Russia in early March 2020 has generally been holding; however, as with earlier ceasefires, it is at risk of breaking down as hostilities and military reinforcements on all sides continue to be reported.[32]

### c) Operation "Peace Spring" in Northern Syria

Groups affiliated with the SNA and backed by Turkey[33] launched three distinct military offensives in northern Syria, most recently "Operation Peace Spring" in October 2019, and exercise *de facto* control over territory along the Turkish border.[34] As a result of the offensives, the SDF has seen a reduction in

30 In May 2017, the three Astana guarantors, Turkey, Iran, and Russia, negotiated a de-escalation agreement that covered four zones, including in Idlib Governorate and adjacent areas (parts of Aleppo, Hama, and Lattakia Governorates), parts of northern Homs Governorate, Eastern Ghouta, and along the Jordanian border in southern Syria (parts of Dera'a and Quneitra Governorates). Subsequently, government forces have retaken all but one, the so-called "Idlib De-Escalation Zone". In September 2018, in an attempt to preserve the agreement and halt a planned government offensive, Russia and Turkey reached a memorandum of understanding, which called, *inter alia*, for the removal of armed groups and heavy weapons from a 15-20 km demilitarized zone along the frontline in the North-West. While anti-government armed groups fighting under the banner of the Turkish-backed NLF withdrew from the demilitarized zone, HTS, which did not accept the agreement, took nearly complete control over the de-escalation zone in January 2019. Since February 2019, government forces have escalated military operations in Idlib; BBC, *Syria War: Why Does the Battle for Idlib Matter?,* 4 June 2019, https://bbc.in/2NH7RQG; Russia / Turkey, *Memorandum on Stabilisation of the Situation in the Idlib De-escalation Area*, 17 September 2018, https://bit.ly/2X2IZrY; Reuters, *Russia and Turkey Agree to Create Buffer Zone in Syria's Idlib*, 17 September 2018, https://reut.rs/2Niy9ga; Ministry of Foreign Affairs of the Russian Federation, *Memorandum on the Creation of De-Escalation Areas in the Syrian Arab Republic*, 6 May 2017, https://bit.ly/32zMZnl. See also Section II.B.3.

31 UN News, *Syria: UN Food Relief Agency 'Doing Everything We Can' to Reach Idlib Civilians*, 4 March 2020, https://shar.es/abnzOj. See also Section II.D.

32 "*Idlib Governorate and surrounding areas remained the epicentre of confrontation between pro-government forces and opposition armed groups during the first half of 2020. While the ceasefire starting on 5 March offered respite, sporadic fighting between progovernment forces and terrorist groups resumed in May and intensified in June* [2020]*, including around the Ghab plain and Jabal al-Zawiya, in the southern countryside of Idlib Governorate*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/45/31, 14 August 2020, www.ecoi.net/en/document/2037646.html (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html), para. 4. See also below Section II.B.3.

33 Also known as the Turkish-backed Free Syrian Army (TFSA). The formation of the Syrian National Army (SNA), which brought together dozens of armed factions affiliated with the Free Syrian Army (FSA) in Afrin and the northern countryside of Aleppo, was officially announced on 30 December 2017 in the town of Azaz. On 4 October 2019, the Idlib-based NLF joined the SNA to form a single army under the umbrella of the Ministry of Defense of the Syrian Interim Government (SIG) based in Azaz (Aleppo Governorate). The SNA subsequently spearheaded "Operation Peace Spring" in northern Syria; Syria Direct, *The Syrian National Army: For the Syrian Revolution or Against the Kurds?*, 15 October 2019, https://bit.ly/34QrrSJ; Al-Monitor, *Merger Solidifies Opposition in Syria, Boosts Turkey's Forces*, 14 October 2019, http://almon.co/39mn; Middle East Institute (MEI), *Turkish-Backed Syrian Armed Opposition Groups to Unite under One Banner*, 4 October 2019, https://bit.ly/36V09wa. As at December 2020, the SNA "*controls 8,835 square kilometers. Those territories include more than 1,000 towns and cities, inhabited by about 1.2 million people, including Afrin, Tal Abyad, Ras al-Ain, al-Bab, Azaz, Dabiq, Jarablus, Jandarees, Raju and Sheikh al-Hadid*"; see Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, https://bit.ly/37xJCRq, p. 26; see also pp. 26-28 for information on the SNA's structure.

34 Turkey, backed by the SNA, launched three distinct military offensives in northern Syria. During "Operation Euphrates Shield" (August 2016 to March 2017), Turkish forces and affiliated Syrian anti-government armed groups took control of Jarablus and Azaz Districts as well as Al-Bab City of Aleppo Governorate. This was followed by "Operation Olive Branch" (January to March 2018), during which Afrin District (Aleppo Governorate) was taken. On 9 October 2019, Turkey with the support of Syrian anti-government armed groups launched a military offensive ("Operation Peace Spring") against areas held by the Syrian Democratic Forces (SDF) along the Turkish border. "*According to Turkish officials, the operation had three objectives: ensuring border security; 'neutralising' 'terrorists'; and establishing a 'safe zone' in which Syrian refugees now living in Turkey could resettle*"; ICG, *Steadying the New Status Quo in Syria's North East*, 27 November 2019, https://bit.ly/2B60HEk, pp. 2-3. "*Turkey has been occupying parts of northern Syria since its armed incursion in August 2016*"; Geneva Academy / RULAC, *Military Occupation of Syria by Turkey*, last updated 15 July 2020, https://bit.ly/2omoNnT. See also, HRW, *Illegal Transfers of Syrians to Turkey*, 3 February 2021, www.ecoi.net/en/document/2044641.html. "*In towns under direct Turkish rule, such as Tel Abyad and Jarablus, Ankara provides all essential services and has a hand in governance, in line with its policy of ensuring that the areas are dominated by a pro-Turkey demographic group.* (…) *Ankara has created administrative bodies enmeshed with its domestic bureaucracy and heavily invested in civic infrastructure.* (…) *Turkey pays the salaries of all local civilian and military personnel*"; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 10. For a map showing the areas impacted by the military offensive, see ISW, *Map: Turkey's New Syria Offensive*, 11 October 2019, https://bit.ly/2J9yHAW. For more information on "Operation Peace Spring", see below Section II.B.4.b.

territory under their *de facto* control.[35] At the time of writing, a state of fragile calm prevails along the frontlines, punctuated by clashes and incidents of mutual shelling between the SDF and Turkish-backed forces,[36] while regular improvised explosive device (IED) attacks in towns under *de facto* control of SNA-affiliated armed groups further destabilize the region.[37]

#### d) ISIS: Loss of Territorial Control

By late March 2019, as a result of intense air and ground campaigns, ISIS had lost physical control over territory in Syria to the SDF and Syrian government forces, respectively, and saw its operational capacity significantly reduced.[38] Yet, according to reports, the group has since resurged, mostly in remote parts of the country and continues to launch attacks predominantly against government forces

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35 The SDF, which were established in 2015, are an alliance comprising the People's Protection Units (YPG), Arab tribes, Assyrian militias and factions affiliated with the FSA. The YPG is the armed wing of the Democratic Union Party (PYD), which has become the main political force in predominantly Kurdish areas following the withdrawal of government troops in July 2012. According to reports, the YPG plays a leading role in SDF operations. The SDF ousted ISIS from several areas formerly under the group's control, seizing nearly all the territory the group controlled east and north of the Euphrates River in Raqqa, Deir Ez-Zour and Hassakeh Governorates. In addition, since 2016, the SDF has been holding the town of Menbij, which is located west of the Euphrates River in eastern Aleppo Governorate. ISIS' final stronghold, the town of Baghouz in Deir Ez-Zour Governorate was captured by the SDF in March 2019; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 12, 17; France 24, *Islamic State Group Caliphate Eliminated, Say US-Backed Syrian Forces*, 23 March 2019, http://f24.my/4dPM.T; Al Jazeera, *Syria: SDF Fighters Capture ISIL Pocket in Deir Az Zor*, 14 December 2018, https://aje.io/2n7eg; New York Times, *Raqqa, ISIS 'Capital,' Is Captured, U.S.-Backed Forces Say*, 17 October 2017, https://nyti.ms/2kVsNcl; The Guardian, *US-Backed Fighters Take Town of Manbij from ISIS*, 6 August 2016, https://bit.ly/2nrzrtu. Turkey considers the YPG a terrorist organization due to the group's ties to the Kurdistan Workers' Party (PKK): "*The Turkish government and courts regard the PYD and YPG as one and the same, and closely linked to the armed Kurdistan Workers' Party (PKK) with which Turkey has been in a decades' long conflict in Turkey*"; HRW, *Illegal Transfers of Syrians to Turkey*, 3 February 2021, www.ecoi.net/en/document/2044641.html. See also, US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 66.

36 "*In the north-east of the country, while joint Turkish-Russian military patrols resumed along the Syrian-Turkish border, periodic clashes between the Kurdish People's Protection Units, the Syrian National Army and Turkish military forces continued*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 5. See also Section II.B.2.

37 See Section II.B.4.

38 Between 2016 and 2019, ISIS lost territorial control across Syria, including in Raqqa, Deir Ez-Zour, eastern Aleppo, eastern Homs, southern Damascus, Rural Damascus (Qalamoun), Hassakeh Governorates, and southern Syria. "*The Islamic State's 'caliphate' has been eliminated, but the group retains sufficient intelligence penetration and capability to conduct sophisticated IED attacks in much of Syria, particularly along the Euphrates and Khabur rivers, and in the Homs and Suwayda deserts*"; Garda World, *Syria Country Report*, last updated 15 July 2020, http://bit.ly/2nlk99n. "*Iraq and the Syrian Arab Republic remain the primary focus of the objectives of ISIL. The group maintains clandestine cells pursuing a protracted insurgency. The cells are given a significant degree of tactical autonomy by the central leadership.* (…) *ISIL fighters operate freely on the Syrian side of the* [Syria-Iraq] *border in and around Dayr al-Zawr. Member States report that ISIL engages with smugglers operating across the border between the two countries. An estimated 10,000 ISIL fighters are believed to remain active in Iraq and the Syrian Arab Republic, the majority of whom are based in Iraq* "; UNSC, *Twelfth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, 29 January 2021, S/2021/98, https://bit.ly/2NvRTOw, paras 19-20. In June 2020, the US Department of State estimated that ISIS had between 11,000 to 18,000 fighters in Iraq and Syria, including several thousand foreign fighters; US Department of State, *Country Report on Terrorism 2019: Islamic State of Iraq and Syria (ISIS)*, 24 June 2020, www.ecoi.net/en/document/2032625.html.

and the SDF, respectively.[39] In August 2020, the killing of a Russian major general near Deir Ez-Zour and the blowing up of a gas pipeline near Damascus were attributed to ISIS.[40]

### 2) Main Political Developments

At the time of writing, UN-brokered negotiations under the framework of the 2012 Geneva Communiqué involving the Government of Syria, the opposition Syrian Negotiations Committee and key regional and international actors continue, with discussions focusing on the drafting of a new Constitution.[41] The separate, yet complementary, "Astana process" has focused on stabilizing the Idlib De-escalation Area.[42] The UN Special Envoy for Syria stated in January 2021 that the political process was *"not as yet delivering real changes in Syrian's lives nor a real vision for the future."*[43]

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39 "*ISIS is reconstituting and expanding attack zones in northern and central Syria.* (…) *The increasing severity and geographic area of ISIS attacks likely indicates the organization is successfully expanding its freedom of action in Syria. Continued releases of ISIS militants and family members by the Syrian Democratic Forces (SDF) will likely provide ISIS with veteran fighters and enable it to further expand its operations*"; ISW, *Syria Situation Report: November 11 - December 1, 2020*, 3 December 2020, https://bit.ly/2IvgH6S. "*Both the Syrian Democratic Forces and pro-government forces experienced an increase in the number of attacks by Islamic State in Iraq and the Levant (ISIL) cells*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020): Report of the Secretary-General*, S/2020/813, 20 August 2020, www.ecoi.net/en/document/2036556.html (hereafter: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html), para. 9. "*In March* [2020]*, ISIS called on its members to take advantage of COVID-19's spread to intensify their global war. While there have been no major security breakdowns in north-eastern Syria to date, sporadic incidents of violence raise concerns about the jihadist group's remaining presence. ISIS has maintained a drumbeat of low-level attacks across the region, despite being geographically and organisationally fractured. It has shown a certain resilience, notwithstanding its territorial defeat and the loss of its top leadership. Its fighters have carried out roadside bombings, drive-by shootings and assassinations targeting local Arab SDF elements, in particular. Its cells have also coalesced to set up checkpoints and extort money from traders crossing Syria's eastern desert*"; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html. According to the Washington Institute, ISIS has claimed a total of 973 attacks in Syria in the year following the fall of its last territory in Baghouz on 19 March 2019, including 580 attacks in Deir Ez-Zour, 150 in Raqqa, 141 in Hassakeh, 48 in Homs, 33 in Dera'a and the remainder in Aleppo, Damascus and Quneitra Governorates. It further assessed that the "*IS command-and-control infrastructure thus appears intact*"; Washington Institute, *A Year Since Baghuz, the Islamic State Is Neither Defeated nor Resurging (Yet)*, 25 March 2020, https://bit.ly/2N5PxBX. See also Sections II.B.1 and II.B.2.

40 Reuters, *Syria Gas Pipeline Explosion 'Almost Certainly' ISIS Strike: US Envoy*, 24 August 2020, https://bit.ly/325PezG; Al-Monitor, *Russian Major General Killed in Roadside Bomb in Syria's Deir ez-Zor*, 21 August 2020, https://bit.ly/35dpTFK.

41 On 16 September 2019, the presidents of Turkey, Russia and Iran announced that an agreement on the composition of the constitutional committee had been reached. With a view to creating a more inclusive system of governance, the committee consists of 150 members including 50 members from the government, 50 members from the opposition and 50 members representing "*Syrian experts, civil society, independents, tribal leaders and women*" chosen by the UN. Five consecutive meetings by the "small body" of the Committee, which consists of 45 representatives, were marked by continued differences between government and opposition delegates. Geir Pedersen, UN Special Envoy for Syria, was quoted as referring to a lack of trust and confidence, a lack of political will to compromise, and a lack of political space to compromise; UN News, *Without 'Constructive International Diplomacy' Syria's Peace Process Will not Move Forward*, 9 February 2021, https://shar.es/aokzsO. The ISW observed that the Constitutional Committee "*is unlikely to produce any meaningful proposals*"; ISW, *Syria Situation Report: January 8 - 29, 2021*, 29 January 2021, https://bit.ly/2NUg88T. "*Despite the creation of a UN-facilitated constitutional committee, political negotiations remain at a virtual standstill. The committee, formed to bring Syrian parties together, was delayed in meeting, is not fully representative, and has failed to show concrete results thus far*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. See also, UN News, *'We Can't Continue like this': UN Envoy's Grim Assessment of Syria Peace Process*, 29 January 2021, https://shar.es/aokzvT; MEI, *Syria's Constitutional Committee: The Devil in the Detail*, 6 January 2021, http://bit.ly/3bvhLC3; Voice of America (VOA), *Syrian Constitutional Talks Marked by Differences, Tensions*, 4 December 2020, https://bit.ly/2JZL85A.

42 In mid-February 2021, representatives from Russia, Iran, Turkey, the Syrian Government and the Syrian opposition, as well as observers from Iraq, Lebanon, Jordan, and the UN participated in talks. According to the ISW, "[R]*eadouts from the sessions do not indicate any meaningful developments*"; ISW, *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, https://bit.ly/3bqI5hQ.

43 The UN special envoy further said that "*millions inside the country and the millions of refugees outside, are grappling with deep trauma, grinding poverty, personal insecurity, and lack of hope for the future*"; UN News, *Decade of Conflict Triggering 'Slow Tsunami' Across Syria, Security Council Hears*, 20 January 2021, https://shar.es/aokz9m. "*Armed combat had declined in most of the country as the conflict entered its ninth year. Despite the multiple peace processes, however, there has been no comprehensive political settlement*"; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 24.

Parliamentary elections were held on 19 July 2020,[44] while presidential elections are set to be held in 2021.[45]

## B. Security Situation by Area

### 1) Security in Government-Controlled Areas, Including Retaken Areas

#### a) Security in Areas under the Continuous Control of the Government

Several main cities – including Aleppo, Damascus, Homs, Hama, and Suweida – remained largely under government control throughout the conflict, but were the target of attacks by anti-government armed groups in nearby areas. The security situation in these cities has seen relative improvements since the government has retaken control of these nearby areas.[46] Within some cities, including Damascus, the number of fixed checkpoints has been reduced, allowing for greater freedom of movement; however, checkpoints are reported to remain ubiquitous across government-held areas, particularly in strategic locations and in retaken areas.[47] Across government-held areas, checkpoints

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44 Parliamentary elections, which had to be postponed twice due to the COVID-19 pandemic, were held in government-controlled parts of Syria on 19 July 2020. It was the third time that parliamentary elections took place since 2011; Deutsche Welle (DW), *Syria: Assad's Party Wins Expected Majority in Parliamentary Polls*, 21 July 2020, https://p.dw.com/p/3ffl4. Opposition parties and the Autonomous Administration of North and East Syria (AANES) rejected the elections; COAR, *Syria Update: 20 July 2020*, 20 July 2020, https://bit.ly/3fN1HN9.

45 DW, *Syria Holds Parliamentary Elections amid New Sanctions, Crippling Economy*, 19 July 2020, https://p.dw.com/p/3fXos; Reuters, *Syria's Assad: Anybody Will Be Able to Run at 2021 Election*, 11 November 2019, https://reut.rs/32wlPeJ.

46 "(…) *fighting around Damascus ended last year after a series of massive government offensives, reflecting a wider increase in state control around the country* (…)"; Reuters, *Film Cameras Start to Roll again in Damascus Studios*, 26 March 2019, https://reut.rs/2uskc35. See also, United Nations (UN), *Despite Reduced Hostilities in Syria, Millions Still Need Access to Aid, Top Humanitarian Affairs Official Tells Security Council*, 29 October 2018, SC/13558, https://bit.ly/2qiYgp4.

47 Checkpoints are located at the entrances to cities and towns and on major highways (highways to/from Lebanon, Damascus Airport and the M5 motorway, which runs from the border with Jordan through Dera'a, Damascus, Homs, Hama and Aleppo to the border with Turkey). Retaken areas in particular have a high density of checkpoints. For example, in Quneitra Governorate, according to Syrians for Truth and Justice (STJ), "*the Military Security Service has established several checkpoints at the entrances to and exits of the villages of the northern, central and southern suburbs of the province, such as the ones in the towns and villages of Khan Arnabeh, Juba, Suwaisah, al-Rafeed, Qusaybiya and Ghadeer al-Bustan*". In addition, mobile ("flying") checkpoints can still be set up without prior notice, including during arrest and conscription campaigns; STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi. See also, SOHR, *Regime Forces Establish Nearly 100 New Checkpoints and Military Posts since Re-Capturing the Province in July 2018*, 19 November 2020, https://bit.ly/39rkTzl; Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta… Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, https://bit.ly/3h5ltEx; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 4.

continue to be used to control population movements,[48] enforce arrests, often based on "wanted lists" maintained by various security actors,[49] and extort bribes.[50]

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48 "(…) *we have recorded arrests of Syrian citizens by Syrian regime forces while they were traveling from areas under the Syrian regime's control to other areas*"; Syrian Network for Human Rights (SNHR), *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, https://bit.ly/3nn9MLV, p. 5 (and earlier reports by SNHR). "*The regime expanded security checkpoints into civilian areas to monitor and limit movement*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*A network of checkpoints remained across 'reconciled areas', including in Dar'a and eastern Ghutah, in contravention of the assurances made during 'reconciliation processes'. This has severely restricted the freedom of movement of the civilian population, primarily affecting adult men who feared apprehension and forced conscription. Recently, the use of rapidly deployed ad hoc checkpoints in Duma, has instilled additional fear among the population*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 73. "*The regime and its security apparatus have established at least 88 checkpoints in East Ghouta, and residents report constant harassment and summary detainments. Extortion is common, and local residents are forced to pay exorbitant bribes at checkpoints to pass freely*"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months* of *Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 4.

49 The level of scrutiny at checkpoints depends on a variety of factors, including the location, the security agency in charge of the checkpoint, the profile of the individual seeking to pass a checkpoint, and the day-to-day security situation. Individuals passing through checkpoints may be asked to show their ID card, their reconciliation card (for those from retaken areas), and phones may be checked (e.g. for Turkish numbers indicating that the individual has been communicating with relatives in opposition-held areas). Security officials use "wanted lists" to identify individuals wanted for military service or criminal offenses. "*A significant number of former detainees interviewed were arrested at military or security checkpoints. Those arrests were the result of the inclusion of their names on official government wanted lists, or due to behavior deemed suspicious by security forces*"; Physicians for Human Rights (PHR), *"My only Crime was Being a Doctor": How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture*, December 2019, https://bit.ly/3b3dVj1, p. 18. "*As they pass through the dozens of checkpoints across the region* [Eastern Ghouta]*, residents and travelers have their names checked by intelligence forces and can be arrested on the spot if they are wanted for any reason.* (…)"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months* of *Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 9. According to confidential sources quoted by the Netherlands Ministry of Foreign Affairs, "[A]*lmost all checkpoints of the Syrian authorities are able to check a person's background and their status as regards military service. Background checks are thought to be made with six different government agencies (security services and the army). A laptop may be present at the checkpoint, on which the names of those passing through can be checked, or telephone inquiries may be made*"; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 53. According to ICG, "[S]*ecurity forces at checkpoints receive CDs containing the names of wanted individuals, which they read on their laptop computers*"; ICG, *Lessons from the Syrian State's Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, footnote 67. See also, STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi; European Institute for Peace (EIP), *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, www.ecoi.net/en/document/2018602.html (hereafter: EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html), pp. 14, 25, 29, 34. See for example, SOHR, *Man and His Son among Four Civilians Arrested by Regime Security Services in Western Rif Dimashq*, 25 January 2021, http://bit.ly/3dSSx3n; SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, http://bit.ly/2ZX4flh; SOHR, *Syrian Regime Forces Arrested a College Student in Damascus City on September 20*, https://bit.ly/3059znm; SNHR, *Syrian Regime Forces Arrested a Woman in Damascus City on August 29*, 4 September 2020, https://bit.ly/3i4qkWD; SOHR, *Regime Forces Arrest Five Civilians at Their Security Checkpoints*, 2 September 2020, https://bit.ly/2Ds08pJ. See also Sections III.A.1.a and III.A.2.

50 "*Being pulled out for questioning at a checkpoint can be particularly dangerous for economically deprived Syrians, a group that includes most refugees and internally displaced people. Without money or well-placed contacts, they are less able to appease al-Assad's secret police in the customary way, namely by paying bribes and calling in favours*"; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html. "*Extortion on individuals and cargo is most likely to take place at checkpoints on main roads leading in and out of urban centres and near border crossings with Iraq, Jordan, Lebanon, and Turkey*"; Garda World, *Syria Country Report*, last updated 18 July 2020, http://bit.ly/2nlk99n. "*Checkpoints extracting bribes are a common phenomenon across regime-held Syria.*" For example, in Deir Ez-Zour Governorate, "[M]*ilitia fighters manning checkpoints positioned on strategic roads levy illegal fees on travelers and transporters of goods, and exact bribes from young men on the threat of conscription or arrest*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 23. STJ reported that security officials at checkpoints in Quneitra extort individuals (including holders of "reconciliation cards") to avoid arrest or immediate conscription; STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi. "*The ubiquitous checkpoints have further enabled members of the security services to extort residents.* (…) *These restrictions impeded civilians' access to basic services, including health care and education, and confined those lacking financial resources to their homes. In Duma City, authorizations are required in order to enter and exit. Without such authorizations, residents reported having to pay large bribes at checkpoints to gain access to hospitals to treat their medical conditions*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 74. See also, Al-Monitor, *Pro-Iran Militias in Syria Soak Merchants for Cash at Checkpoints*, 26 December 2020, http://bit.ly/37WY3y2; Deir Ezzor 24, *Assad's Forces Take Money from People of Deir Ezzor under the Name of "Ikramiyat"*, August 2020, https://bit.ly/34WmpY6.

Urban and suburban areas also see occasional IED and other attacks against civilians and government forces.[51] These areas are also affected by rising levels of criminality,[52] and by occasional clashes between different pro-government forces as a result of power struggles.[53] The Israeli air force is alleged to launch regular attacks against government and pro-government military positions across Syria.[54] Near the frontlines in north-western Syria, HTS and anti-government armed groups continue to launch rocket and mortar attacks mostly against government positions.[55]

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51 "*Hay'a Tahrir al-Sham and other jihadist groups occasionally target government, civilian, and strategic assets in government-held areas with vehicle-borne IEDs* [vehicle-borne improvised explosive devices, i.e. car bombs]"; Garda World, *Syria Country Report*, last updated 23 July 2020, https://bit.ly/35eI4J0. "(…) *attacks in Damascus were previously claimed by rebel and hardline Islamist sleeper cells still operating within government-held territory. Last year* [2019]*, the Saraya Qassioun faction announced its formation and subsequently claimed a series of bombings targeting security officers within the capital. Similar so-called resistance groups have claimed similar attacks in other cities around the country, including Homs and Aleppo.* (…) *Because there have been no claims for the latest bombings, observers suggest it cannot be ruled out that they may be the result of rivalry between pro-government actors including intelligence branches*"; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, https://bit.ly/39ybioy. For reported attacks against civilian and military targets, see for example, Zaman Al Wasl (opposition news website), *Two Regime Soldiers Killed on Damascus-Suweida Road*, 17 February 2021, http://bit.ly/3aZj50X; SOHR, *Al-Quneitra: Gunmen Attack Regime Military Post near the Border with Golan*, 31 January 2021, http://bit.ly/3kbdRSJ; SOHR, *Three Regime Soldiers Killed in Attack on Military Checkpoint on Border with the Occupied Golan*, 17 January 2021, http://bit.ly/3kd1Dcr; SOHR, *Gunmen Assassinate "National Defense" Member in al-Keswa City*, 8 January 2021, http://bit.ly/2MbZH7l; SOHR, *Damascus: IED Explodes and Security Forces Dismantle Another One near Bus Terminal of al-Sumariya Area*, 15 December 2020, http://bit.ly/2WlAady; SOHR, *IED Attack: Explosion Kills Two Air-Force Intelligence Agents in al-Quneitra Countryside*, 14 December 2020, http://bit.ly/383moBM; SOHR, *Unknown Persons Target National Defense Commander's House in "Al-Assad Suburb"*, 2 November 2020, https://bit.ly/3oMN6WP; SOHR, *Qudsaya: Mufti of Damascus and Countryside Killed in IED Explosion*, 22 October 2020, https://bit.ly/34sal0k; SOHR, *IED Attacks: Explosion in Homs' Baba Amr Injures Five Children*, 3 October 2020, https://bit.ly/36zkhGF; SOHR, *Damascus: IED Explodes in "Al-Mazzah 86" Neighbourhood, Causing Material Damage*, 19 September 2020, https://bit.ly/2ZQzQp2; Enab Baladi, *Ninth Explosion in Syrian Capital Damascus and Its Countryside since Beginning of 2020*, 14 March 2020, https://bit.ly/2XRNeYp.

52 "*The escalating conflict has led to a rise in crime in most areas, including extortion at checkpoints, violent robbery, carjacking and kidnapping*"; UK Home Office, *Foreign Travel Advice: Syria*, last updated 1 March 2021, https://bit.ly/2n4j6dP. "*Crime and warlordism are rampant.*" And further: "*In coastal areas, the regime relies on paramilitary forces for security. These groups, which are often little more than criminal gangs, are increasingly operating outside regime control. Kidnappings for ransom and car thefts have both become more common over the past year*"; Syria Study Group, *Final Report and Recommendation*, September 2019, https://bit.ly/2utiEsV, pp. 7, 26. See also, Action Group for Palestinians of Syria (AGPS), *Palestinian Refugees in Syria's Jaramana Camp Terrorized by Simmering Abductions, Property-Theft*, 7 February 2021, http://bit.ly/3bBFEYS; SOHR, *Attempted Robbery: Four People Killed and Wounded in Al-Suwaidaa City*, 16 January 2021, http://bit.ly/37Bwrye; SOHR, *2020: 115 Children and Women among over 510 People Kidnapped in Syria, with Afrin and Regime-Held Areas Topping the List*, 27 December 2020, https://bit.ly/38TOfog; AGPS, *Palestinian Refugees Deeply Concerned due to Increasing Abduction Reports South of Damascus*, 24 November 2020, https://bit.ly/3gJQxty; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, https://bit.ly/3nn9MLV, p. 4; SOHR, *Who Controls Rampant Insecurity in al-Ziraat Neighborhood of Latakia?*, 6 July 2020, https://bit.ly/3feZ2LR; SOHR, *Damascus: Growing Popular Resentment over Children Kidnappings, amid Concerns of "Organ Trade"*, 3 July 2020, https://bit.ly/3iyGlET.

53 For example: "*Competition between Russia and Iran has increased in eastern Deir-ez-Zor Governorate as each party attempts to cement their influence among GoS-backed militias and their own proxies, occasionally resulting in clashes or other armed confrontations escalating from local disputes*"; Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, http://bit.ly/37SB87g. See also, SOHR, *Al-Qaryatin City: Dispute over Sharing of Stolen Goods Ignites Tension among Pro-Regime "National Defense" Members, East of Homs*, 26 August 2020, https://bit.ly/3gEv4AQ; Carter Center, *Weekly Conflict Summary: 6-12 July 2020*, 17 July 2020, https://bit.ly/2ZFeqeZ, pp. 4, 5; SOHR, *Daraa: Seven Regime Soldiers and 5th Corps Fighters Killed During Clashes, and Regime Forces Expelled from Towns of Eastern Countryside*, 27 June 2020, https://bit.ly/2VsFuLU; SOHR, *Hezbollah Intervenes to Break Up Infighting among NDF Groups in Western Qalamoun*, 9 February 2020, https://bit.ly/2YlQSdq. "(…) *security organs and their affiliated militias overlap and contest one another's access to and control over territory, often violently. Pro-regime factions compete over checkpoints in population centers and along major trade routes, where they generate revenue by extracting from civilians and business people. They also contest key neighborhoods that serve as recruitment pools of former opposition fighters. Tensions among officers, soldiers, militiamen and local police have escalated to arrests of lower-ranking figures, attacks and clashes, and alleged assassinations of one another's reconciled opposition fighters*"; Washington Post, *Assad's Control over Syria's Security Apparatus Is Limited*, 30 July 2019, https://wapo.st/3dU5uHt.

54 DW, *Syria Repels Israeli Missiles over Damascus: State Media*, 28 February 2021, https://bit.ly/2Pbwr1F; SOHR, *Airstrikes Hit Iranian Positions Nearby Hama, while Shrapnel of Regime Air-Defence Missiles Kills an Entire Family*, 22 January 2021, http://bit.ly/2ZCWhh5; Agence France Press (AFP), *Deadliest Israeli Airstrikes on Syria in Years Kill 57, Say Observers*, 13 January 2021, http://bit.ly/2Nx3ZH3; Syria Direct, *How Many Airstrikes Has Israel Carried Out on Syria in 2020? (Interactive Map)*, 16 September 2020, https://bit.ly/34dXeyv.

55 In November 2020, "[T]*he majority of attacks are directed against positions of government forces near frontlines and hence most victims are from among government and pro-government forces: "The Armed Opposition factions and Hay'at Tahrir al Sham*

In all areas under government control, arbitrary arrests, incommunicado detention, ill-treatment including torture, and extra-judicial executions continue to occur,[56] with reports describing a pervasive climate of fear among civilians.[57]

### b) Security in Retaken Areas

Areas retaken by the government since 2018 through its military offensives and sieges have seen a relative stabilization as sieges have been lifted and airstrikes and shelling have largely ceased.[58] However, security remains fragile and unpredictable across retaken areas, as evidenced by attacks against government forces,[59] occasional attacks against civilians affiliated with the government,[60] deteriorating security conditions in southern Syria,[61] a growing ISIS insurgency in rural areas of mainly

*continued their artillery shelling on areas under the control of Syrian Regime forces in the suburbs of Hama, Idlib and Aleppo, in response to bombardment targeting the areas under opposition control; we have the killing of many members of the Syrian Regime forces in the outskirts of the cities of Ma'aret Numan and Kafranbel in the southern suburbs of Idlib*"; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, https://bit.ly/3mZNCzv, p. 4. See also SOHR, *Two Regime Soldiers Killed in Rural Latakia and Idlib, and Exchange of Fire Continues on Frontlines*, 1 December 2020, https://bit.ly/39Vhh9h; SOHR, *HTS Attacks Regime Positions in Western Aleppo, and Regime Rocket Attacks Hit Towns and Villages in Rural Idlib*, 15 November 2020, https://bit.ly/39YrdPg; and Section II.B.3. For attacks against civilian areas, see also Sections III.A.3 and III.A.8.a.

56 See Section II.E.1.

57 "*The Syrian government security forces have also (re)imposed a repressive and securitised atmosphere on the populations that remained or returned to former opposition held areas*"; Geneva Centre for Security Policy (GCSP) / European University Institute (EUI), *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/31nZNxA, p. 4. "*At a psychological level, the return of the regime has translated into the rebuilding of the 'wall of fear' that revolutionaries had broken in 2011*"; Thomas Pierret, "*Syrian Arab Republic*", in Sean Yom (ed.), Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship, 9th edition 2019, https://bit.ly/2SC7omR, p. 15. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 15 August 2019, A/HRC/42/51, www.ecoi.net/en/document/2016403.html (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html), para. 18. See also Section III.A.1.d.

58 See footnote 25.

59 For example, on 26 February 2020, "*a bomb exploded outside the Baath Party headquarters in Qatana, a town in the western Damascus countryside, injuring an officer of the government-allied Palestinian Liberation Army. The attack was only the most recent in a spate of unclaimed bombings in and around the Syrian capital in recent weeks. At least seven attacks, reported in the media or confirmed through sources, have targeted a combination of civilians and public sector employees as well as security officers and military installations on the outskirts of the capital. Several of the bombings were in the very heart of the capital*"; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, https://bit.ly/39ybioy. For further examples, see also, Zaman Al Wasl, *Assailants Kill Two Regime Forces in Northern Homs*, 5 February 2021, http://bit.ly/3bIOhRt; SOHR, *Unknown Gunmen Open Fire on Regime Checkpoint in Western Rif Dimashq*, 29 January 2021, http://bit.ly/3shaE6W; SOHR, *Killed by Gunshot: Body of Regime Officer Found in al-Shifoniya Area, the Former Stronghold of "Jaish al-Islam" in Eastern Ghouta*, 24 February 2021, http://bit.ly/3dIhTkr; SOHR, *Explosion Targets Senior NDF Commander in Harasta City*, 20 November 2020, https://bit.ly/3mkpJSR; SOHR, *Gunmen Attack State Security Headquarters in Talbiseh City*, 16 November 2020, https://bit.ly/36JSphq; SOHR, *Regime Officer Killed and Others Injured in Rural Al-Quneitra*, 25 October 2020, https://bit.ly/2Hxbtqq; SOHR, *Unknown Assailants Attack Regime Patrol, Injuring Two Soldiers*, 29 September 2020, https://bit.ly/3cIIBXs; SOHR, *Gunmen Open Fire on Head of "Military Security Detachment" in Al-Quneitra, Injuring Him and Killing One of His Escorts*, 22 September 2020, https://bit.ly/2FQExsc; Syria Call, *New Attack in Damascus Against a Leader in the Assad Militia with an Explosive Device*, 15 September 2020, https://bit.ly/3enx4xW; SOHR, *Rif Dimashq: Unknown Gunmen Attack Regime Checkpoint in Douma, Leaving Three Soldiers Injured*, 11 September 2020, https://bit.ly/2FtquIP. For reported incidents in retaken areas southern Syria, see below "*Security in Southern Syria*".

60 See Section III.A.3.

61 See below "*Security in Southern Syria*".

north-eastern, central and southern Syria,[62] and volatile conditions near frontlines in north-western[63] and northern Syria.[64] In addition, government-held areas see regular arrest and forced conscription campaigns,[65] as well as the violent dispersion of anti-government protests and the arrest of protestors.[66]

Areas previously under the control of anti-government armed groups or ISIS, and subsequently retaken by government forces are heavily contaminated with unexploded ordnance, with explosive incidents regularly resulting in civilian casualties.[67]

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62 "*Since the start of 2021, there has been a sharp escalation of ISIS attacks, particularly in the Badia desert region of central and northeast Syria. ISIS has conducted high-casualty attacks against the GoS armed forces and its allies.* (…) *The uptick of ISIS-related incidents has been a concern to all parties in northeast Syria. Although multiple operations have been undertaken to eliminate the group, these operations have had limited success*"; Carter Center, *Weekly Conflict Summary 1-7 February 2021*, 10 February 2021, http://bit.ly/37EwsBz. SOHR documented the deaths of at least 1,353 government and pro-government fighters as a result of ISIS attacks and fighting in remote areas of primarily Deir Ez-Zour, Homs and Suweida Governorates between March 2019, when ISIS lost its last remaining territory, and the end of February 2021; SOHR, *ISIS Members Kill over 100 Regime Soldiers and Loyalists, while Cells Carry Out Nearly 65 Operations in SDF-Held Areas*, 28 February 2021, http://bit.ly/3kwYnZA. "(...) *SOHR sources reported that ISIS noticeably stepped up its operations in the Syrian desert Since the beginning of 2021, including ambushes, attacks and explosions, inflicting great losses on the ranks of regime forces and loyal militias*"; SOHR, *Fleeing ISIS' Inferno in the Desert: Regime Soldiers Pay Nearly $100 to Their Commanders for Monthly Leave*, 14 January 2021, http://bit.ly/3aGMBIC. "*Experts monitoring the situation have warned the increase in attacks shows the group has now redeveloped a 'robust logistical and strategic capability' "*; The National, *Fears of ISIS Resurgence as Syria Attacks Escalate*, 3 September 2020, https://bit.ly/2F7q3Um. "*ISIS has employed improvised explosive devices (IEDs) and mines, small arms, anti-tank guided missiles and rocket-propelled grenades, car bombs, and fake checkpoints to repeatedly ambush Syrian regime and Russian forces in the Deir ez-Zor, Homs, Raqqa, and Hama governorates. ISIS attacks have spanned more than 15,000 square miles – striking as far west as Khunayfis (just 40 miles from Damascus governorate) and as far north as Rahjan, Hama (just 15 miles from Idlib governorate), and along the length of the Euphrates from Boukamal in the south to Dibsi Afnan, along Lake Assad in the north.* (…) *The group routinely kills high-value targets such as Syrian and Iranian commanders using mines and IEDs and has successfully avoided regime strongpoints during its deep pushes 'behind enemy lines,' finding roads through undefended parts of the countryside. In doing so, ISIS has managed to effectively control territory at various times, most recently controlling the crucial Bishri Mountains bordering the Raqqa, Homs, and Deir ez-Zor governorates from April 2019 through February 2020.* (…) *While regime forces carried out numerous and widespread anti-ISIS operations, the trend appears to show ISIS cells facing ever fewer geographic constraints*"; MEI, *The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead*, 18 June 2020, https://bit.ly/2OGV9Uc. See also Section III.A.7.

63 Areas in the vicinity of conflict in north-western Syria, i.e. western Aleppo, north-eastern Lattakia and northern Hama, continue to be impacted by mortar and rocket attacks at the hands of HTS and anti-government armed groups. "*Information obtained by the Commission indicate that at least 202 civilians were killed, including 56 women and 53 children, and 456 others injured, including 117 women and 121 children in attacks by armed groups on government-controlled areas between November 2019 - 1 May 2020. From 6 February* [2020] *onwards, the data also include casualties from improvised explosive devices (IEDs)*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 82. See also Section II.E.3.

64 Throughout 2020, areas in the vicinity of conflict lines in Hassakeh, Raqqa and Aleppo Governorates have seen clashes and shelling exchanges between SNA-affiliated armed groups and government forces; see for example, SOHR, *Turkish-Backed Factions Attack Regime Forces' Positions in Tal Abyad Countryside*, 9 October 2020, https://bit.ly/3mQ9xs9; SOHR, *Al-Bab: Clashes Erupt Between Turkish-Backed Factions and Regime Forces*, 28 September 2020, https://bit.ly/3kQsOsH; SOHR, *Turkish Rocket Attack: Regime Soldier Injured in Western Countryside of Tal Abyad*, 21 September 2020, https://bit.ly/3ep9n8h; SOHR, *Al-Hasakah: Clashes Continue Between Regime Forces, SDF and Turkish-Backed Factions Nearby Abu Rasin*, 17 September 2020, https://bit.ly/32cAnDg; SOHR, *Turkish Rocket Fire: Eight Regime Soldiers Killed and Wounded in Western Tel Abyad*, 14 September 2020, https://bit.ly/3oUJMc8; SOHR, *Ankara-Backed Factions Shell Areas Held by Regime Forces and SDF near Ain Issa*, 26 August 2020, https://bit.ly/3jYsIhR; SOHR, *Turkish Forces and Proxies Step Up Shelling on Positions of SDF and Regime Forces in Three Provinces*, 6 July 2020, https://bit.ly/32avb2u; SOHR, *Al-Raqqah: Clashes Erupt Between Regime Forces and Turkish-Backed Factions, Leaving Casualties*, 2 July 2020, https://bit.ly/3kYz6Hd; SOHR, *Shelling Stepped Up on Positions of Regime Forces and SDF in Ain Issa*, 1 July 2020, https://bit.ly/3etGg3Q; SOHR, *Turkish Forces and Their Proxies Renew Rocket Attacks on Positions of Regime Forces and SDF*, 25 June 2020, https://bit.ly/3eLg8k8.

65 See Sections III.A.2.a and III.A.12.

66 Starting in January 2020, protests against poor living conditions and the sharp increase in food prices linked to the unprecedented fall of the Syrian pound against the US Dollar have been reported mainly in towns of Suweida Governorate, but also in Dera'a and Rural Damascus. As of June 2020, protests were reported to have increasingly taken on an anti-government narrative and government forces have violently dispersed several protests and arrested protestors: "*Syrian security forces responded to a protest in the city of Sweida on June 15* [2020] *by beating and arresting protesters demonstrating against the government's failure to address the country's economic meltdown*"; HRW, *Syria: Protesters Describe Beatings, Arrests*, 28 June 2020, www.ecoi.net/en/document/2032299.html. See also, SOHR, *Popular Anger Grows over Regime Arrest of Demonstrators*, 8 July 2020, https://bit.ly/38GRFKC; ISW, *Syria Situation Report: June 10 - 23, 2020*, 23 June 2020, https://bit.ly/3imO7S1; SNHR, *Syrian Regime Arrested Civilians in al Suwayda City where an Anti-Syrian Regime Protest Took Place on Jun 15*, 15 June 2020, https://bit.ly/2AVlfQ6; SOHR, *Security Services Arrest over Ten Demonstrators in Al-Suwaidaa*, 15 June 2020, https://bit.ly/3fliqX8; and Sections II.F.1 and III.A.1.a.

67 See, for example, SOHR, *Explosion Kills and Injures Four People on Agricultural Land in Farms of Khan Sheikhoun City in South-Eastern Rural Idlib*, 16 February 2021, http://bit.ly/3aTNI8a; SOHR, *Landmine Explosion Injures Two Children in Homs City*, 24 January 2021, http://bit.ly/2ZSmf07; SOHR, *13 Children Killed in Landmine Explosions in Various Syrian Areas Earlier this Year*, 17 January 2021, https://bit.ly/3bvBDVx; SOHR, *Landmines Explode Killing and Injuring Six Civilians in Eastern Deir ez-Zor Countryside*, 27 December 2020, http://bit.ly/3neRVpP. See also Sections II.C and II.D.3.

*Security in Southern Syria*

The security situation remains particularly volatile in southern Syria,[68] where the government has not been able to restore full authority and exerts different degrees of control.[69] Retaken areas in the South continue to see localized fighting between government forces and anti-government armed groups, as seen in January 2021 in the town of Tafas;[70] government-led arrest campaigns, including at checkpoints

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68 "*The south-west saw continued popular unrest and tensions. Violence remained at an elevated level, and included assassinations, attacks using improvised explosive devices and small arms fire, in addition to kidnapping attempts and local clashes*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, S/2020/1195, https://bit.ly/3momPeR (hereafter: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR), para. 14. "*We have also seen recurring kidnappings and assassinations in the southwest, targeting a broad spectrum of political, military and civic actors and underscoring the ongoing fragility of the reconciliation agreements brokered over two years ago*"; UN Special Envoy for Syria, *Noting Narrowing of Differences, Special Envoy Geir Pedersen Hopes to Resume Syrian Constitutional Committee Meetings in November*, 27 October 2020, https://bit.ly/3jPOMv5. "*Volatility will remain the defining characteristic of Syria's south for the foreseeable future. The regime's efforts to impose greater sovereign control through violence will continue, and so will the resistance to this approach in the south*"; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7. Contributing to the volatile security situation, among other reasons, is the fact that "(…) *based on the outcomes of the Russian-led negotiations, nearly 5,000 rebels were evacuated to Idlib governorate between 15 July and 12 August 2018. This number is low compared to the overall number of rebels who operated in Daraa, which exceeded 30,000. This leaves Daraa with a significant pool of latent manpower that is ready to stage retaliatory actions in the event that the state exacerbates their grievances rather than resolving them*"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, https://bit.ly/39yuxhX, p. 7. Some observers speak of a renewed insurgency against the government: "*Signs of a burgeoning insurgency revealed themselves almost immediately after the regime's patchwork victory was imposed over the southern province of Daraa in July 2018.* (…) *While initially dominated by two loosely formed insurgent groups of ex-rebels, insurgent attacks have increasingly been carried out by ISIS cells. Targets include everyone from soldiers staffing regime checkpoints, reconciled rebel fighters and leaders, local political leaders, and high-ranking regime officers*"; MEI, *The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead*, 18 June 2020, https://bit.ly/2OGV9Uc.

69 Areas which came under reconciliation agreements facilitated by Russia and in which the government's authority remains limited to varying levels include Busra Ash-Sham, Dera'a Al-Balad neighbourhood of Dera'a City, Tafas and some surrounding towns: "*One of the most important aspects of the settlement in Busra al-Sham, Daraa City, and Tafas is that the regime's security forces and military units, stationed outside these localities, could not carry out major operations, such as arrests, within their boundaries. However, it did permit the return of the state's civilian and governing institutions, such as municipal councils.*" These areas also continue to see anti-government protests. In areas retaken by the government by military means (e.g. Inkhil, Dael, and most parts of Quneitra Governorate), the government has restored a military and security presence, allowing it to carry out arrests, "*though it still faces serious challenges. An assassination attempt in March 2020 against the mayor of Inkhil – a security stronghold – indicates that regime forces are at risk even in such locations*"; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7. "(…) *because the Russian-brokered agreement covering the south did not allow the full return of the Syrian state, armed groups continue to control some areas that the government nominally holds*"; ECFR, *Can Assad Win the Peace?*, 15 May 2019, https://bit.ly/2mhOpB9, p. 17. See also, Middle East Eye (MEE), *Tensions in Syria's Daraa Are Getting Out of Hand*, 26 January 2020, https://bit.ly/2tUZDQc; OHCHR, *The "Unreconciled" Concerns of Civilians in Dar'a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, pp. 3-4. According to Haid, a research fellow at the International Centre for the Study of Radicalisation (ICSR) at King's College London, "[T]*he competition between Iran and Russia is one of the main reasons behind the instability in Dera'a.* (…) *Iran's allies are trying to destabilise areas controlled by Russian-backed factions in order to consolidate their control*"; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, https://on.ft.com/2DaVbRK. See also, Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7.

70 The government seeks to ultimately retake full control of reconciled areas in Southern Syria. In January 2021, the government issued an ultimatum to anti-government fighters in the town of Tafas, requesting, inter alia, the evacuation of opposition members and their families to northern Syria, the handing over of medium and heavy weapons, and the return of government forces to the town, threatening military action in case of non-compliance; COAR, *Double Trouble: Southern Syria Erupts on Two Fronts*, 1 February 2021, http://bit.ly/3raCJNk. A military escalation was prevented following an agreement facilitated by Russia, which "*reportedly stipulated the expulsion of wanted rebels from Tafas to other areas in Dar'a, rather than northern Syria, the handover of weapons, the reopening of the police station and three other civilian institutions in Tafas, and permission for units of the Fourth Armored Division to conduct searches in specific localities. While pro-regime media presented the deal as the Syrian military's return to Tafas to 'enforce security and stability,' anti-regime platforms wrote that the government's claims of controlling the town were 'illusory'* ": Carnegie Middle East Center, *Pawnography in Southern Syria*, 15 February 2021, http://bit.ly/3b4grHo. "*Tafas has retained a comparatively high degree of local autonomy since reconciliation in 2018 and has been a hub of anti-Assad actively; pro-regime forces have likely been awaiting a pretense to attack the town*"; ISW, *Syria Situation Report: January 8 - 29, 2021*, 29 January 2021, https://bit.ly/2NUg88T. In early October 2020, clashes between the 8th Brigade of the Russian-backed 5th Corps in rural southern Suweida Governorate resulted in civilian casualties and the displacement of Druze civilians; Syria

leading in and out of areas that remain under *de facto* control of anti-government armed groups;[71] and regular IED and other attacks against civilians,[72] government forces, including former opposition

Report, *Residents Displaced Again from Flashpoint Suweida Village near Former Rebel Stronghold*, 7 October 2020, https://bit.ly/2TlsBBY. "(…) *on May 4, 2020, this wave of violence reached an alarming climax when Qasem al-Subehi, a former rebel, carried out an armed attack that killed nine policemen in Muzayrib town. In response, the Syrian regime mobilized its military forces in the western region of Daraa and promised to impose full control over the areas covered by the 2018 Russian-led agreement*"; MEI, *Rampant Violence, Military Escalation, and the Role of Intermediaries in Daraa, Syria*, 1 June 2020, https://bit.ly/2X0MdNR. Another notable security incident in 2020 included the government's military assault against Al-Sanamayn town in northern Dera'a Governorate, parts of which had remained under the control of an armed opposition group following the government's mid-2018 military offensive in the South. As a result of a March 2020 military campaign, the majority of opposition fighters "reconciled" with the government under a Russian-brokered agreement, handed over their weapons and for the most part joined the 5th Corps; around two dozen opposition fighters were evacuated to SNA-held areas in northern Syria (Al-Bab); Al-Monitor, *How Did Opposition Fighters in Daraa's Sanamayn Go Separate Ways?*, 10 March 2020, https://bit.ly/39BoPfi; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, https://bit.ly/39ybioy. According to Abdullah al-Jabassini, a Syrian scholar and researcher, the retaking of Sanamayn has had limited impact on the government's ability to reassert control across Dera'a; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, https://on.ft.com/2DaVbRK. In another flare-up of hostilities, on 18 March 2020, government shelling reportedly targeted the town of Jilin in the western countryside of Dera'a, killing several civilians. Activists reported that the shelling came in response to an earlier attack on government positions; SOHR, *Repercussions of Wednesday's Shelling on Daraa's Jilin: Tension and Fear Prevail in the Town amid Ongoing Displacement*, 20 March 2020, https://bit.ly/3fbek3A; The New Arab, *Syrian Regime Kills 8 Civilians, Including 3 Children, in Daraa as Tensions Soar*, 19 March 2020, https://bit.ly/2UuxsBQ. The Independent International Commission of Inquiry on the Syrian Arab Republic (IICISyria) assessed with regards to the attacks in Sanamayn and Jillin that there were "*reasonable grounds to believe that in each incident, government and allied forces did not direct the attacks at a specific military objective, which may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 19, see also paras 14-15 and Section III.A.12.

71 "*There were reports of government forces* (…) *conducting seek-and-arrest operations to locate individuals with former links to non-State armed groups and perpetrators of acts of violence*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary-General*, 23 April 2020, S/2020/327, www.ecoi.net/en/document/2028879.html (hereafter: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html), para. 8. "*Following the conclusion of the agreement in July 2018, checkpoints staffed by the different state security apparatuses and the SAA were immediately put back in place to detain both reconciled civilians and former rebels*"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, https://bit.ly/39yuxhX, p. 13. See also, SOHR, *Regime Forces Storm Daraa's "Sheikh Maskin", Arresting 22 People*, 15 September 2020, https://bit.ly/33AOuSK; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7; and Section III.A.1.d.

72 Between June 2019 and 26 February 2021, SOHR documented more than 940 incidents of gunfire and IED attacks, causing the deaths of 173 civilians, including 12 women and 16 children in Dera'a Governorate; SOHR, *New Assassination Targeting Member of Russian-Backed "Fifth Corps" in Eastern Countryside*, 28 February 2021, http://bit.ly/3q1wGcx. "*In southern Syria, reports of kidnappings and targeted attacks continue on an almost daily basis. At least 26 civilians, including four children, were killed, and five civilians, including a child were injured in such incidents in Dara between 1 August and 13 September* [2020]"; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, https://bit.ly/36ahiUR, p. 3. "(…) *tensions between government forces and members of reconciled armed groups continued to have an impact on the civilian population. Two Syrian Oxfam staff members were killed in Yadudah, western rural Dar'a, on 19 February* [2020] *when their vehicle was attacked by an unidentified non-State armed group. An Oxfam volunteer was also injured*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 8. "(…) *the pervasiveness of these incidents, which target both civilian and military actors on all sides in the developing hostilities, makes it difficult to classify all the violent events as owing to one cause or to attribute them to one actor. Civilians, NGO staff, reconciled rebels, anti-reconciliation rebels, former opposition activists, government employees, Baath Party officials, state security members, SAA soldiers and officers, Hezbollah militants and Russian Military Police have all been targets of killings and kidnappings in post-rebellion Daraa*"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, https://bit.ly/39yuxhX, p. 3. See for example, SOHR, *IED Explodes Killing Civilian in Jassim City*, 24 January 2021, http://bit.ly/2ZECXQw; SOHR, *Explosion Rocks Town in Eastern Countryside*, 12 February 2021, https://bit.ly/3sc2xIU; SOHR, *IED Explodes in Civilian Car in Al-Sanamayn*, 22 December 2020, http://bit.ly/3b4zvWc; SOHR, *Unknown Gunmen Attack House of Official of "Municipality" in Yarmouk Basin*, 1 December 2020, https://bit.ly/3mYU3CC; SOHR, *IED Explodes in Al-Sanamayn, Injuring Civilian*, 25 September 2020, https://bit.ly/30bq1Cq; SOHR, *IED Explodes Leaving Many People Injured near Vegetable Market in Daraa City*, 16 September 2020, https://bit.ly/33yLplW; SOHR, *IED Goes Off near Polling Center for the People's Assembly Elections in Al-Sanamayn*, 19 July 2020, https://bit.ly/39eJ6aa; SNHR, *Two Girls and Their Mother Killed in Blast of IED of Unknown Origin in Um al Mayathen Village in Daraa Suburbs on July 15*, https://bit.ly/30t7ErM; SNHR, *School Was Damages* [sic] *when an IED of Unknown Origin Exploded in Daraa City on June 21*, 24 June 2020, https://bit.ly/3fltDHr; SOHR, *Explosion Kills Three Persons in Daraa*, 13 June 2020, https://bit.ly/3emslKU; SOHR, *IED Explodes in Outdoor Market, Leaving Many Injured*, 22 May 2020, https://bit.ly/304CE15; MEE, *UN Condemns Killing of Staff in Syria*, 20 March 2020, https://bit.ly/2P4M3AI.

fighters,[73] and real or perceived government affiliates.[74] In addition, anti-government protests are violently suppressed and protestors arrested.[75] As a result of widespread lawlessness, criminality, including kidnapping, is also reported to be on the rise.[76] In light of increasing violence, the government is reported to have brought military reinforcements to Dera'a, compounding tensions in the area.[77]

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73 "*Tension is exacerbated by persistent attacks against and assassinations of GoS officers and former opposition fighters, mostly by unidentified perpetrators. The former opposition and GoS armed forces blame each other for the attacks*"; Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, https://bit.ly/3aJkZ5J. Between June 2019 and February 2021, SOHR recorded the killing of at least 433 members of (pro-)government forces, collaborators and "reconciled" fighters; SOHR, *New Assassination Targeting Member of Russian-Backed "Fifth Corps" in Eastern Countryside*, 28 February 2021, http://bit.ly/3q1wGcx. Between April and late December 2020, STJ "*recorded over 370 assassinations and attacks* (…) *in different areas across Daraa province.* (…) *The majority of these individuals were former commanders and fighters for the Syrian armed opposition and signatories to the settlement agreement with the Syrian government – including those who subsequently joined the Syrian regular forces, and others who refused to fight for the Syrian government*"; STJ, *Southern Syria: A New Wave of Violence Strikes Daraa*, 17 February 2021, http://bit.ly/3rma87X. In November 2020, "*at least nine former rebels who had agreed to join the Syrian army and seven others who had returned to civilian life were killed, according to Mohammed al-Sharaa, a member of the Daraa Martyrs Documentation Office. The assailants were unknown, with suspicion falling in turn on government forces seeking to settle scores with former adversaries; opposition loyalists who feel betrayed by former comrades; and even Islamic State militants*"; Washington Post, *Escalating Violence in Strategic Syrian City Belies Assad's Claim that He's in Control*, 24 November 2020, https://wapo.st/39tFR0D. "*Reports of targeted killings of individuals increased across Dar'a and Suwayda' Governorates during the reporting period, in what appeared to be retaliatory acts by numerous local armed actors. Reportedly, there were at least 53 such killings across Dar'a between January and June* [2020] *targeting medical professionals, political actors with both pro- and antigovernment stances, judges, members of armed groups who had 'reconciled' their status, and members of the security apparatus. In nearly all documented cases, the killings were carried out by men on motorcycles using small arms, rendering identification of the perpetrator difficult*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 17. For examples of targeted assassinations, see SOHR, *West of Daraa: Former Opposition Fighter Shot Dead by Unknown Assailants*, 31 January 2021, http://bit.ly/3kd6kDe; SOHR, *Unknown Gunmen Attack 12 Checkpoints of Regime Forces and Security Services Throughout Daraa*, 29 January 2021, http://bit.ly/2ZBGezY; SOHR, *Second Assassination in 24 Hours: Unknown Gunmen Kill Member of the 5th Corps in Western Daraa*, 26 January 2021, http://bit.ly/3shydwx; SOHR, *Over 45 Assassination Attempts Kill Nearly 25 People Earlier this Year*, 21 January 2021, http://bit.ly/3dBkSLC; SOHR, *In 24 Hours: Five Assassinations on Members of Regime Forces in Rural Daraa*, 22 December 2020, http://bit.ly/3rKkUW9; SOHR, *Al-Quneitra Countryside: Regime Security Agent Killed and Former Opposition Leader Injured in Two Separate Incidents*, 9 November 2020, https://bit.ly/3phZXQT; SOHR, *Two Assassinations Target Member and Leader of Russian-Backed "Fifth Corps"*, 9 November 2020, https://bit.ly/2IkzFN8; SOHR, *New Assassination Claims the Lives of Three Former Opposition Fighters of Settled-Status Members*, 28 October 2020, https://bit.ly/2HTK3LP; SOHR, *Unidentified Gunmen Assassinate Young Man of Settled-Status Members in Western Countryside*, 30 September 2020, https://bit.ly/3ik2GVa; SOHR, *Unknown Gunmen Attack Top Regime General's Car and House in Al-Sanamayn*, 23 September 2020, https://bit.ly/307KxnD. See also, Zaman Al Wasl, *At least 42 Former Rebel Leaders Killed in Daraa since Reconciliation Deal Brokered in 2018: Monitoring*, 19 October 2020, https://bit.ly/385JxF6; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020): Report of the Secretary-General*, S/2020/1031, 14 October 2020, www.ecoi.net/en/document/2039998.html (hereafter: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html), paras 12, 20; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7; MEI, *Rampant Violence, Military Escalation, and the Role of Intermediaries in Daraa, Syria*, 1 June 2020, https://bit.ly/2X0MdNR; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, https://on.ft.com/2DaVbRK; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, https://bit.ly/39ybioy.

74 See Section III.A.3.

75 See Section II.B.1.a.

76 "*Since the beginning of 2020, there has been an acute rise in kidnappings in the province of Daraa, especially of children, while playing outdoors or on their way to school or the marketplace*." STJ "*documented no less than 31 kidnappings, four of which were failed attempts, between January and August this year* [2020]. *Parents were mostly coerced to pay the kidnappers a ransom in exchange for their children's release* (…). *Furthermore, thefts, mugging, banditry and kidnapping spread throughout the province*"; STJ, *Daraa: Child Kidnappings Haunt Locals*, 13 October 2020, https://bit.ly/3e3otQM. "*On top of the targeted attacks is rampant lawlessness that has led to the deaths of civilians*"; MEI, *The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead*, 18 June 2020, https://bit.ly/3jEh3oF. See also, SOHR, *SOHR Documents Eight Kidnapping and Missing People Cases since Early December*, 6 December 2020, https://bit.ly/3lUEL0u; Zaman Al Wasl, *Soar in Thieving, Looting Cases in Daraa Province,* 18 October 2020, https://bit.ly/37Kr1C2; SOHR, *Unidentified Gunmen Kidnap Young Man in Center of Tafas Town*, 21 August 2020, https://bit.ly/2FHhnEe; SOHR, *Deteriorating Security: Unknown Gunmen Kidnap a Girl in Al-Muzayrib*, 29 July 2020, https://bit.ly/3fpNLaA; Enab Baladi, *Impacts of Involuntary Disappearance in Syria's Daraa*, 9 July 2020, https://bit.ly/2BSs5Gx.

77 SOHR, *Growing Tension: Regime Forces Bring in Military Reinforcement to Positions in Western Daraa, amid Popular Fear of New Security Campaign*, 8 February 2021, https://bit.ly/3sf6Hjj; SOHR, *Factions of "Reconciliations" Are on High Alert in Eastern*

Dera'a and Suweida Governorates see regular clashes and frequent tit-for-tat kidnappings involving local armed groups and criminal groups, causing also civilian casualties.[78]

### 2) Security in Areas under de facto Control of the SDF

The security situation in areas under *de facto* control of the AANES and the SDF[79] is unpredictable[80] due to ongoing clashes and shelling exchanges between the SDF/YPG and government forces on the one hand and SNA-affiliated armed groups and Turkish forces on the other hand,[81] regular attacks

*Daraa, as Regime Forces Bring in New Reinforcement*, 15 November 2020, https://bit.ly/3lxv7Sg; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 7; SOHR, *Military Build-Up: Regime Reinforcement Reach Northern Countryside of Daraa, Deploying in Sheikh Miskin City and Outskirts*, 14 September 2020, https://bit.ly/2FylPph. "*Government forces and security branches expanded their deployment and activities across the region, including in areas subject to agreements between former armed opposition groups and government forces.* (…) *On the ground, additional government checkpoints were established, reportedly constraining the freedom of movement of local populations in some areas*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 16.

78 "*Kidnapping gangs continue to remain a serious challenge in As-Sweida Governorate. Occasionally, these kidnappings cause major clashes between armed groups*"; Carter Center, *Weekly Conflict Summary 11-17 January 2021*, 21 January 2021, http://bit.ly/2P7vacd. "*The significant increase in tit-for-tat kidnappings between Daraa governorate, where territorial and security fragmentation has prevailed since 2018, and As-Suwayda governorate, whose predominantly Druze population have largely opted for neutrality and maintained a degree of relative autonomy since 2011, has become a defining characteristic of volatile southern Syria.* (…) *the deteriorating economy, decline of agriculture, unemployment, desperate poverty, and abundance of weapons are the core factors pushing many individuals to participate in criminal groups and engage in profit kidnapping, drug dealing, and gun running. In March 2020, tensions mounted over long cycles of tit-for-tat kidnappings and sparked armed clashes between local factions from Daraa and As-Suwayda, further exacerbating the volatility of Syria's south*"; MEI, *Southern Syria: "Sibling Feud" or Engineered Violence?,* 7 October 2020, http://bit.ly/3uk9I3P. According to Mazen Ezzi, an independent political researcher from Suweida, the "*weakening of central authority reopened old land disputes between the Druze in Suweida and Sunnis based in the neighbouring governorate of Deraa, leading to mutual killings and kidnappings*"; The National, *Druze Protests in Syria's Suweida Fly in the Face of Regime Strategy*, 21 January 2020, https://bit.ly/2MK3lIN.

79 As at July 2020, some three million inhabitants are reported to live under AANES/SDF control, including the area around Tal Rifaat north of Aleppo and the Sheikh Maqsoud neighborhood in Aleppo City; Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, https://bit.ly/2OLUukd. The AANES/SDF are dominated by the YPG/PYD: "(…) *the AA is dominated by the People's Protection Units that is afflicted with the Democratic Union Party (PYD). The PYD controls the center of power in the AA*"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, https://bit.ly/37xJCRq, p. 35. See also footnote 739.

80 "*Since the Turkish offensive of October 2019, the Autonomous Administration of North and East Syria (AANES) has found itself in a precarious position. Potential new attacks by the Turkish army are the main sword of Damocles hanging over its head. Yet the AANES and its main local authorities – the Kurdish-led Syrian Democratic Forces (SDF) – also face numerous other threats to their autonomy, including weighty humanitarian issues, a resurgent Islamic State, and repeated Syrian regime demands that they return to the fold unconditionally*"; Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, https://bit.ly/2OLUukd. "*The Syrian Democratic Forces (SDF), an umbrella group of Kurdish, Arab and Syriac militias under the leadership of the Kurdish People's Protection Units (YPG), exercises tenuous control over the area. Between leading operations to smash ISIS cells, holding off pro-Turkish forces and guarding prisons housing ISIS fighters, it is already stretched thin*"; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html.

81 In January 2021, SOHR "*documented many incidents of artillery bombardment by Syrian Democratic Forces on Izaz city in the north of Aleppo governorate, with Turkish forces in the area responding by shelling the Tal Rifaat area in the northern suburbs of Aleppo using artillery, which caused the death of four civilians*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 3. In October/November 2020, "*an increase in reports of mutual cross-line attacks was recorded, notably along the south-eastern contact lines of the Operation Peace Spring area between Tall Abyad and Ra's al-Ayn*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 10. For examples from the frontlines in Aleppo, Raqqa and Hassakeh Governorates, see for example, Airwars, *Turkish Military in Iraq & Syria: Civilian Casualties from Turkish Actions in Syria*, accessed 28 February 2021, https://bit.ly/2RsFgC1; SOHR, *Turkish Forces Shell Towns of Manbij, as Clashes Erupt on Frontlines in Al-Bab City*, 8 February 2021, https://bit.ly/2ZEq5tE; SOHR, *Turkish Shelling on Tel Rifa'at: Civilian Dies of Injuries Sustained, and Death Toll Increases to Four, Including Two Children*, 24 January 2021, http://bit.ly/2MczhlX; SOHR, *Drone Attack: Turkish Airstrikes Hit House in Ain Al-Arab Countryside (Kobani)*, 22 January 2021, http://bit.ly/3k9y2AF; SOHR, *Ten Fighters of SDF and Ankara-Backed Factions Killed, as Ankara-Backed Factions Try to Advance on Ain Issa Frontlines*, 28 December 2020, http://bit.ly/386W3Uo; VOA, *Turkish-Backed Rebels Intensify Attacks on Syrian Town*, 6 December 2020, https://bit.ly/37bIqTp; SOHR, *Forces Renew Shelling Ain Issa, Injuring Woman and her Two Children,* 28 November 2020, https://bit.ly/3mn8Mac; SOHR, *Turkish Rocket Attack: Several Civilians Injured in Ain Issa Area, North of Raqqa*, 17 November 2020, https://bit.ly/2UFC5bP. See also Sections II.B.4.a and b.

against the SDF by ISIS along the Euphrates and Khabour River Valleys,[82] as well as tensions and occasional clashes between the Kurdish *Asayish* and government forces along the dividing lines in Hassakeh and Deir Ez-Zour Governorates.[83]

[82] Since early February 2021, SOHR documented "*over 63 operations, including armed attacks and explosions, carried out by ISIS cells in SDF-held areas in Deir Ezzor, Al-Hasakah, Aleppo and Al-Raqqah provinces.* (…) *these attacks left 46 people dead: ten civilians, including two women and a child, and 36 members of Syria Democratic Forces (SDF), the Internal Security Forces (Asayish) and Self-Defense Forces, all killed by IED and landmine explosions, direct gunfire, and stabbing. Since July 2018 to date, the number of fighters, civilians, oil workers and civil servants assassinated in Aleppo, Deir ez-Zor, Raqqa and Al-Hasakah provinces and SDF-controlled Manbij area in north-eastern Aleppo province increased to 689 persons*"; SOHR, *ISIS Members Kill over 100 Regime Soldiers and Loyalists, while Cells Carry Out Nearly 65 Operations in SDF-Held Areas*, 28 February 2021, http://bit.ly/3kwYnZA "*CJTF-OIR* [Combined Joint Task Force – Operation Inherent Resolve] *said that in Syria, ISIS also relied mainly on small arms and improvised explosive devices to attack the Syrian Democratic Forces (SDF) and Syrian regime and pro-regime forces. ISIS also claimed to assassinate civilians and security forces it believed to be 'spies'* "; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 3. According to the ICG, "[S]*uch attacks aim to weaken the SDF and to terrorise the local population into non-cooperation with the authorities. Fear of ISIS retribution has harmed the SDF's ability to gather intelligence necessary for effective counter-insurgency measures. Residents attribute the persistence of ISIS activities partly to lack of popular confidence in a sustained U.S. troop presence in eastern Syria. ISIS cells have also benefited from mistrust between locals and the SDF – exacerbated by the exclusion of local Arab leaders from decision-making – which gives the militants room to operate among the population*"; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html. According to Nicholas A. Heras, head of the Middle East Security Program at the ISW, "[T]*he threat of major ISIS operations against the SDF is a clear and present danger to the stability of the post-ISIS order in northeast Syria*"; Kurdistan 24, *Anti-ISIS Forces Arrest 4 ISIS Cells in Syria with Coalition Support*, 14 April 2020, https://bit.ly/30j2MqY.

[83] Since July 2012, control in Qamishli and Hassakeh cities has been divided between the AANES on the one hand and the Syrian Government and pro-government forces on the other. "*The regime's sizable presence in Hasakah and Qamishli spans the governorship, the courthouse, the municipality, the provincial council, the civil and land registries, the transportation directorate, the police, public banks, the education directorate and the main branch of the Ba'ath Party. It also includes the three primary intelligence branches (military, national security and political). In addition, the regime has maintained a significant presence of regular state armed forces in those enclaves, among several vital assets (such as the Qamishli airport and critical military bases) in the Hasakah governorate*"; Chatham House, *Assessing Control and Power Dynamics in Syria*, November 2020, https://bit.ly/2K3xAWP, p. 10. The security situation in the cities is reported to be relatively stable, although tensions and clashes between the two sides have been reported on some occasions, including in April 2020 and January/February 2021. "*Qamishli and Al-Hassakah cities in Al-Hassakah Governorate remain under the control of the SDF with a few neighborhood pockets under the control of the GoS. This has caused tensions between the SDF and the GoS soldiers, occasionally escalating into clashes between the two sides. Since December 2020, minor incidents have occurred between the SDF and GoS, including arrests and clashes. Since 13-14 January* [2021]*, the SDF has besieged GoS-held neighborhoods in Qamishli and Al-Hassakah city. Kurdish officials blame the GoS for the tensions, criticizing GoS restrictions on the movement of people and goods in Kurdish-controlled areas of Aleppo Governorate*"; Carter Center, *Weekly Conflict Summary 1-7 February 2021*, 10 February 2021, http://bit.ly/37EwsBz. See also, SOHR, *Rising Tension: NDF Amass Troops in Al-Qamishli and Open Fire on Asayish Checkpoint*, 14 February 2021, http://bit.ly/3r31CKJ; VOA, *Tensions Remain after Kurdish, Government Forces Clash in Syria's Qamishli*, 24 January 2021, http://bit.ly/3oiLYJ8; SOHR*, After Russia's Mediation: Clashes Ceased in Al-Qamishli, after Injury of Six NDF Members*, 23 January 2020, http://bit.ly/2MnO3pB; SOHR, *Rising Tension: "Self-Defence Forces" Seize Regime's Telecommunication Center in Northern Al-Hasakah*, 12 July 2020, https://bit.ly/38MhJ7d; SOHR, *Asayish-NDF Escalating Tension: Fierce Clashes Erupts Between Both Powers in Al-Qamishly, and Russian Forces Interfere*, 21 April 2020, https://bit.ly/2YnD0iB; SOHR, *NDF Open Fire on Convoy of Vehicles in Al-Qamishli Leaving Member of Asayish Forces Dead*, 4 April 2020, https://bit.ly/2YoaxJE. Occasional skirmishes have also been reported in Deir Ez-Zour; SOHR, *Clashes Erupt Between Iranian Militias and SDF on the Euphrates River Banks*, 26 February 2021, http://bit.ly/2ZU4H3E; SOHR, *Girl Killed During Clashes Between Syrian Regime and SDF near Theyban Town in Deir Ez-Zour on Dec 12*, 14 December 2020, https://bit.ly/2Klo2GB; SOHR, *Deir ez-Zor Countryside: Regime Forces Shell SDF Positions on the Bank of Euphrates River*, 26 September 2020, https://bit.ly/3i0RvAQ.

Areas under SDF control see regular IED and other attacks targeting civilians and security forces,[84] assassinations of (former) SDF and *Asayish* members and commanders,[85] as well as attacks against those perceived to be collaborating with the SDF and the AANES.[86] Military operations and arrest campaigns of persons on suspicion of having links to ISIS are reported to continue in north-eastern Syria,[87] at times resulting in civilian casualties.[88]

The precarious security situation is compounded by concerns that ISIS seeks to free fighters held in SDF-administered detention centres to replenish its ranks. Several riots and small-scale prison breaks have been recorded in 2019 and 2020.[89] Furthermore, ISIS is reported to use the displacement camps

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84 A number of attacks have been claimed by or attributed to ISIS. "*SOHR activists documented more than 480 operations by ISIS cells in SDF-controlled areas in Deir Ezzor, Al-Hasakah, Al-Raqqah and Manbij in 2020. These operations, including detonations, ambushes and attacks, claimed the lives of 208 persons: 86 civilians, including 10 children and six women, and 122 SDF fighters*"; SOHR, *"Islamic State" in 2020: 780 Regime Soldiers and Loyalists Killed in the Syrian Desert, and Nearly 500 Operations by ISIS Cells in SDF-Controlled Areas Leave over 200 Persons Dead*, 29 December 2020, http://bit.ly/38atjKy. For attacks in SDF-held areas, mainly, but not exclusively, in Deir Ez-Zour Governorate, see for example, SOHR, *Al-Busayrah Explosion Update: Number of People Injured Rises in Blast Targeting Collaborators with SDF, East of Deir ez-Zor*, 20 February 2021, https://bit.ly/37zAgnG; SOHR, *ISIS Resurgence: Four SDF Fighters Killed in Attack on Their Checkpoint in Deir Ezzor Countryside*, 9 February 2021, https://bit.ly/3umt6wK; SOHR, *Al-Raqqah Armed Attack: Seven Asayish Members Killed and Injured by ISIS Cells at Checkpoint in Western Countryside*, 8 February 2021, https://bit.ly/3ue0uWJ; SOHR, *Unknown Assailants Attack SDF Checkpoint, and SDF Seizes Car-Bomb Intended to Be Detonated in Deir ez-Zor Countryside*, 7 February 2021, https://bit.ly/3dyiZPv; SOHR, *Security Chaos in Al-Raqqa: IED Explodes in Civilian Car in Centre of the City*, 10 January 2021, http://bit.ly/3qIKfyt; SOHR, *IED Explodes in Military Vehicle in Al-Raqqah City*, 4 January 2021, http://bit.ly/3qJVRBB; SOHR, *IED Attack: Assassination on Head of Local Council in Western Deir ez-Zor Countryside*, 22 December 2020, http://bit.ly/37G4Oop; SOHR, *SDF-Controlled Areas in Two Weeks: 20 Attacks by ISIS Cells Leaves Nearly 15 People Dead and Wounded*, 14 December 2020, http://bit.ly/3gP1JFn; SOHR, *IED Explodes in Vehicle of Chairman of Local Council in Eastern Deir Ezzor*, 22 November 2020, https://bit.ly/36iuhUd.

85 In November 2020, "*ISIS claimed the assassination of the director of the oil department within the Syrian Democratic Forces (SDF)-supported Deir e-Zor Civil Council in al-Sabha on October 29. Possible ISIS militants attempted and failed to assassinate Abu Khawla, the head of the Deir e-Zor Military Council in Hasakah city, Hasakah Province, on November 1. ISIS also claimed the assassination of Commander Hafal Riad of the Kurdish Internal Security Forces in Markadah, Hasakah Province, on the same day*"; ISW, *Syria Situation Report: October 28 - November 10, 2020*, 13 November 2020, https://bit.ly/3uBLHW7. "*Cells affiliated with the Islamic State (IS) have been carrying out assassinations against the Kurdish-led Syrian Democratic Forces (SDF) in Deir ez-Zor, in eastern Syria*"; Al-Monitor, *Islamic State Regroups in Syrian Kurdish Region*, 10 November 2020, https://bit.ly/2JZKmpr. See for example, SOHR, *Two Members of Self-Defense Forces Killed in Rural Al-Hasakah*, 26 February 2021, http://bit.ly/2ZSOaxb; SOHR, *Deir Ezzor: ISIS Members Threaten Residents to Kill Their Sons if not Give Up Working for SDF*, 14 February 2021, https://bit.ly/3qFo1gR; SOHR, *Assassination Targeting Asayish Member in Eastern Deir ez-Zor*, 12 February 2021, https://bit.ly/3sjJVa5; SOHR, *In Light of Security Chaos and ISIS Cells' Activities: Unknown Gunmen Assassinate SDF Member in Deir ez-Zor Countryside*, 11 February 2021, https://bit.ly/2M8R3GG; SOHR, *Two Gunmen Assassinate SDF Member in Deir ez-Zor Countryside*, 3 February 2021, http://bit.ly/2Mb6tu4; SOHR, *"Al-Asaish" Member Assassinated in Eastern Countryside*, 1 February 2021, http://bit.ly/2ZFwt3P; SOHR, *Asayish Member Assassinated in Al-Raqqah, and SDF Security Checkpoint Attacked in Deir Ezzor*, 21 January 2021, http://bit.ly/37EeQ8W; SOHR, *Unknown Gunmen Detonate House of SDF Member in Rural Deir ez-Zor*, 20 January 2021, http://bit.ly/3pC5YHa; SOHR, *Unknown Gunmen Attack SDF Top Commander*, 19 January 2021, http://bit.ly/3bqXNIE.

86 "(…) *local communities in the region* [Deir Ez-Zour] *face targeted attacks from ISIS fighters seeking to undermine support for the SDF*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 55. See also Section III.A.7.

87 See for example, VOA, *US-Backed Forces Stepping Up Campaign Against IS in Eastern Syria*, 8 February 2021, https://bit.ly/3bB2MXi; Rudaw, *SDF Arrests Tens of ISIS Suspects in Operation on Syria-Iraq Border*, 5 February 2021, http://bit.ly/2MvOVsV; SOHR, *Backed by Coalition Helicopters: SDF Storm Six Villages, Arresting Tens of People in Al-Hasakah Countryside*, 4 February 2021, http://bit.ly/3umCr7N; SOHR, *SDF Storm Several Areas in Western Deir Ezzor, Searching for Individuals Suspected of "Belonging and Dealing with ISIS"*, 21 January 2021, http://bit.ly/3pHIiB9. However, according to US Government's CJTF-OIR, "*ongoing tension with Turkey along the northern Syria border continues to pull SDF forces and focus away from the fight to defeat ISIS*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 55.

88 "(…) *the US-led coalition and the Syrian Democratic Forces also carried out joint patrols to target the remaining ISIS cells. Despite being supposedly carefully planned and carried out to ensure high levels of accuracy, these operations have led to civilian casualties*"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 3. See for example, SNHR, *Syrian Democratic Forces Killed a Civilian in al Shheil City in Deir Ez-Zour Suburbs on May 22*, 22 May 2020, https://bit.ly/2WezZkC; SNHR, *SDF Killed a Civilian in Tal Ref'at City in Aleppo, on March 10*, 12 March 2020, https://bit.ly/3gPL9nz. See also Section II.E.2.

89 According to CJTF-OIR, the SDF hold around 2,000 foreign fighters and 8,000 Iraqi and Syrian fighters in approximately 20 detention centres in north-eastern Syria. According to CJTF-OIR, "*the risk of a mass breakout cannot be discounted*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, pp. 4-5. According to Nicolas Heras, head of the Middle East

in the North-East,[90] which host thousands of women believed to be ISIS associates or family members of ISIS fighters as well as their children,[91] as a recruitment ground[92] and enforces its strict interpretation of *Shari'a* law on camp inhabitants.[93] Thousands of Syrian camp inhabitants have been released by the SDF to return to their home areas in Deir Ez-Zour, Hassakeh, and Raqqa Governorates.[94]

Arab areas held by the SDF have seen regular protests by the local population against arbitrary arrests, forced recruitment, deteriorating living conditions, and political marginalization. Some protests were reported to have been suppressed violently, including through the use of live fire and the arrest of

Security Program at the ISW, "*ISIS also has a longstanding policy to seek to break out its fighters from prison, which makes these S.D.F. facilities a focus of ISIS efforts to replenish its ranks in Syria and Iraq*"; New York Times, *ISIS Prisoners Threaten U.S. Mission in Northeastern Syria*, 25 May 2020, https://nyti.ms/2Y3rBph. See also, SOHR, *Guards of al-Raqqa Central Prison Foil Escape Attempt of ISIS Prisoners*, 15 December 2020, https://bit.ly/34d1wqE; SOHR, *Internal Security Forces Foil Biggest Mass Escape Attempt in al-Hawl Camp*, 13 September 2020, https://bit.ly/2DZboub; SOHR, *Recent Riot in Ghuwayran Prison: Surprise Plan and Many Casualties among Security Forces and Prisoners*, 30 July 2020, https://bit.ly/30nAewb; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, https://bit.ly/2ZidUDA, p. 6; AP, *Some ISIS Militants still on the Loose after Escaping Jail in Northeast Syria*, 17 May 2020, https://bit.ly/2UMJXc7; Washington Post, *Kurdish-Led Forces Put Down Revolt by ISIS Detainees at Prison in Syria*, 30 March 2020, https://wapo.st/2Y1oyhq; Washington Institute, A *Year Since Baghuz, the Islamic State Is Neither Defeated nor Resurging (Yet)*, 25 March 2020, https://bit.ly/2N5PxBX.

90 According to CGP, "*the camps are deeply unstable and insecure*"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, https://bit.ly/2YVMemp, p. 7. "*In the displacement camps, an indeterminate number of ISIS supporters, living among mostly women and children, operate in what CJTF-OIR described as a 'relatively permissive environment'* "; Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 6.

91 "(…) *about 90,000 Syrians, Iraqis and other 'third country nationals' with presumed family links to ISIL members are being confined in overcrowded displacement camps such as Al-Hol and Al-Roj. While the majority were transferred to these camps in 2019, following the defeat of ISIL in their last stronghold in Eastern Deir Ez-Zor, thousands of others have been kept in Al-Hol camp since 2016.*" Among them are close to 58,000 children, with the vast majority originating from Syria and Iraq; OHCHR, *Bachelet Urges States to Help Their Nationals Stranded in Syrian Camps*, 22 June 2020, https://shar.es/ab3jGg.

92 "*In al-Hol, the group's indoctrination of children and implementation of its austere reading of shariah law is very much ongoing, raising concerns over both child welfare (indoctrination as abuse) and the potential future security risks posed by leaving them in the camps.*" And further: "*Camps like al-Hol and Roj are at serious risk of serving as a ready-made recruitment buffet for the group*"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, https://bit.ly/2YVMemp, pp. 8, 9. According to CJTF-OIR " *ISIS activists within the camps, particularly Al Hol, are able to recruit men and women from vulnerable populations and indoctrinate youth*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 53.

93 "*In al-Hol, where most European women and children are held, the most extreme residents have taken control of much of the camp. The group's Hisba (religious police) have been implementing justice within the camp, and there have been multiple executions*"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, https://bit.ly/2YVMemp, p. 8. "*Inside the annexed section of Hawl camp, ISIL sympathizers have established a female morality police to monitor adherence to dress codes and enforce punishments on women perceived to be 'infidels'* "; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 62. See also, Washington Institute, *Wilayat al-Hawl: 'Remaining' and Incubating the Next Islamic State*, 19 October 2019, https://bit.ly/2C9ODCu, pp. 6-8 (with examples). On several occasions, camp inhabitants have been attacked and killed by ISIS supporters in Al-Hol Camp (Hassakeh Governorate) on account of their opposition to ISIS' ideology or their affiliation with the Kurdish security forces (*Asayish*). A notable increase in killings was reported in early 2021; SOHR, *22 Murders in "Al-Hawl Mini-State" in 2021: Syrian Woman Found Dead in Her Tent*, 25 February 2021, http://bit.ly/3r28ok1; Syria Direct, *'Al-Hol Emirate': How ISIS Turns the Prison-Like Camp into a Stronghold*, 1 February 2021, http://bit.ly/3pZVv8M; UN, *Syria Al Hol Camp*, 22 January 2021, http://bit.ly/3ktATVh.

94 Initially, departures of mostly women and children to their areas of origin were based on these individuals being sponsored by tribal figures. In October 2020, the AANES announced its plan to release all Syrians held in Al-Hol camp without tribal sponsorship. Some 1,300 people departed Al-Hol camp in October and November 2020 and 314 departures were reported in January and February 2021. Some families were reportedly not allowed to leave due to missing identity documents; United Nations Children's Fund (UNICEF), *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6, p. 2; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 13. See also, VOA, *More Syrian Nationals Released from al-Hol Camp*, 23 February 2021, http://bit.ly/3qYfzJS; The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, http://bit.ly/2M1J9OU; SOHR, *67 Families from Eastern Aleppo Countryside Prepare to Leave the Camp in few Hours*, 28 January 2021, http://bit.ly/3bpoa1O; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 9; VOA, *Islamic State Families to Be Cleared from al-Hol Camp*, 5 October 2020, http://bit.ly/3b4GIFO.

protestors.[95] Tensions further intensified following the assassinations of Arab tribal leaders in early August 2020, with renewed protests having been reported.[96] In early 2021, increased tensions between the AANES and teachers were reported over the latter's insistence on teaching the recognized Syrian school curriculum. The dispute resulted in protests and the arbitrary arrest and beatings of teachers and pupils.[97]

Human rights abuses against civilians at the hands of the SDF, YPG and institutions of the AANES,[98] as well as ISIS have also been reported.[99]

### 3) *Security in Areas under de facto Control of HTS and Anti-Government Armed Groups*

Areas in and around Idlib Governorate are the last major territory remaining under control of anti-government armed groups, with HTS dominating the area militarily and administratively.[100] Other armed actors present in the area include groups affiliated with the Turkish-backed NLF / SNA,[101] the Al-Qa'eda

95 For example, "*On 4 June* [2020], *one male civilian was killed and three others were injured by reported small arms fire when the Syrian Democratic Forces fired into the air to disperse peaceful protesters in the city of Shaddadah in southern rural Hasakah*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, p. 20. "A *widening rift with tribes in eastern Syria is undermining the SDF's ability to wage counter-insurgency. It also often leads the SDF to respond to growing local protests with heavy-handed tactics that cause civilian casualties and fuel grievances*"; ICG, *Squaring the Circles in Syria's North East*, 31 July 2019, www.ecoi.net/en/document/2014214.html, p. 21. See also, Al-Monitor, *Protests, Info Warfare Continue in Syria's Deir ez-Zor*, 22 January 2021, http://bit.ly/37VgrYi; SOHR, *SDF Storm Several Areas in Deir Ezzor Countryside, Arresting 17 Young People*, 22 January 2021, http://bit.ly/37BBH5j; SOHR, *Live Gunfire Injures Child, as SDF Attempting to Disperse Protesters*, 3 January 2021, http://bit.ly/3sghKZt; SNHR, *SDF Arrested Civilians in Deir Ez-Zour Governorate on December 16*, 18 December 2020, http://bit.ly/3h6s1Dh; SNHR, *Syrian Democratic Forces Killed in Civilian in al Shaddadi City in Hasaka on June 4*, 8 June 2020, https://bit.ly/3fmy3hq; SOHR, *Members Storms Village Arresting Eight Civilians Participating in Protests, and Disperses Demonstration by Force in Rural Deir ez-Zor*, 8 June 2020, https://bit.ly/30DjzFm.

96 "*These assassinations have sparked widespread anger amongst rural Deir-ez-Zor's Arab tribesmen, culminating in several anti-Syrian Democratic Forces (SDF) demonstrations on 4 August* [2020] *in the region. These demonstrations have occasionally turned violent, as in Hawayej, where five civilians and four SDF members were injured in a shootout. Locals from the towns of Thiban and Shiheil also took to the street to denounce the SDF's approach to security, and seven civilians were reportedly arrested as a result*"; COAR, *Syria Update: 17 August 2020*, 17 August 2020, https://bit.ly/3gfueu2. "*During the demonstrations in Al-Hawayij town* [Deir Ez-Zour Governorate], *SDF fighters forcibly dispersed the protests, wounding 5 protesters. Al-Hawayij is where unidentified gunmen assassinated an elder of the Akkidat tribe on 2 August* [2020]*, leading to the ongoing protests. Following the protests, the SDF imposed a curfew and established new checkpoints in eastern Deir-ez-Zor Governorate*"; Carter Center, *Weekly Conflict Summary: 3-9 August 2020*, 14 August 2020, https://bit.ly/2YjKdkv. "*The developments are a sign of the deepening ethnic rift between Arab tribesmen and the SDF, who appear to have failed to win the hearts and minds of residents in the region they control. Locals have complained of a lack of services, rising crime, fuel shortages as well as growing Kurdish influence*"; The New Arab, *Arab Tribal Leader Urges 'Armed Resistance' Against SDF amid Deir Az-Zour Tensions*, 12 August 2020, https://bit.ly/3hfweUt. See also, Carter Center, *Weekly Conflict Summary: 10-16 August 2020*, 21 August 2020, https://bit.ly/3ldXZir, p. 5.

97 Between January and 15 February 2021, SNHR recorded the arrest of at least 27 teachers "*due to their teaching the educational curriculum used by the Syrian regime.*" SNHR further noted that 14 of these teachers were released on condition that they would not teach the government curriculum; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, https://bit.ly/3kfRGer, p. 5. See also, Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, https://bit.ly/3aJkZ5J; SOHR, *Asayish Forces Arrest Four Teachers in Amouda for "Teaching Lessons of Syrian Regime Curricula*", 7 February 2021, http://bit.ly/3dEZyEH.

98 See Section II.E.2.

99 See Section II.E.5.

100 The civilian arm of HTS, the Syrian Salvation Government formed in November 2017, is the administrative body governing the area; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 5; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 13; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, pp. 9-13.

101 The NLF (*Al-Jabha Al-Wataniya lil-Tahrir*), an alliance of mostly nationalist Islamist and FSA-affiliated armed groups, was created in Idlib in May 2018. In October 2019, it became part of the Turkish-backed SNA; HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 3; Clingendael Institute, *Strategies of Turkish Proxy Warfare in Northern Syria: Back with a Vengeance*, November 2019, https://bit.ly/37xNqk5, p. 4.

affiliate Hurras Al-Din (HAD),[102] and the Turkestan Islamic Party (TIP).[103] ISIS reportedly also maintains a limited presence.[104]

Despite having been subject to the 2017 "de-escalation" agreement between Turkey, Russia and Iran, the 2018 de-militarized zone agreement between Russia and Turkey,[105] and subsequent ceasefire attempts,[106] areas in and around Idlib Governorate have seen repeated escalations in conflict between government forces and HTS and other anti-government armed groups over the course of 2019 and 2020.[107] The most serious escalation in fighting that occurred between December 2019 and early March 2020 resulted in large numbers of civilian casualties,[108] and displaced nearly one million people, representing the biggest single displacement of Syria's nine-year conflict.[109] It further exacerbated the existing humanitarian crisis,[110] and caused significant damage to civilian infrastructure, including medical facilities, markets, schools, camps for displaced persons and agricultural fields.[111] The government's push to reclaim areas in Idlib also resulted in direct military confrontations between Syrian and Turkish forces.[112] On 6 March 2020, a ceasefire agreement brokered by Turkey and Russia came

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102 HAD "*operates in Idlib and its suburbs and is assessed to have between 3,500 and 5,000 fighters, up to half of whom are foreign terrorist fighters from countries that include Egypt, Jordan, Morocco, Saudi Arabia and Tunisia. HAD adheres more to a global than a local Syrian agenda.* (…) *Member States assessed that HAD was made up of a number of small factions, including Jund Al-Malahim, Jaysh Al-Sahel, Jaysh Al-Badyah, Saraya Al-Sahel, Saraya Kabul, Jund Al-Shari'a, Ansar Al-Furqan, Saraya Al-Ghotta, Abu Baker the Al-Sideeq Brigade, the Abu Obaidah Al-Jarah Brigade, Saraya Al-Ghuraba'a, the Jund Al-Sham Brigades, the Fursan Al-Eyman Brigades, the Al-Nukhba Forces, the Abdullah Azzam Group and the Usood Al-Tawheed Brigade*"; UNSC, *Letter Dated 20 January 2020*, www.ecoi.net/en/document/2024173.html, para. 16. In mid-June 2020, HAD, together with other Al-Qa'eda affiliates (Jamaat Ansar Al-Islam, Jabhat Ansar Al-Din, Tansiqiyat Al-Jihad and Liwa Al-Muqatileen Al-Ansar) established a joint military operations room ("*Fathbatou*" / "So Be Steadfast") in order to coordinate their efforts to fight government forces. Since then, there have been repeated clashes between HTS and "*Fathbatou*", with HTS dismantling the operations room at the end of June 2020. According to the Carter Center, "*Currently in northwest Syria, there is no other non-state armed group that can challenge HTS's rule*"; Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, https://bit.ly/3629DWP. See also, ISW, *Syria Situation Report: June 10 - 23, 2020*, 23 June 2020, https://bit.ly/3imO7S1; VOA, *Jihadists in Syria's Idlib Form New 'Operations Room'*, 15 June 2020, https://bit.ly/310n7I4.

103 For an overview of the various non-state armed groups present in the Idlib area, see Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, https://bit.ly/3629DWP; BBC, *Syria: Who's in Control of Idlib?*, 22 June 2019, https://bbc.in/2ky7zm1; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, pp. 6-23.

104 "*While the Idlib region in the north-west of the Syrian Arab Republic is dominated by a rival group, Hay'at Tahrir al-Sham, it remains an important facilitation and transit point for ISIL*"; UNSC, *Twelfth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, 29 January 2021, S/2021/98, https://bit.ly/2NvRTOw, para. 21. "*HTS has been at war with ISIS since 2014, and since the March 2020 ceasefire it has escalated its raids and arrests aimed at thwarting ISIS attempts to build a covert network of cells in Idlib following the latter's loss of territorial control in eastern Syria*"; ICG, *In Syria's Idlib, Washington's Chance to Reimagine Counter-Terrorism*, 3 February 2021, www.ecoi.net/en/document/2044763.html. See also, SOHR, *ISIS Cells Open Fire on HTS Checkpoint near Iskenedrun Region, Killing Two Members*, 24 January 2021, http://bit.ly/3shHxR0; Carter Center, *Weekly Conflict Summary 11-17 January 2021*, 21 January 2021, http://bit.ly/2P7vacd.

105 See above footnote 30.

106 ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html; OHCHR, *Syria: Bachelet Condemns Continued Killings and Displacements Despite 'Ceasefire'*, 17 January 2020, www.ecoi.net/en/document/2023148.html; UN News, *Security Council: Two Draft Resolutions, Zero Consensus on Ceasefire in Syria's Idlib*, 19 September 2019, https://bit.ly/2kGqVp7.

107 HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html; Atlantic Council, *Factbox: The Syrian Regime's Push in Idlib Province*, 2 March 2020, https://bit.ly/34NwIgA.

108 "*The Office of the United Nations High Commissioner for Human Rights has verified that at least 1,750 civilians have been killed since last April* [2019]. *The actual number is probably higher. A total of 351 civilians have been killed in the last two months alone. While the majority of those civilian deaths – 94 per cent – have occurred in opposition-held areas exposed to bombardment by pro-Government forces, 6 per cent occurred in Government-held areas*"; UNSC, *8738th Meeting*, S/PV.8738, 28 February 2020, https://bit.ly/3g42hWo, p. 3. See also, International Committee of the Red Cross (ICRC), *Syria: A Spike in Civilian Casualties, Mass Displacement in Country's Northwest*, 31 January 2020, https://bit.ly/31n6Rc6; and Section II.C.

109 See Section II.D.1.

110 See Section II.F.2.a.

111 "*The alliance launched dozens of air and ground attacks on civilian objects and infrastructure in violation of the laws of war, striking homes, schools, healthcare facilities, and markets – the places where people live, work, and study*"; HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 1. See also Section II.E.1.

112 ISW, *Turkey Commits to Idlib*, 18 March 2020, https://bit.ly/2Y6VuVS; New York Times, *Turkey Declares Major Offensive Against Syrian Government*, 1 March 2020, https://nyti.ms/3fvhUpo; The Guardian, *Turkey Downs Two Syrian Fighter Jets as It Intensifies Idlib Attacks*, 1 March 2020, https://bit.ly/3ejdi5u; The Guardian, *Dozens of Turkish Soldiers Killed in Strike in Idlib in Syria*, 28 February 2020, https://bit.ly/2BbaN6L; UN News, *Syria: UN Urges Russia and Turkey to Secure 'Fresh Ceasefire' as Risk of Military Escalation Grows*, 28 February 2020, https://bit.ly/2AFVovl.

into effect.[113] As of the time of writing, the ceasefire has generally been holding, although clashes, airstrikes as well as artillery and missile bombardments continue to be reported, increasing concerns over a resumption of large-scale hostilities in the North-West.[114]

The already unstable security situation is exacerbated by occasional IED attacks;[115] criminality, including extortion and kidnapping for ransom;[116] abductions and assassinations of members and leaders of rival armed groups, including defectors from HTS;[117] infighting between different armed

[113] The terms of the agreement include the cessation of all military actions along the line of contact in the Idlib de-escalation area as of 6 March 2020; the establishment of a security corridor 6 km to the north and 6 km to the south of the M4 highway; and the commencement of joint Turkish-Russian patrols along the M4 highway on 15 March 2020; UNSC, *Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-Escalation Area*, 6 March 2020, S/2020/187, https://bit.ly/2NiXkMX.

[114] "*A Russian-Turkish ceasefire has held for ten months. If it breaks down, the regime could launch another offensive that would result in massive civilian casualties and displace hundreds of thousands toward (and potentially far beyond) the Turkish border, while scattering insurgents far and wide. In other words, Syria's conflict, for now largely locked in an uneasy standoff, could re-emerge as an epicentre of international instability*"; ICG, *In Syria's Idlib, Washington's Chance to Reimagine Counter-Terrorism*, 3 February 2021, www.ecoi.net/en/document/2044763.html. "*And although shelling and other open hostilities remain significantly lower compared to this time last year* [2020] *– before the ceasefire – artillery and similar bombardments have continued to impact communities, causing casualties across the northwest throughout January* [2021]*, including in the Idleb area*; UN News, *Syria Floods: Humanitarians Working 'Round the Clock' to Provide Urgent Relief*, 29 January 2021, https://shar.es/aokzZP. "*Artillery shelling and similar bombardments continued to impact communities across the northwest, especially around the M4 and M5 highways in the southern and eastern Idleb area*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 1. "*In the north-west, the ceasefire in the Idlib de-escalation area largely continued to hold, albeit with a gradual increase in the number of violations. Mutual artillery shelling across contact lines took place on a nearly daily basis, while sporadic airstrikes continued. Ground-based clashes remained local, limited and intermittent. On 4 November* [2020]*, multiple incidents of airstrikes and shelling in different parts of Idlib killed at least 7 civilians, including 4 children, and injured at least 14 civilians, including 3 children, in a single day. Among those killed were two aid workers on their way to a UNICEF-supported child-friendly space. Two schools were also reportedly damaged as a result of shelling that day*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 6. See also, Al-Monitor, *Fears of Syrian Government Offensive Mount in Idlib as Turkey Withdraws from Military Posts*, 20 January 2021, http://bit.ly/3aYwk23; HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 1; OCHA, *Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ad Interim, Ramesh Rajasingham, Briefing to the Security Council on the Humanitarian Situation in Syria*, 27 August 2020, https://bit.ly/3bXRpbF.

[115] See for example, SOHR, *New Explosion Rocks Town in Eastern Idlib*, 14 February 2021, https://bit.ly/3qJKBVJ; SOHR, *IED Attack: Little Girl Injured near the "Governor Palace" in Idlib*, 14 January 2021, http://bit.ly/37BFQWM; SOHR, *IED Explodes in Ma'rat Misrin*, 30 December 2020, http://bit.ly/359Ueo1; SOHR, *IED Attack: Explosion in Petrol Station in Northern Idlib Kills Two Civilians*, 23 December 2020, http://bit.ly/3rOfJ7k; SOHR, *Explosion Rocks Town in Northern Idlib Countryside*, 30 November 2020, https://bit.ly/3mlJqJZ; SOHR, *Car-Bomb Attacks: Explosion Hits Jisr Al-Shughur, Leaving Casualties*, 29 November 2020, https://bit.ly/2VeCnXB; SOHR, *IED Explodes in Car Injuring Man and His Two Children in Al-Hamama Village*, 16 November 2020, https://bit.ly/3feVIB1; SOHR, *IED Explodes in Motorcycle in Western Idlib*, 17 October 2020, https://bit.ly/3dNL83v; SOHR, *IED Explodes in a Car in Jisr Al-Shughour, Leaving One Injured*, 17 August 2020, https://bit.ly/3g7jRbN; SOHR, *Explosion Targets the Head of the "Local Council" in Harem, near Iskenderun Border*, 25 July 2020, https://bit.ly/2OYY0I9.

[116] Al-Monitor, *Thefts on Rise in Idlib amid Rising Poverty*, 27 January 2021, http://bit.ly/2PaGXGq; SOHR, *Unidentified Gunmen Storm National Front Headquarters, and Steal its Contents*, 29 December 2020, http://bit.ly/2MkY0UO; SOHR, *Masked Men Rob Civilian in Idlib Countryside*, 25 June 2020, https://bit.ly/2VoT82T; SOHR, *Armed Robbery in Areas Held by HTS: Unidentified Gunmen Attack Currency Exchanger after Leaving Afrin*, 12 June 2020, https://bit.ly/2CeWz5p; SOHR, *Armed Robberies and Kidnappings Continue in Idlib and Countryside*, 21 May 2020, https://bit.ly/2AxomNS.

[117] See for example, SOHR, *HTS Arrests Two Members of "Islamic Party of Liberation" in Northern Idlib, and Amasses Troops for Arresting Members of "Hurras Al-Din"*, 27 February 2021, http://bit.ly/3uDG09P; SOHR, *Security Crackdown on Jihadist Organization "Huraas al-Din": HTS Arrests Six People in Idlib Province*, 25 February 2021, http://bit.ly/2O62MXp; SOHR, *HTS Arrests Three ex-Fighters of "Hazm Movement",* 13 January 2021, http://bit.ly/3reLgi0; SOHR, *HTS Arrests Two Members of "Ahrar al-Sham" at al-Ghzawiya Crossing*, 28 December 2020, http://bit.ly/3aXhed8.

groups;[118] and extensive contamination with unexploded ordnance.[119] HTS is also reported to violently crack down on any form of civilian dissent against its rule.[120]

### 4) Security in Areas under de facto Control of the Syrian National Army

#### a) Security in "Operation Euphrates Shield" and "Operation Olive Branch" Areas

According to reports, dozens of armed groups which mostly operate under the umbrella of the SNA are active in Afrin and adjacent districts (Azaz, Al-Bab, Jarablus).[121] The security situation is unstable,[122] as manifested by regular infighting between SNA-affiliated armed groups;[123] IED and other attacks

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118 "*Infighting among non-state armed groups has been a regular feature of the Syrian conflict. Since Hayat Tahrir al-Sham (HTS) solidified its dominance in northwest Syria in mid-2017, the group strived to keep any competitor in check while avoiding all-out armed confrontation* "; Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, https://bit.ly/3629DWP. See also, SOHR, *HTS Impose Curfew in Tal'ada, after Ten People Killed in Fierce Clashes*, 10 October 2020, https://bit.ly/2SMXqzi; MEE, *Civil War Within Civil War: HTS Battles Rival Militants, Defectors in Syria's Idlib*, 27 June 2020, https://bit.ly/389jF9o; SOHR, *Fierce Clashes Renew Between HTS and "Hurras Al-Din" in Western Idlib*, 26 June 2020, https://bit.ly/3eIsNnT; Al-Monitor, *Defections Threaten Hayat Tahrir al-Sham in Idlib*, 22 April 2020, https://n.pr/389AqBv; MEE, *Turkish Crackdown on Idlib Protest Exposes Syrian Rebel Divisions*, 14 April 2020, https://bit.ly/2YITinS.

119 "*The security situation is further undermined by the prevalence of explosive hazards* (…)"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 23*, 21 December 2020, https://bit.ly/2X8Sx5P, p. 1. See for example, SOHR, *Landmine Explosion Kills Young Man in Jisr Al-Shughour Countryside in Western Idlib*, 5 February 2021, http://bit.ly/2O2RsLs; SOHR, *Three Children Sustained Serious Injuries in Explosion of Unexploded Cluster Bomb in Sarmin*, 31 December 2020, http://bit.ly/3oprOO8; SOHR, *Landmine Explosion Kills Young Man Killed in Maarrat Al-Nu'man Countryside*, 9 December 2020, http://bit.ly/3n73Kyg; SOHR, *Explosion Kills and Wounds Six Children in Refugee Camp in Northern Idlib*, 3 December 2020, http://bit.ly/3gfRUA4. See also HALO Trust, *Explosive Hazard Contamination in Northwest Syria: Roundtable Meeting Report*, 17 December 2020, https://bit.ly/2LjBrj2; and Section II.C.

120 See Sections II.E.3 and III.A.5.

121 "*In addition to the Turkish military, the al-Hamzat Division and Jaish al-Islam, there are at least a dozen Syrian militias that control different parts of Afrin, including the National Liberation Front and several other Islamist factions such as the Sultan Murad Division, Ahrar al-Sharqiya and the Suleiman Shah Brigade*"; VOA, *Rights Groups Concerned About Continued Abuses in Afrin*, 10 June 2020, https://bit.ly/2YBNCuh. See also, GCSP, *The Syrian National Army: Formation, Challenges, and Outlook*, 19 November 2020, https://bit.ly/3oyvQDQ; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 34.

122 "*Afrin region, particularly the city of Afrin, has been in the throes of rampant insecurity since the armed opposition factions of the Turkey-backed SNA took power in the region*"; STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, http://bit.ly/3pZSvcj. "*Al-Bab, the largest city in the Euphrates Shield region, is witnessing ongoing security chaos, with occasional assassinations and bombings*"; Al-Monitor, *Syrian Opposition Split on Timing of Assad Military Offensive*, 13 January 2021, http://bit.ly/2ZZgYUM. "*The Turkish army, in cooperation with the Syrian opposition's Free Syrian Army (FSA), launched a military operation to expel the Islamic State (IS) from the cities of Jarablus, al-Bab and al-Rai in northern Syria on Aug. 24, 2016* (…). *However, since then the area has been experiencing security chaos, as kidnappings and explosions, especially using rigged motorcycles, are almost ongoing, not to mention the continuous clashes among factions affiliated with Ankara. Meanwhile, security chaos also prevails and weapons spread in the city of Afrin and its countryside, which the FSA factions controlled following Operation Olive Branch* (…). *This chaos is manifested through assassinations, kidnappings, ransoms, and car and motorcycle bombings as well as explosive devices*"; Al-Monitor, *Turkish Backed Armed Groups Clash in Northern Syria*, 18 August 2020, https://bit.ly/31mgsld. "*The combination of growing ethnic tension and terrorist attacks means that Afrin remains unstable*"; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 24. See also, SOHR, *"Olive Branch" and "Euphrates Shield" Areas in January 2021: Nearly 58 People Arrested and Kidnapped in Afrin, while 33 People Killed in Nearly 20 Explosions and Assassinations*, 9 February 2021, https://bit.ly/37xx8Zq.

123 "*Infighting among Turkish-backed armed opposition groups remains a persistent challenge in Turkish-held territories of northern Syria. Although Turkey has attempted to maintain order among the opposition Syrian National Army (SNA) that it backs, outbreaks of violence persist. Clashes among SNA factions often occur due to competition over resources and influence*"; Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, https://bit.ly/3aJkZ5J. "*Infighting between rebel factions is common in Afrin, mostly due to disputes over the homes and properties of Kurdish residents from the area who have been displaced*"; Syria Report, *Afrin: Opposition Factions Fight over Properties of Displaced Residents*, 23 December 2020, http://bit.ly/3q1Zphe. See for example, STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, http://bit.ly/3pZSvcj; SOHR, *Violent Clashes Erupt among Groups of "Jaysh Al-Sharqiyyah" in Jendires*, 14 February 2021, https://bit.ly/2Zy3izI; SOHR, *Nearly 15 Fighters Killed and Injured in Al-Jabha Al-Shamiyyah's Attack on Jaysh Al-Islam's Headquarters in Afrin*, 13 February 2021, https://bit.ly/3uiNjnb; SNHR, *IDPs Injured, Tents Damaged in North Aleppo Camp in Clashes Between Two Syrian National Army Factions on Dec 23*, 24 December 2020, http://bit.ly/38aWQDK; SOHR, *Civilian Injured in Clashes Between Turkish-Backed Factions*, 14 December 2020, http://bit.ly/2Wd8tUd; SOHR, *Clashes*

*Erupt Between "Ahrar Al-Sham" and "Al-Hamzat Division" in Jendires, Leaving Casualties*, 24 September 2020, https://bit.ly/3i2wEx1; SOHR, *Afrin: Dispute over Civilian Homes Sparks New Clashes among Turkish-Backed Factions in Jandiras Area*, 4 September 2020, https://bit.ly/3lRl1w9; SOHR, *Woman Killed and Child Wounded in Armed Fight among Groups of "Jaysh Al-Sharqiyyah"*, 22 July 2020, https://bit.ly/30HE0Q1; Enab Baladi, *Violations by "SNA"…Who to Blame?*, 12 June 2020, https://bit.ly/2BeoH8H; Carter Center, *Weekly Conflict Summary: 25 May - 31 May 2020*, 5 June 2020, https://bit.ly/3cIDogM, p. 3; MEE, *Syria: Inter-Rebel Fighting in Afrin Kills a Child*, 29 May 2020, https://bit.ly/3dxotr1; SNHR, *Rival Factions: New Armed Fight Erupts among Turkish-Backed Factions in North-Eastern Aleppo*, 22 May 2020, https://bit.ly/2AxBzGj; SNHR, *The Death of Two Civilians During Clashes Between Two Factions of the Armed Opposition in al Bab City in Aleppo, on May 16*, 17 May 2020, https://bit.ly/3727QkP.

against civilians and military targets in and around the towns of Afrin,[124] Azaz,[125] Al-Bab,[126] and Jarablus;[127] frequent incidents of extortion, looting and illegal confiscation of property, kidnappings and assassinations;[128] as well as a general lack of rule of law and high criminality.[129]

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124 "[A] *spate of likely-PKK perpetrated IED attacks result*[ed] *in dozens of casualties in Turkish-held Aleppo and Hasakah provinces. Nine improvised explosive devices (IEDs) detonated between January 30 and February 16* [2021] *in Afrin, Azaz, Bza'a, al-Bab, Ras al-Ayn, al-Rai, and Jandires, killing at least 26. The IEDs targeted Turkish-backed Syrian National Army (SNA) infrastructure and civilian sites. The PKK is the most likely perpetrator, but ISIS may also be responsible for some of the attacks*"; ISW, *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, https://bit.ly/3bql5hQ. "*Between January and April* [2020] *, civilians residing in the Afrin region of Aleppo suffered a barrage of shelling and car bomb explosions, which killed and injured scores of inhabitants and damaged civilian infrastructure, including markets and homes*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 38. See for example, SNHR, *IED Explosion: Three People Injured in Afrin City*, 24 February 2021, http://bit.ly/2MmaiwL; SNHR, *Civilians Injured and Hospital Damaged in an SDF Attack in Afrin City in Aleppo on February 17*, 18 February 2021, http://bit.ly/2NTPg8Q; SOHR, *Explosion Targets Car in Afrin City, Injuring One*, 16 February 2021, https://bit.ly/3dwWhHJ; SOHR, *Violent Explosion Injures Several People in Jandiras Area in Afrin Countryside*, 14 February 2021, https://bit.ly/2MgSX8s; SOHR, *Eight People Killed and Injured in Yesterday's Car-Bomb Explosion in Afrin, Half of them Are Children*, 31 January 2021, http://bit.ly/3ukQsD9; UN News, *Deadly Car Bomb Attacks 'Tragic Reminder' of Price Civilians Pay in Syria*, 6 January 2021, http://bit.ly/3burbhi; SOHR, *Ten People Killed and Injured in Jendires Car-Bomb Attack*, 2 January 2020, http://bit.ly/355TBvE; SOHR, *IED Attack: Three People Injured in Explosion near Military Checkpoint in Afrin City*, 24 December 2020, http://bit.ly/3rOeG7o; SOHR, *Nearly 20 People Killed and Wounded in Today's Car-Bomb Attack*, 24 November 2020, https://bit.ly/2KHuojE; SOHR, *Ten People Killed and 35 Injured in Yesterday's Explosion in Afrin*, 15 September 2020, https://bit.ly/35HvUe4.

125 See for example, SOHR, *Nearly Ten People Injured in Car-Bomb Explosion in Northern Aleppo*, 20 February 2021, https://bit.ly/3bptOkl; SOHR, *Ankara-Backed Forces Detonate Two IEDs, and Arrest Three People in Azaz City*, 7 February 2021, http://bit.ly/3uiW54J; Al Jazeera, *At Least 13 Killed in Car Bombs, Shooting in Syria's North*, 31 January 2021, http://bit.ly/3bpgZGU; UNICEF, *Four Children Reportedly Killed and Two Children Injured in Two Attacks in Northern Syria*, 31 January 2021, http://uni.cf/3pPPs6J; ABC News, *Syria Car Bombing near Azaz Courthouse Kills Dozens, Activists Say*, 8 January 2021, http://ab.co/3dBxqCn; SOHR, *One Person Killed and Others Injured in Explosion at Vegetable Market near Syrian-Turkish Border, North of Aleppo*, 17 January 2021, http://bit.ly/37EmfVM; SOHR, *Kurdish Forces Shell Hospital in Azaz*, 27 November 2020, https://bit.ly/3q9OvHy; SOHR, *Explosion Injures Judge of "Military Court" in Azaz*, 18 October 2020, https://bit.ly/2T1BHng; SOHR, *Explosion in Azaz Injures Civilians and Causes Material Damage*, 5 August 2020, https://bit.ly/2E7IUOA; Al Jazeera, *Blast Kills Five, Wounds Dozens in Rebel-Held Northwest Syria*, 19 July 2020, https://aje.io/fyugw.

126 According to OCHA, "(…) *more than 20 violent incidents, reportedly resulting in civilian casualties, have occurred in Al Bab this year alone. In early October* [2020]*, at least 18 civilians – including 5 children – were killed and more than 75 wounded in a horrific bombing in the city*"; UN News, *UN Officials Denounce Bombings in Northern Syria*, 25 November 2020, https://shar.es/aoWq2N. See also, SOHR, *Police Man and His Child Killed in Turkish-Held City of Al-Bab in Eastern Aleppo*, 17 February 2021, https://bit.ly/3pDVnvl; SOHR, *One Person Killed and Others Injured in IED Explosion in Car in Al-Bab City*, 16 February 2021, https://bit.ly/2NN1kc0; SOHR, *Car Explodes in Turkish-Controlled Areas in Rural Aleppo, Leaving over Ten Casualties*, 13 February 2021, https://bit.ly/3dsT386; SOHR, *Manbij Military Council's Artillery Shelling: Nearly Ten People, Including Children and Women, Injured in Al-Bab City in Eastern Aleppo Countryside*, 8 February 2021, https://bit.ly/3uk6o8Q; SOHR, *Explosion Kills Turkish Officer in al-Bab City*, 4 February 2021, http://bit.ly/3dAL5tu; SOHR, *Al-Bab Blast: IED Explosion Kills One and Injures Three*, 2 February 2021, http://bit.ly/3ulunnV; SOHR, *Unknown Gunmen Open Fire on Turkish-Backed Militiaman, while Others Throw Grenade on Residential Neighbourhood*, 17 January 2021, http://bit.ly/2ORNS7g; SOHR, *IED Attack: Explosion in Residential Neighbourhood in Al-Bab Injures Many*, 11 November 2020, https://bit.ly/3pi8B1X; SOHR, *Three Members of "Engineering Teams" Killed in IED Explosion in Al-Bab*, 6 November 2020, https://bit.ly/36dO1Hb; SOHR, *Military Commander Killed and His Father Injured in Explosion in Al-Bab*, 5 November 2020, https://bit.ly/38nLtsI; SOHR, *Number of Casualties of Al-Bab Bloody Blast Jumps to 95*, 6 October 2020, https://bit.ly/3d1piJk.

127 See for example, SOHR, *IED Attack: Commander of "National Arm" and Two Persons of His Family Injured in Jarabulus*, 27 January 2021, http://bit.ly/2ZCSSif; SOHR, *Unknown Gunmen Shoot Dead a Lawyer in Jarabulus*, 20 January 2021, http://bit.ly/2NwP53z; SOHR, *IED Attack: Explosion Injures Little Girl in Jarabulus City in Aleppo Countryside*, 12 January 2021, http://bit.ly/3ugcmrf; SOHR, *Booby-Trapped Motorcycle Explodes Injuring Several People, North-East of Aleppo*, 30 November 2020, https://bit.ly/36pOTdh; SOHR, *IED Explodes in Eastern Aleppo*, 17 November 2020, https://bit.ly/2IDfNW1; SOHR, *Explosion Injures Two People in Jarabulus Countryside in North-East Aleppo*, 9 November 2020, https://bit.ly/35beKos; SOHR, *Gunmen Assassinate Ankara-Backed Police Officer*, 8 November 2020, https://bit.ly/36dtfYs; SOHR, *IED Explodes in North-Eastern Aleppo, Leaving Three Casualties*, 5 September 2020, https://bit.ly/331M7bh; SOHR, *IED Explodes at Market in Northern Aleppo*, 20 August 2020, https://bit.ly/2EmdN1A; SOHR, *Bomb-Motorcycle Explodes in Jarabulus Leaving Casualties*, 15 August 2020, https://bit.ly/3iLveYp.

128 "*Throughout 2018 and 2019, the Commission documented numerous cases of abduction of children in the Afrin region. The lack of an effective security apparatus and clear absence of the rule of law in the region resulted in frequent abductions by armed groups and criminal gangs, who also targeted children*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 58. See for example, SOHR, *Unknown Gunmen Assassinate Merchant in Al-Bab City*, 3 January 2021, http://bit.ly/3dxujM1; SOHR, *2020: 115 Children and Women among over 510 People Kidnapped in Syria, with Afrin and Regime-Held Areas Topping the List*, 27 December 2020, https://bit.ly/38TOfog; SOHR,

In frontline areas, armed groups affiliated with the SNA regularly clash with government forces and the SDF/YPG, respectively.[130] Furthermore, the SDF/YPG and their local affiliates are reported to be responsible for attacks against civilians and SNA-affiliated armed groups, including by using car bombs and the shelling of civilian areas.[131]

According to reports, ISIS maintains an operational presence in the area and has claimed responsibility for several attacks against Turkish forces and the SNA.[132]

In historically Kurdish Afrin, ethnic tensions are reported to be on the rise in light of the displacement of large numbers of mostly Kurdish inhabitants and the relocation of Arabs from other parts of the country.[133]

#### b) Security in "Operation Peace Spring" Areas

On 9 October 2019, shortly following the United States announcement that it was withdrawing its troops from the area, Turkish forces, supported by the SNA, launched a military offensive into northern Syria, an ethnically and religiously mixed region.[134] Advances focused on areas between Tal Abiyad (Raqqa

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*Unidentified Gunmen Assassinate Policeman in Aleppo Countryside*, 3 September 2020, https://bit.ly/3jLLdq1; SOHR, *Afrin: "Al-Hamzat Division" Loots Civilian Houses in Raju*, 24 July 2020, https://bit.ly/3f0yNI5; SOHR, *Two Unidentified Gunmen Assassinate Civilian in Azaz City*, 17 July 2020, https://bit.ly/2WyWXD7; SOHR, *Turkish Intelligence and Military Police Storm Village, Arresting Six People*, 2 July 2020, https://bit.ly/38wumD7. See also Section III.A.6.a.

129 According to UN High Commissioner for Human Rights, Michelle Bachelet, violence and criminality are "*rife*" in areas "*under the control of Turkish forces and Turkish-affiliated armed groups*"; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/de/dokument/2037973.html. "*Weapons are widespread in the city. Many civilians and rebels retired from fighting carry arms to defend themselves, and there are many shops selling all kinds of weapons. The sound of gunfire is common*"; MEE, *Syria: Inter-Rebel Fighting in Afrin Kills a Child*, 29 May 2020, https://bit.ly/3dxotr1. "*Lawlessness is rampant, and very few fighters have faced repercussions for their criminal activity*"; The New York Review of Books, *Who Are Turkey's Proxy Fighters in Syria?*, 27 November 2019, https://bit.ly/2P3r5lA.

130 "*Since Turkey's military intervention into northeast Syria with Operation Peace Spring (OPS) in 2019, Turkish armed forces and Turkish-backed Syrian armed opposition groups have frequently clashed with the predominantly Kurdish Syrian Democratic Forces (SDF)*"; Carter Center, *Weekly Conflict Summary: 19-25 October 2020*, 28 October 2020, https://bit.ly/2I4sE2A. See also Sections II.B.1.b and II.B.2.

131 "(…) *local residents consistently described numerous security threats, which were likely committed by groups opposing the Syrian National Army, including shooting incidents, car bomb explosions and other attacks using improvised explosive devices that led to civilian casualties*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 43. In most cases, no actor claims responsibility for these attacks. Turkey regularly blames YPG fighters for the attacks in northern Syria, which however has refuted such claims and has similarly accused SNA-affiliated groups. "*As Turkey has consolidated control, Turkish armed forces and Turkish-backed Syrian armed opposition forces have faced attacks from unidentified armed groups and Kurdish militias. Although some of these Kurdish groups claim to be independent, Turkey has argued that they are associated with the Kurdish People's Protection Units (YPG)*"; Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, http://bit.ly/37SB87g. See also, Anadolu Agency, *Terror Attack Kill 2 Civilians, Wounds 12 in NE Syria*, 24 September 2020, http://bit.ly/3rVYXDn; Al-Monitor, *Syrian Kurdish Groups Deny Responsibility for Bloody Afrin Bombing*, 29 April 2020, http://almon.co/3cni. According to the Carter Center, "*there have been at least 215 recorded attacks on Turkish armed forces and Turkish-backed armed opposition groups*" between March 2018 (when Turkey and Turkish-backed forces took control of Afrin) and June 2020; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, https://bit.ly/2ZidUDA, p. 3. On the reported targeting of individuals perceived to be collaborating with the SNA and Turkey, see Section III.A.4.

132 "*ISIS claims its first attack in Afrin, Aleppo Province since 2017, demonstrating expanding area of operations. The attack consisted of an improvised explosive device (IED) planted in a vehicle belonging to the Turkish-backed Syrian National Army in Maatabli, Afrin District. ISIS only began claiming attacks in nearby Turkish-controlled towns al-Bab and Azaz in June 2020. ISIS attack capabilities in Afrin are notable as ISIS did not control Afrin even at the height of its power, in contrast with al-Bab and Azaz. ISW previously assessed that either ISIS or the PKK may have been responsible for IED attacks in Afrin throughout November and December 2020; while it is still unclear whether ISIS or the PKK was responsible for each event, this ISIS claim lends further credence to the possibility that ISIS perpetrated some of the attacks*"; ISW, *Syria Situation Report: December 16, 2020 - January 7, 2021*, 11 January 2021, https://bit.ly/3qduzTn. For example, on 18 November 2020, "*ISIS killed a Turkish-backed police officer in Al-Bab, Aleppo Governorate. This was the fourth attack that ISIS claimed against Turkish-backed forces in Aleppo Governorate*"; Carter Center, *Weekly Conflict Summary: 16-22 November 2020*, 30 November 2020, https://bit.ly/33x45Du. "(…) *ISIS has begun to issue claims of responsibility for attacks carried out by its operatives against the Turkish army and Turkish-backed rebel organizations operating in the region of Al-Bab and Manbij*"; The Meir Amit Intelligence and Terrorism Information Center, *Spotlight on Global Jihad (June 25 - July 1, 2020)*, 2 July 2020, https://bit.ly/3ekMmBP. See also, SOHR, *"Islamic State" in 2020: 780 Regime Soldiers and Loyalists Killed in the Syrian Desert, and Nearly 500 Operations by ISIS Cells in SDF-Controlled Areas Leave over 200 Persons Dead*, 29 December 2020, http://bit.ly/38atjKy; SOHR, *Azaz: Intelligence Service Arrests ISIS Cell*, 3 December 2020, https://bit.ly/33OLIPR.

133 "*While the Turkish incursion into Afrin led to an exodus of locals affiliated with the Kurdish self-administration* [AANES]*, the city has recently experienced an influx of Arabs from other parts of Syria, changing the ethnic balance in the city.*" And further: "*The demographic shift is a reality. Most of the refugees who have moved to Afrin over the last three years are Sunni Arabs from parts of Idlib and Eastern Ghouta, which were formerly held by the opposition*"; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, pp. 11, 23. See also Section III.A.6.a.

134 See Section III.A.8.

Governorate) and Ras Al-Ain (Hassakeh Governorate) and followed intense aerial and ground bombardments across northern Syria.[135] On 13 October 2019, the SDF agreed to allow Syrian government forces to deploy along border areas to "*repel* [Turkish] *aggression*".[136] Under the terms of a 22 October 2019 memorandum of understanding between Russia and Turkey, the SDF/YPG forces withdrew from the Turkish border areas, as well as the towns of Manbij and Tel Rifat,[137] while Turkey and its allies retained full control of the 120 km-wide, 30-km-deep stretch of territory between Ras Al-Ain and Tal Abiyad.[138] Simultaneously, Syrian government forces deployed to areas previously held by the SDF/YPG, including the towns of Kobane (Ain Al-Arab), Menbij and Tabqa (Raqqa Governorate).[139] In addition, joint Russian-Turkish military forces began patrols along the Turkish border east and west of the area of "Operation Peace Spring" (Qamishli and Ras Al-Ain Districts and Menbij) at a depth of 10 kilometres.[140] The military offensive resulted in civilian casualties,[141] large-scale displacement of Kurds, Yazidis and Christians,[142] and damage to and closure of critical infrastructure.[143] Over 600 Palestinian refugees have also been impacted by hostilities related to "Operation Peace Spring".[144]

At the time of writing, the security situation in "Peace Spring" areas remains tense[145] with regular clashes and shelling exchanges between SNA-affiliated armed groups, Turkish forces and the

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135 The Guardian, *Turkey Unleashes Airstrikes Against Kurds in North-East Syria*, 9 October 2019, https://bit.ly/2NCgxsP. The offensive was condemned by the international community, including the Arab League and the EU; DW, *European Lawmakers Condemn Turkish Operation in Syria*, 23 October 2019, https://bit.ly/34nXXvg; VOA, *Arab League Condemns Turkey's Syria Incursion, Calls for UN Action*, 12 October 2019, https://bit.ly/2pstNbC.

136 BBC, *Turkey-Syria Offensive: Assad's Army 'Enters Manbij'*, 14 October 2019, https://bbc.in/2NFwXk6; The Defense Post, *Syrian Government Forces Set to Enter Kobani and Manbij in SDF Deal*, 13 October 2019, https://bit.ly/32ai1Qo.

137 Reuters, *Russia Tells Turkey Kurdish Fighters Have Left NE Syrian Border Area: Erdogan*, 29 October 2019, https://reut.rs/36hxamf. "(…) *the SDF-Damascus agreement of October 2019 has not directly affected the administration of NES on the civilian, political or internal security level. Except for those cities occupied by Turkey, the AANES retains the same political authority and autonomy as it did before the war*"; Rojava Information Center (RIC), *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, https://bit.ly/32gZ2az, p. 17.

138 Under the agreement, "*the established status quo in the current Operation Peace Spring area covering Tel Abyad and Ras Al Ayn with a depth of 32 km will be preserved*"; President of Russia, *Memorandum of Understanding Between Turkey and the Russian Federation*, 22 October 2019, https://bit.ly/34odvyY. See also, ISW, *Map: Russo-Turkish Agreement on Northeast Syria*, 23 October 2019, https://bit.ly/2qMHEK8.

139 According to the US Defense Intelligence Agency "*between 4,000 and 10,000 Syrian regime forces have been deployed in northeastern Syria since the Turkish incursion*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 51. "*So far, however, these* [government] *soldiers have not tried to establish control over YPG-held populated areas. Their seeming restraint suggests that, for now at least, the YPG-protected autonomous administration will continue to govern areas in the majority of the north east held neither by Turkey nor its Syrian allies*"; ICG, *Steadying the New Status Quo in Syria's North East*, 27 November 2019, https://bit.ly/2r3LGOB, pp. 7-8.

140 Qamishli city however was excluded from the 22 October 2019 agreement; BBC, *Turkey Syria Offensive: Russia Deploys Troops to Border*, 23 October 2019, https://bbc.in/2C8XNMb; Al Jazeera, *Russia and Turkey Begin Joint Patrols in Northeast Syria*, 1 November 2019, https://aje.io/7ur25.

141 OHCHR, *Press Briefing Note on Syria*, 6 December 2019, www.ecoi.net/en/document/2021145.html; OCHA, *Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 14 November 2019, https://bit.ly/2Qr0WPP, p. 2.

142 "*Turkey intervened militarily in northern Syria in October 2019 to create a 'safe zone' where Syrian refugees could be returned. This triggered more than 220,000 internal displacements, mostly from Kurdish border towns. Others fled across borders*"; Internal Displacement Monitoring Centre (IDMC), *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3bIk1Gp, p. 23. "*The launch of Operation Peace Spring triggered mass waves of displacement. More than 100,000 people had fled by 11 October* [2019]. *This number rose to more than 175,000 displaced individuals by 22 October, including approximately 80,000 children. More than 10,000 civilians fled across the border to Iraq*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 48. See also Sections II.D.1 and III.A.8.d.

143 UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018) and 2449 (2018): Report of the Secretary-General*, 16 December 2019, S/2019/949, www.ecoi.net/en/document/2022113.html, para. 52; United Nations Children's Fund (UNICEF), *Geneva Palais Briefing Note on Children in Syria*, 21 November 2019, https://uni.cf/2qwMOKw.

144 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Syria: Achievements and Highlights in 2019*, 24 February 2020, https://bit.ly/3ekek1o. See also Section II.B.4.b.

145 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 46.

SDF/YPG[146] and government forces, respectively;[147] infighting between SNA-affiliated armed groups;[148] and regular IED attacks against civilian and military targets,[149] mostly in and around Ras Al-Ayn (Hassakeh Governorate)[150] and Tal Abiyad (Raqqa Governorate).[151] Human rights abuses against civilians have also been reported at the hands of SNA-affiliated armed groups.[152]

146 Insecurity related to such incidents is also reported to cause displacement, particularly from areas around Ain Issa (Raqqa Governorate). "*In recent weeks, fighting around the northern town of Ain Issa has intensified with Turkish-backed Syrian militias carrying out attacks against U.S.-backed Syrian Democratic Forces (SDF). The clashes have forced thousands of civilians in Ain Issa to flee their homes as nearby villages have already been caught in the crossfire*"; VOA, *Fighting Continues over Flashpoint Town in Northern Syria*, 5 January 2020, http://bit.ly/2ME4M8s. "*Turkey continues shelling and attempts to seize SDF-held villages near Ayn Issa, Raqqa Province, while escalating kinetically across the frontline in Aleppo, Raqqa, and Hasakah Provinces, stoking tensions with Russia as well as the SDF. While Turkey has not yet mounted a full-scale offensive on Ayn Issa, continuous kinetic activity has disrupted civilian life, with more than half the town's population of 14,000 fleeing the area*"; ISW, *Syria Situation Report: December 16, 2020 - January 7, 2021*, 11 January 2021, https://bit.ly/3qduzTn. See also, SOHR, *New Displacement Movement over Rocket Attacks by Turkish-Backed Factions on Positions in Rural Tal Tamr*, 6 January 2021, http://bit.ly/3kaYaep; SOHR, *Turkish Attack: Woman and Child Injured in Shelling on Ain Issa, North of Raqqa*, 3 January 2021, http://bit.ly/37yvln2; SOHR, *"Peace Spring" Frontlines in Al-Hasakah Countryside Witness Shelling and Clashes, amid Civilian Exodus from Village*, 29 December 2020, http://bit.ly/354U5lG; Al Jazeera, *Civilians Flee Ain Issa, Northeast Syria as Clashes Escalate*, 27 December 2020, http://bit.ly/3rQEWyc; SOHR, *Civilians Flee from Abu Rasin "Zarkan", as Turkish Bombardment Continues on the Area*, 6 December 2020, https://bit.ly/37HWV0h; and Section II.B.2.

147 See Section II.B.1.b.

148 Clashes between rival armed groups regularly result in civilian casualties; see for example, SOHR, *Clashes Erupt Between "Malek Shah" and "Sultan Murad" Factions in Tal Halaf, Leaving Casualties*, 10 February 2021, https://bit.ly/2NjDXY0; SOHR, *Clashes Erupt among Turkish-Backed Militiamen over Harassment of a Girl in Ras Al-Ain City*, 5 January 2021, http://bit.ly/2NOXM9r; SOHR, *Ras Al-Ain Experiences Growing Tension and Splits among Factions over Displaced Civilians' Properties and Revenue-Sharing*, 26 November 2020, https://bit.ly/3meGpuS; SOHR, *Dispute over Seizing Houses Evolves into Clashes Between Turkish-Backed Factions*, 5 November 2020, https://bit.ly/356Emmz; SOHR, *Popular Discontent Grows in Ras Al Ain City (Seri Canier) over Yesterday's Bloody Clashes Between "Sultan Murad" Members*, 28 October 2020, https://bit.ly/3mIC6HY; SOHR, *Tension Grows over Conflicts and Disputes among Turkish-Backed Factions*, 17 October 2020, https://bit.ly/3dzdG0q; SOHR, *New Fight Erupts Between Turkish-Backed Factions in "Peace Spring" Areas, Leaving Many Civilians and Military Injured*, 9 October 2020, https://bit.ly/2SlJdn3; SOHR, *Turkish-Backed Militiaman Assassinated, as Factional Quarrels Continue in "Peace Spring" Areas*, 21 September 2020, https://bit.ly/3cnrWIM; SOHR, *Factional Clashes Renew, as Tension Continues Between People of Rural al-Hasakeh and Turkish-Backed Factions*, 13 September 2020, https://bit.ly/3bUUzNi; SOHR, *Ras al-Ain: Clashes among Turkish-Backed Factions Leave Three People Injured*, 8 September 2020, https://bit.ly/2GMz5ad.

149 "*Attacks, which included the use of improvised explosive devices, vehicle-borne improvised explosive devices and small arms fire, continued to be reported, including against civilians*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 8. "*The area* (…) *is subjected to dozens of rigged car and motorcycle explosions in the cities of Ras al-Ain and Tell Abyad and the towns of Tal Halaf, Suluk and Hamam al-Turkman, claiming dozens of victims, the majority of whom are civilians*"; Al-Monitor, *Turkish Backed Armed Groups Clash in Northern Syria*, 18 August 2020, https://bit.ly/31mgsld. Turkey regularly blames YPG fighters for these attacks, see footnote 124.

150 See for example, SOHR, *Children and Women among 12 People Killed and Injured in Outdoors Market*, 25 February 2021, http://bit.ly/3dO237T; SOHR, *Two Explosions Rock Turkish-Held City of Ras al-Ain (Sere Kaniye)*, 3 February 2021, http://bit.ly/3aIR79P; SOHR, IED Attack, *Turkish-Backed Militiaman Killed and Four Others Injured in Ras Al-Ain (Sere Kaniye)*, 6 January 2021, http://bit.ly/3ql8Xzl; Xinhua, *Explosion Kills 5 in Rebel-Held Area in NE Syria*, 2 January 2021, http://bit.ly/3ueWZ26; AFP, *Car Bomb Leaves 16 Dead in Syria*, 11 December 2020, https://bit.ly/3olwuyo; SOHR, *Ten People Killed and Injured in Car-Bomb Explosion in Ras al-Ain Countryside (Sere Kaniye)*, 27 November 2020, https://bit.ly/2JtTWjy; SOHR, *Explosion Injures Several People at Vegetable Market in Ras al-Ain City (Sere Kaniye) in Rural Hasakeh*, 2 November 2020, https://bit.ly/2Gmrsr3; SOHR, *Seven People Killed and Ten Others Injured in Ras Al-Ain Blast*, 26 September 2020, https://bit.ly/3kU0JRo; SOHR, *Four People Killed, Including Two Children, and more than Ten Others Injured in Car-Bomb Explosion in Ras al-Ain Countryside*, 24 September 2020, https://bit.ly/3j2kXYl; SOHR, *Four Women and a Man Killed in Yesterday's Explosions in Ras Al-Ain (Sere Kaniye)*, 13 September 2020, https://bit.ly/3k86WIW.

151 See for example, SOHR, *Violent Explosion in Turkish-Control Tal Abyad Kills and Injures Ten People*, 26 January 2021, http://bit.ly/2NsnPDq; SOHR, *Car-Bomb Explosion Kills One Turkish-Backed Militiaman and Injures Others in Northern Al-Raqqah*, 5 November 2020, https://bit.ly/2Idh31w; SOHR, *Civilian Killed and Others Injured in Motorcycle-Bomb Explosion*, 3 November 2020, https://bit.ly/3jVAY25; SOHR, *IED Explodes in Northern Al-Raqqah Injuring Many*, 1 September 2020, https://bit.ly/3bhzJHH; SNHR, *Woman Died on Aug 22 Due to Wounds Sustained by a Blast of a Car Bomb of Unknown Origin in Slouk Town in Raqqa*, 22 August 2020, https://bit.ly/31IEDA8; SOHR, *Car Bomb Explodes in "Peace Spring" Areas, Leaving Casualties*, 20 August 2020, https://bit.ly/32cz9ab; SOHR, *Car Bomb Explodes at Checkpoint in Rural Tal Abyad, Leaving Many Casualties*, 18 August 2020, https://bit.ly/3aCwgDi; SOHR, *Tal Abyad's Car-Bomb Explosion: Six People Killed, Including Three Children and Other Unidentified Bodies in Northern Al-Raqqa*, 7 July 2020, https://bit.ly/3206DKc; SOHR, *North of Al-Raqqa: IED Explodes Killing Two Turkish-Backed Fighters*, 10 June 2020, https://bit.ly/33n7tjw; SOHR, *Car-Bomb Explosion Leaves Casualties among Turkish Troops and Proxy Factions in a Town North of Raqqa City*, 6 March 2020, https://bit.ly/30j6lxd.

152 See Section II.E.4.

## C. Civilian Casualties

Since 2011, several hundreds of thousands of civilians have been killed as a result of conflict.[153] Although casualty figures have dropped since 2018 and, following the establishment of a ceasefire in Idlib in March 2020, have fallen to the lowest levels recorded since the start of the conflict in 2011, civilians continue to be killed by all parties to the conflict.[154] It is estimated that more than 100,000 Syrians have been detained or forcibly disappeared, mostly at the hands of government forces.[155]

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153 There are several data sets on casualties in Syria based on different methodologies (including varying definitions of who is a civilian and a non-civilian), and the totals recorded by each source vary considerably. SOHR documented the deaths of over 116,900 civilians (including over 13,800 women and 22,100 children) by 9 December 2020, with the vast majority attributed to government forces. The total death toll does, *inter alia*, not include some 88,000 people who were recorded to have died of torture in government detention. SOHR counts civilians who have taken up arms against the government as "civilians"; SOHR, *On International Human Rights Day: Millions of Syrians Robbed of "Rights" and 593 Thousand Killed in a Decade*, 9 December 2020, https://bit.ly/2tzRUXm. The Violations Documentation Center (VDC) recorded the names of over 135,500 civilians who have been killed by conflict-related violence between March 2011 and November 2020. The vast majority of these civilian deaths have been attributed to government forces; VDC, *Monthly Statistical Report in Casualties in Syria: November 2020*, http://bit.ly/37R1vKT, pp. 1, 3. SNHR documented the deaths of nearly 226,800 civilians, including over 28,300 women and 29,300 children, who have been killed between March 2011 and September 2020. The responsibility for the vast majority of deaths (nearly 200,000) has been attributed to government forces; SNHR, *Civilian Death Toll*, accessed 28 February 2021, https://bit.ly/3jEQgJy. According to AGPS, a London-based human rights organization, the conflict has resulted in the deaths of over 4,040 Palestinians, both civilians and fighters. Over 490 of those killed were women; AGPS, *Victims Data Table*, accessed 28 February 2021, https://bit.ly/2l6ZB1v. SNHR recorded the death of nearly 3,200 Palestinians between March 2011 and July 2020, including 312 women and 352 children. 491 Palestinians were recorded to have died under torture; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb. The UN stopped collecting casualty statistics in early 2014, citing lack of access and diminishing confidence in data sources; Time, *UN to Stop Updating Syria Death Toll*, 7 January 2014, http://ti.me/1achNKN. The UN High Commissioner for Human Rights stated in 2019: "*Several hundreds of thousands of children, women and men have been killed in Syria since 2011.* (…) *So many that it is no longer even possible to give a credible estimate*"; UN News*, UN Human Rights Chief Fears World Has Grown Numb to Syrian Carnage*, 26 July 2019, https://bit.ly/2YC5Q17. See also, *The New Arab, Will We ever Really Know how Many People Have Died in Syria since 2011?*, 28 January 2020, https://bit.ly/2RzaSHe. Based on reports in English language media, Action on Armed Violence (AOAV) recorded more than 74,500 civilian casualties from explosive weapons between 2011 and 2019, including 32,000 deaths and 38,500 injuries, with figures likely "*significantly underreported*"; AOAV, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, https://bit.ly/2OB9eTf, p. 7.

154 "*Civilians were killed and injured as a result of shelling and intermittent airstrikes in the de-escalation area in the north-west, and as a result of fighting between and within various armed groups in the north-west, northern and eastern parts of the country. Civilians also continued to be killed and injured by attacks carried out with various types of improvised explosive devices, including vehicle-borne improvised explosive devices, and as a result of explosive remnants of war, including unexploded ordnance. Some improvised explosive device attacks were carried out inside residential areas and local markets, either targeting civilians or heedless of their impact on civilians*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 17. "*Syria remained the second deadliest conflict in 2019 but battle-related deaths decreased from 11,824 in 2018 to 7,304 in 2019*"; Peace Research Institute Oslo (PRIO), *Conflict Trends in the Middle East, 1989–2019*, 24 September 2020, https://bit.ly/3i7Ieaa, p. 12. "*In the year since 15 March 2019, ACLED records almost 19,000 total disorder events across Syria. Battles, violence against civilians, and explosions/remote violence – such as shelling and airstrikes – account for over 17,100 of these events. Nearly 15,000 total fatalities are reported during this period, including almost 4,100 civilians killed in direct or targeted attacks, with even more killed as 'collateral damage' "*; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, https://bit.ly/3ef9jGi. In 2020, SOHR recorded a total of 6,817 casualties, including 1,528 civilians, representing the lowest yearly death toll since 2011; SOHR, *Lowest Yearly Death Toll ever: 6,817 People Killed Across Syria in 2020, of whom 22.4% Are Civilians*, 31 December 2020, http://bit.ly/3b3ZDk4. SNHR recorded the deaths of 1,006 civilians between January and June 2020, including 218 children and 113 women. The majority of civilian casualties were recorded in Idlib Governorate (mostly in the first two months of 2020), followed by Aleppo, Deir Ez-Zour, Dera'a, Raqqa and Hassakeh Governorates. SNHR recorded at least 71 individuals who died as a result of torture, mostly in government detention (63), with others who died at the hands of the SDF, HTS and other parties; SNHR, *1,006 Civilians, Including Three Media Workers and 12 Medical and Civil Defense Personnel, Documented Killed in Syria in the First Half of 2020*, 1 July 2020, https://bit.ly/3eaqd97.

155 According to SNHR, as of August 2020, at least 148,000 individuals remained detained or forcibly disappeared in Syria, mostly at the hands of the Government (over 130,000). The vast majority of those forcibly disappeared were recorded in the governorates of Rural Damascus, Aleppo and Damascus; SNHR, *The Ninth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances: There Is No Political Solution Without the Disappeared*, 30 August 2020, https://bit.ly/32I5EgB (hereafter: SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB), pp. 7, 10.

Moreover, many civilians have died prematurely of infectious and non-infectious chronic diseases due to the lack of adequate health care.[156] In addition, many more have been wounded as a direct result of the conflict, often leading to long-term disabilities,[157] and/or are suffering from the psychological consequences of having been witness to violence, the loss of family members, displacement and deprivation.[158]

Years of conflict have resulted in widespread contamination with ERW and landmines, threatening the lives of millions of civilians.[159] Internally displaced persons (IDPs) and returnees are often at an elevated risk from ERW and landmines as they are unaware of the location of hazards in the areas through which they transit and to which they return.[160]

156 "*The rising death toll of non-combatants, due to either direct assaults or **as a by-product of increasingly scarce health services resulting from impaired facilities and restrictions on dispatching humanitarian assistance, together with the outbreak of communicable diseases**, is reflected in lower life expectancy, which in 2018 was marked at 71.8 years*" (emphasis added); ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 37. "*Medical supplies are low and at times nonexistent, patients often die of wounds and diseases that are not severe, and medical staff are overworked and often under-qualified*"; MEI, *Ravaged by War, Syria's Health Care System Is Utterly Unprepared for a Pandemic*, 23 April 2020, https://bit.ly/3cyXPgf.

157 "*Such injuries* [caused by explosive weapons] *in Syria often require life-long expert health care. Unfortunately, not only do explosive weapons result in catastrophic injuries, they also decimate healthcare systems, meaning such support is often thin on the ground. Due to displacement and other conflict-related restrictions, many wounded may not receive adequate care. Even when they do, poor living conditions mean the injured often have high rates of readmission from complications such as infection and disease*"; AOAV, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, https://bit.ly/2OB9eTf, pp. 8-9. See also, SOHR, *Regime Aerial Operations in Six Years: 165,000 Airstrikes Killed Nearly 14,000 Civilians, Including more than 5,300 Children and Women, and Injured 91,000 Others*, 30 November 2020, https://bit.ly/3lXjdjU; Enab Baladi, *Amputee Children Dream of Prosthetic Limbs in Northern Syria*, 2 March 2020, https://bit.ly/2NKBuCm.

158 See Section II.F.1.

159 "*Although the scale and scope of explosive contamination across the Syrian Arab Republic has yet to be fully determined, approximately one explosive incident every 10 minutes was recorded between January 2019 and March 2020*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 26. According to SNHR, at least 2,601 civilians have been killed by anti-personnel and anti-vehicle landmines between March 2011 and December 2020, including nearly 600 children; SNHR, *Syria Is Among the World's Worst Countries for the Number of Mines Planted Since 2011, Despite Prohibition of Their Use in International Law*, 10 December 2020, https://bit.ly/3a6hMgy. "*The contamination of large parts of Syria by explosive hazards adds to the appalling human cost of the active fighting. Each month we see a steady stream of civilian casualties; often these are children killed or injured while playing or picking through rubble*"; OCHA, *Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ad Interim, Ramesh Rajasingham, Briefing to the Security Council on the Humanitarian Situation in Syria*, 27 August 2020, https://bit.ly/3bXRpbF. "*Owing to the fog of war, the scale of the contamination is not fully known, though the number of casualties and the levels of bombardment suggests it is alarmingly high.* (…) *Due to the level of conflict that continues in the country demining organisations cannot carry out their work. This in many instances means civilians carry out clearance themselves, which has killed or injured many*"; AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, pp. 14, 15. According to the 2020 Humanitarian Needs Overview (HNO), 11.5 million people, or more than half the population live in the 2,562 communities reporting explosive hazard contamination in the preceding two years. While all population groups are vulnerable to the threat of explosive hazards, risks for children, and particularly boys, are particularly acute; OCHA, *2020 HNO*, July 2020, pp. 20-21; United Nations Mine Action Service (UNMAS), *Syria: Explosive Hazard Contamination*, last updated October 2020, https://bit.ly/35bMMai. See also, SOHR, *13 Children Killed in Landmine Explosions in Various Syrian Areas Earlier this Year*, 17 January 2021, http://bit.ly/3bvBDVx; Carter Center, *Explosive Munitions in Syria Report #4*, 13 November 2020, https://bit.ly/33p8ngb; Enab Baladi, *Landmines and Explosive Remnants of War Continue to Claim Lives and Limbs* in *Syria's Daraa*, 28 May 2020, https://bit.ly/2XEQszA; OHCHR, *Syria: Bachelet Warns of 'Ticking Time-Bomb' as Civilian Killings Mount*, 8 May 2020, www.ecoi.net/en/document/2029807.html. "*Explosive Remnants of War (ERW) continue to claim the lives of civilians, and Palestine refugees in camps and areas that witnessed active fighting over the past ten years are particularly at risk*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTbIVB, p. 11; and footnotes 931 and 932.

160 "*While everyone in contaminated areas is at risk, children, farmers, construction workers and people on the move are particularly vulnerable. Residential areas and key infrastructure, such as roads, schools, health centres, agricultural land, and settlements remain unsafe or unserviceable because of contamination* (…)"; UNMAS, *Syria: Explosive Hazard Contamination*, last updated October 2020, https://bit.ly/35bMMai. "*Farmers, cattle grazers, construction workers, scrap metal collectors, humanitarian workers as well as displaced people and returnees are facing such risks every day as they are forced to live or work in the vicinity of weapon contaminated areas*"; ICRC, *Syria: Amid Concerns over COVID-19, the Risk of Weapon Contamination Should not Be Forgotten*, 4 April 2020, https://bit.ly/3epe8xV.

# D. Forced Displacement and Returns

## 1) Forced Displacement and Access to Safety

More than half of Syria's pre-war population has been displaced,[161] including more than 6.18 million IDPs,[162] over 5.58 million registered refugees who have fled to neighbouring countries and North Africa,[163] and hundreds of thousands who arrived as asylum-seekers in Europe and beyond, the vast majority of whom were subsequently granted international protection.[164] While overall displacement movements decreased in 2019 and 2018 compared to previous years,[165] large-scale displacements continued in early 2020, mainly in the country's North-West.[166]

[161] "*Half the pre-war population – more than 13.2 million people – remain displaced inside and outside the country. This is the largest refugee crisis in the world* (…)"; UNHCR, *UN Chiefs Urge Sustained Support to Syrians and the Region ahead of Fourth Brussels Conference*, 29 June 2020, https://bit.ly/2YETmou.

[162] UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6, p. 1. "*Many of the more than 6.2 million displaced persons in the Syrian Arab Republic were victims of the crime against humanity of forcible transfer, the war crime of ordering the displacement of the civilian population, or both. Even absent crimes committed for the purpose of displacement, the commission of multiple war crimes and violations of international humanitarian law by parties in the course of the conflict prompted many millions to flee internally or to seek asylum abroad*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 66.

[163] Including 3.65 million refugees in Turkey, 865,500 in Lebanon, 663,500 in Jordan, 243,100 in Iraq, 130,500 in Egypt and 31,600 in other parts of North Africa; UNHCR, *Syria Regional Refugee Response*, accessed 28 February 2021, http://data2.unhcr.org/en/situations/syria. "*The numbers would be higher if asylum seekers and non-registered refugees were included, especially those in Lebanon and Jordan who have not yet been granted refugee status*"; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 28. The latest major outflow occurred in the wake of Turkish-led "Operation Peace Spring" in northern Syria in late 2019, when over 20,000 Syrians crossed through informal crossing points into the Kurdistan Region of Iraq; UNHCR, *UNHCR Iraq Factsheet: January 2020*, 10 February 2020, https://bit.ly/370bETz, p. 1.

[164] In 2019, Syrian asylum applications showed a decreasing trend; this trend continued in 2020, due at least in part to the COVID-19 pandemic. Yet, applicants from Syria remained the top nationality seeking asylum in Europe in 2020; European Asylum Support Office (EASO), *Latest Asylum Trends: 2020 Overview*, accessed 28 February 2021, https://bit.ly/2C2ViuE.

[165] In 2018, a total of 1.6 million population movements were recorded, 40% fewer than in 2017. In 2019, over 1.8 million population movements were recorded; OCHA, *Syrian Arab Republic: IDP Movements*, as of October 2020, https://bit.ly/2KxO1bf. In 2019, the main events resulting in internal displacement included escalating violence in and around Idlib, the October 2019 Turkish-led "Operation Peace Spring" in northern Syria, and armed hostilities between the SDF and ISIS in the eastern governorate of Deir Ez-Zour in early 2019; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, pp. 29-30, 35.

[166] *"Displacement has been reduced to a few governorates. In areas that are still affected by conflict, however, there have been record flows* [between 2018 and 2020]"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3bIk1Gp, p. 28. "Between January and October 2020, over 1.73 million population movements were recorded. The majority of these were recorded in Idlib and adjacent areas from where nearly one million people were displaced between December 2019 (renewed escalation of conflict) and early March 2020 (establishment of temporary ceasefire); OCHA, *Syrian Arab Republic: IDP Movements*, as of October 2020, https://bit.ly/2KxO1bf. As of early March 2020, some 70,000 persons remained internally displaced in the North-East following the Turkish-led "Operation Peace Spring" in October 2019; International Rescue Committee (IRC), *Syria's Tragedy, Our Lessons: President and CEO of the IRC David Miliband CSIS Speech*, 2 March 2020, https://bit.ly/3eoygjx. Attacks by ISIS and anti-ISIS military operations also continue to result in the displacement of civilians: "*In June* [2020]*, Liwa Al-Quds requested military reinforcements to comb the area* [in rural Hama Governorate] *and were subsequently joined by large groups of Christian militias from the Hama governorate towns of Mhardeh and Suqalbiyeh. These operations pushed many remaining residents of remote eastern Hama desert villages to flee their homes*"; Syria Report, *Eastern Hama Villagers Flee their Homes as Pro-Regime Militias Comb for ISIS*, 7 October 2020, https://bit.ly/3pyBjM3. "*ISIL attacks displaced 200 households in eastern Hama during July and August* [2020]"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, https://bit.ly/36ahiUR, p. 3. See also, SOHR, *ISIS Resurgence in Eastern Rural Hama: Kidnapping of Three Civilians and Stealing Their Property, and Pro-Regime Militiaman Killed in Landmine Explosion*, 20 September 2020, https://bit.ly/3hLgjwF; SOHR, *ISIS Storms Village in Eastern Hama, Stealing Several Vehicles, Setting Houses on Fire and Killing a Resident*, 26 July 2020, https://bit.ly/2DbXO5Q; SOHR, *ISIS Unleashes New Attack on Al-Sukhnah, while Civilians Flee from the Area*, 23 July 2020, https://bit.ly/32VthnK; SOHR, *ISIS Resurgence: Unidentified Gunmen Kill Four Shepherds and Steal Their Sheep in Regime-Controlled Areas, East of Al-Raqqa*, 16 June 2020, https://bit.ly/32ZbMmg.

According to estimates by UNRWA, of the approximately 560,000 persons registered in Syria with UNRWA ("Palestine refugees")[167] prior to the conflict, around 438,000 remain inside Syria, 254,000 have been displaced at least once since 2011, 40 per cent remain internally displaced,[168] and over 120,000 have fled to other countries.[169] UNRWA estimates that up to 2,500 Palestinian refugee families remain displaced in Idlib and surrounding areas, where they risk being directly impacted by armed hostilities, including air strikes and shelling.[170]

Governments of host countries in the region maintained or further tightened border management measures to restrict arrivals, leaving thousands of vulnerable people stranded inside Syria, unable to seek safety.[171] According to multiple sources, the numbers of cases of forcible returns and denial of access to territory are increasing in light of deteriorating economic conditions and rising anti-refugee sentiments in some host countries.[172]

### 2) Refugee and IDP Returns

#### a) Refugee Returns

In parallel to ongoing displacements, there has been a gradual increase in the level and pace of returns from neighbouring countries, including as a result of the increasingly difficult conditions for Syrian refugees in these countries.[173] In 2020, some 38,200 Syrian refugees spontaneously returned to Syria

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167 UNRWA defines "*Palestine refugees*" for its operational purposes as "*persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict*"; UNRWA, *Consolidated Eligibility and Registration Instructions* (CERI), 1 January 2009, www.refworld.org/docid/520cc3634.html, p. 32. In accordance with relevant UNGA resolutions, other persons may also be eligible to receive UNRWA services, most notably persons displaced as a result of the 1967 and subsequent hostilities; UNRWA, CERI, pp. 6-7. In addition to the over 568,700 Palestine refugees registered with UNRWA in Syria, in accordance with relevant UNGA resolutions, other persons may also be eligible to receive UNRWA services, most notably persons displaced as a result of the 1967 war and subsequent hostilities; *ibid.* For updated population figures, see UNRWA, *UNRWA Registered Population Dashboard*, http://bit.ly/2WGSSMI.

168 UNRWA, *Syria: Humanitarian Snapshot, December 2021*, 1 February 2021, https://bit.ly/39KmBMi. "*The Palestine refugee population remains largely displaced in 2020*"; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, https://bit.ly/2LutDes, p. 10.

169 Including to Lebanon (27,700 Palestinian refugees from Syria / PRS) and Jordan (17,800 PRS). Many PRS face a precarious existence due to their uncertain legal status and limited social protection mechanisms, making them heavily reliant on UNRWA assistance to cover their basic needs. Others are thought to have fled to locations outside the region, and are thus outside of the Agency's fields of operation; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, pp. 6, 35, 37, 41, 51.

170 UNRWA, August 2020. Many of the refugees evacuated to Idlib under so-called "evacuation agreements" have subsequently been re-displaced as a result of the 2019/2020 military offensives against opposition-held areas: AGPS, *Palestinian and Syrian Families Flee Deadly Shelling in Northern Syria*, 19 December 2019, https://bit.ly/3hDK5V7. See also Section III.A.1.c.

171 "(…) *there was no major influx recorded in 2020 as borders and admissions procedures remained closely managed, even before the COVID-19 restrictions*"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, https://bit.ly/352b2Np, p. 7.

172 "(…) *there is a worrying increase in incidents of the Lebanese general security handing over to their Syrian counterparts men who defected from the Syrian army and fled to Lebanon, including the most recent case of Hussein Jumaa who was, according to several reports, arrested in January 2021 in Baalbek and handed over to Assad's security*"; SACD, *Treatment of Syrian Refugees is Lebanon's most Serious Human Rights Failure*, 13 January 2021, https://bit.ly/2ZY4ufY. "*Forcible returns from* [Turkey and] *other countries have also been reported, but are very difficult to monitor*"; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36. See also, SOHR, *Idlib Countryside: Turkish Border Guards Kill Child, as He Tries to Enter Turkish Territory*, 4 February 2021, http://bit.ly/3dAKAQ8; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html; AGPS, *12 Palestinian Refugees from Syria Fatally Shot by Turkish Gendarmerie*, 23 January 2021, http://bit.ly/2ZOdzbl; SOHR, *Turkish Border Guards' Violations: Over 460 Civilians Killed since the Start of the Syrian Revolution, Nearly One Third Are Children and Women*, 12 December 2020, https://bit.ly/2LqYh8d; Refugee Protection Watch, *Trapped in Between Lebanon and Syria: The Absence of Durable Solutions for Syria's Refugees*, 19 October 2020, https://bit.ly/2l4m7ow (hereafter: Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow), pp. 14-15; Amnesty International, *Jordan: Stop Forcible Transfer of Syrian Refugees to a No-Man's Land in the Desert*, 15 September 2020, https://bit.ly/2Rz6Uxt; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html. PRS in Jordan who do not hold Jordanian documents "*continue to face the risk of arrest, detention and potential forced return to Syria*"; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, https://bit.ly/2LutDes, p. 6.

173 "*Dire conditions inside Syria coupled with extreme 'push factors' in host countries lead us to believe that the overwhelming majority of returnees to Syria thus far did not do so voluntarily, but rather they were forced to take the return decision based on their difficult circumstances. Syrian refugees living in neighboring countries often experience legal, economic, and social*

from countries in the region, mostly from Turkey, Iraq and Lebanon, representing significantly fewer returns than in 2019 when the return of close to 95,000 refugees was verified.[174] Not all refugee returns are sustainable with renewed displacement being reported.[175]

Border closures and movement restrictions due to COVID-19 resulted in the near halt of refugee returns from neighbouring countries between mid-March and May 2020.[176] However, irregular crossings, particularly from Lebanon, continued as the country's economic crisis created further economic hardship for Syrian refugees.[177]

On 7 July 2020, the Government of Syria issued a decree requiring all adult Syrians returning from abroad to exchange US$ 100, or its equivalent in a foreign currency that is accepted by the Central Bank of Syria. As the new policy requires that the exchange is based on the official Central Bank rate, returnees are forced to convert cash at approximately half its actual market value.[178]

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*marginalization, and at times active discrimination, in their places of residence. Return decisions that were taken to escape such conditions cannot be considered voluntary or dignified. Furthermore, the overall situation in Syria remains highly unconducive for the safe and dignified return of displaced Syrians*"; Joint Agency NGO Report, *Into the Unknown: Listening to Syria's Displaced in the Search for Durable Solutions*, June 2020, https://bit.ly/32COLW3 (hereafter: Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3), p. 12. According to UNHCR's spokeswoman Lisa Abou Khaled, "[F]*rom conversations with refugees such* [socioeconomic] *factors – including no longer being able to afford rent, medical services, food, clothes and other necessities – were mentioned among reasons for having made the decision to return. Some refugees also cited the current situation in Lebanon and increasing food prices*"; The Arab Weekly, *Few Syrian Refugees Return Home Despite Lebanon's Economic Crises*, 8 April 2020, https://bit.ly/2E5JlJ3. See also, SACD, *Treatment of Syrian Refugees is Lebanon's most Serious Human Rights Failure*, 13 January 2021, https://bit.ly/2ZY4ufY; UNHCR, *2020 Progress Report: 3RP Regional Refugee & Resilience Plan in Response to the Syria Crisis (August 2020)*, 31 August 2020, https://bit.ly/3nxiHLE, p. 3; Arab News, *Lebanon Pushes for Syrian Refugees to Leave*, 18 July 2020, https://bit.ly/2ONTk88; Refugees International, *Lebanon at a Crossroads: Growing Uncertainty for Syrian Refugees*, 30 January 2020, https://bit.ly/32BTPdB.

174 Between January and 20 February 2021, UNHCR recorded close to 4,300 returns, mostly from Turkey; UNHCR, February 2021. Return numbers include Syrian refugees registered by UNHCR in Egypt, Iraq, Jordan and Lebanon and by the Government of Turkey. The numbers reported are only those monitored/verified by UNHCR and are as such likely to be an underestimate; UNHCR, *Syria Regional Refugee Response: Durable Solutions*, last updated 31 December 2020, https://data2.unhcr.org/en/situations/syria_durable_solutions. "*The decrease in returns is likely due to a number of factors including the challenging legal, economic and political situation and the impact of the COVID-19 pandemic on Syria as well as new requirements introduced by Syrian authorities related to entry, including a negative PCR test result and, for every adult, the exchange of 100 USD to Syrian pounds at the official rate upon entry*"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, https://bit.ly/352b2Np, p. 34.

175 "*Even in provinces where the conflict has abated, they struggle to get jobs and access services. Faced with the impossibility of achieving a durable solution at home, some returning refugees cross borders again*"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3blk1Gp, p. 73. "*The lack of sustainable material, physical and legal safety has increasingly given rise to a phenomenon of 're-displacement', in which refugee returnees decided to again leave Syria and attempt to cross the border with Lebanon, where they however don't have access to legal residency*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow, p. 30.

176 "*No verified returns occurred between late March and late May 2020.* (…) *By late 2020, return from all 3RP countries* [countries covered by the UN's Refugee Response Plan, i.e. Jordan, Lebanon, Iraq, Turkey and Egypt] *had resumed, though numbers remain significantly lower than prior to the pandemic*"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, https://bit.ly/352b2Np, p. 7. See also, UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, https://bit.ly/2LutDes, p. 10.

177 The border between Lebanon and Syria reopened for refugee returns in mid-July 2020. "*From 16 August* [2020]*, the GoS has required individuals arriving from official border crossing points with Lebanon to present a negative PCR certificate obtained within the past 96 hours at accredited laboratories. Those unable to present such a document are quarantined*"; OCHA / World Health Organization (WHO), *COVID-19 Humanitarian Update No. 22*, 23 December 2020, https://bit.ly/392uhbc, p. 2. By mid-June 2020, Turkey had resumed refugee repatriation activities through its border, while returns were also noted from Iraq; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, https://bit.ly/30v9DMl, p. 10.

178 The new policy comes into effect starting 1 August 2020 and applies to land crossings and airports. Public transport drivers and truck drivers are excluded from the decision. "*For large and poor families, the cost of these measures will be exorbitant*"; The Syria Report, *Government Forces Syrians Entering the Country to Sell Dollars at Official Rate*, 15 July 2020, https://bit.ly/2Cr0KLS. "*With the implementation of Cabinet Decision no. 46 from 1 August 2020, which imposes on all Syrians and alike (with the exception of individuals under the age of 18 years and drivers of public transportation) the requirement to exchange USD 100 at the borders prior to being granted entry into Syria, there has been a reduced number of returns witnessed*"; UNHCR, *Syria: UNHCR Operational Update, July-August-September 2020*, 10 November 2020, https://bit.ly/32yewGe, p. 10. "*Several refugees trying to go back to Syria – often to escape the dire economic circumstances in Lebanon – have found themselves stuck in a no man's land between Lebanon and Syria, unable to go home but also not allowed back into Lebanon. At least one 17-year old girl has died in this situation*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow, pp. 13-14. According to HRW, the policy "*has only added another obstacle to prevent Syrians who wish to go home from returning*"; HRW, *Syria's 100 Dollar Barrier to Return*, 23 September 2020, www.ecoi.net/en/document/2037981.html.

While overall returns of Palestinian refugees[179] to their places of habitual residence in Syria remain relatively low, UNRWA recorded some 1,380 returns mostly from Lebanon and Jordan in 2020.[180]

#### b) IDP Returns

IDP returns have fluctuated as frontlines shifted.[181] In 2020, close to 450,000 IDP returns were recorded.[182] Most of these returns took place to areas outside of government control in the North-West following the March 2020 ceasefire.[183] As for refugees, not all IDP returns are sustainable with renewed displacement being reported.[184]

Some internally displaced Palestinian refugees returned to their former place of habitual residence in 2019 and 2020, including over 3,000 individuals who returned to Dera'a camp in southern Syria.[185]

### *3) Refugee Return Intentions and Return Obstacles*

Surveys have shown that voluntary repatriation in safety and with dignity remains the preferred durable solution for Syrian refugees, with the majority continuing to express their hope to return one day.[186]

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179 Palestinian refugees registered with the General Authority for Palestinian Arab Refugees (GAPAR) can legally return to Syria. Palestinian refugees not registered with GAPAR may be able to return, however they will be required to update their residency status; UNRWA, December 2020.

180 Including 1,053 refugee returns from Lebanon and Jordan, and 330 from other countries; UNRWA, *Syria: Humanitarian Snapshot, December 2020*, 1 February 2021, https://bit.ly/39KmBMi. In 2019, UNRWA recorded over 2,700 Palestinian refugee returnees from Lebanon and Jordan; UNRWA, *Syria Regional Crisis Emergency Appeal 2020*, 31 January 2020, https://bit.ly/30eFsue, p. 6. "*There was a reduction in the total number of Palestine refugee returns from March 2020 onwards due to the border closures and restrictions implemented in Syria and neighbouring countries as part of COVID-19 preventative measures*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12.

181 IDPs' decision to return to their areas of origin are based on both pull and push factors related to the economic situation, access to assistance and basic services, security conditions, and the wish to reunite with family; OCHA, *2020 HNO*, July 2020, p. 29.

182 OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ, p. 4. This compares to 494,000 IDPs returns in 2019 and 1.4 million IDP returns in 2018. "*The number of IDP return movements decreased by two-thirds in 2019, from 1.4 million in 2018 to 494,000 in 2019. This downward trend is associated with perceptions on personal safety and security conditions, limited livelihood and income opportunities, debilitated infrastructure, including housing, and service availability in areas of return.*" Intention surveys showed that over 50% of all IDPs are undecided about their short-term future (next three months). Approximately one fifth indicated that they wished to integrate into their current communities, particularly in Raqqa and Deir Ez-Zour Governorates. Only 16% said that they intended to return to their place of origin (down from 30% in 2019). "*These numbers indicate growing uncertainty over conditions for return – including safety concerns, movement restrictions, lack of employment opportunities and access to basic services – as well as the extent to which IDPs may have been able to establish a living in their places of displacement, even if ultimately unsustainable*"; OCHA, *2020 HNO*, July 2020, pp. 16-17.

183 Between January and November 2020, an estimated 242,400 IDPs returned to opposition-held areas in Idlib and western Aleppo Governorates from which they had been displaced (either place of origin or former place of displacement); OCHA, *Recent Developments in Northwest Syria: Situation Report No. 23*, 21 December 2020, https://bit.ly/2X8Sx5P, p. 2; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 6. "*IDPs have also reported being afraid to return to towns and villages the government has retaken. There is a well-documented record of government forces arbitrarily arresting, torturing and forcibly disappearing civilians from territories held by non-state armed groups*"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3bIk1Gp, p. 29. According to the IICISyria, "[F]*ears of arbitrary detention by pro-government forces remained one of the factors impeding return to areas re-taken by the Government*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 79.

184 "*10 per cent of IDP households have attempted to return to their places of origin, only to be displaced again after less than a month, due to a combination of push and pull factors. In Dar'a Governorate this figure is 15 per cent; for Idleb Governorate it climbs to 20 per cent*"; OCHA, *2020 HNO*, July 2020, p. 17.

185 UNRWA, December 2020.

186 A survey of 1,100 displaced individuals by SACD showed that some 62% of refugees surveyed wished to return to Syria if the right conditions existed (compared to 92% of IDPs surveyed); SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, https://bit.ly/2WtVwFy, pp. 3, 22. Results from UNHCR's 5th Refugee Perceptions and Intentions Survey, which was conducted in Egypt, Iraq, Jordan and Lebanon between November 2018 and January 2019, indicated that as a regional average, 75% of Syrian refugees hope to return to Syria one day. However, only a minority, 5.9%, expressed an intention to return in the 12 months following the survey; UNHCR, *5th Regional Survey on Refugee Return Perceptions and Intentions March 2019*, 17 March 2019, www.ecoi.net/en/document/2005431.html.

A variety of factors influence refugees' decisions. Key among them are perceptions of the safety and security conditions in Syria,[187] including fears related to arbitrary arrest and detention[188] and, in the case of military-aged men, the obligation to perform mandatory or reservist military service.[189] In some cases, the government has not granted refugees the security clearance needed to return, while some returnees have been prevented from going to their home areas.[190] Concerns over future accountability

187 "*Security concerns are the biggest barrier to return*"; SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, https://bit.ly/2WtVwFy, p. 3. "*Many of the IDPs and refugees interviewed for this report will not voluntarily return to areas of origin or make long-term decisions regarding relocation until they have greater confidence that they would be safe if they did so. This relates not only to the absence of active conflict but also the removal of explicit or implicit threats from the government, militias and other groups. Frequently raised fears, beyond active fighting, include arbitrary arrest by security forces, forced conscription, kidnapping by armed groups and the risk from unexploded ordinance*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 15. "*For potential returnees, the threat to their own security or that of their loved ones is the primary concern*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 15. See also, Omran Center for Strategic Studies, *Indicators of Security Stability in Syria and Refugee Return: An Evaluation of Select Cases*, 17 December 2020, https://bit.ly/3rhZoYC; New York Times, *Syria Seeks Return of Refugees, but They Fear Leader's Wrath*, 12 November 2020, https://nyti.ms/33ZeDeR.

188 A study based upon 620 interviews with Syrian refugees residing in Iraq, Lebanon, Jordan, and Turkey, as well as two focus-group discussions in regime-held Dara'a and Damascus Countryside found: "*The threat of facing arbitrary arrest by the Assad regime security, militias, and military factions was the most listed reason for delayed return among displaced Syrians. Fear of detention by the regime or other armed forces in Syria is followed by theft, abduction, and blackmailing for ransom. Other important considerations included local and foreign militias, the prevalence of assassinations, and random blasts.*" The results of the survey showed that the most targeted groups upon return to regime-controlled areas were activists, FSA soldiers, defected soldiers, enlisted recruits, defected public employees, their families, and businesspersons; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, p. 11, see also pp. 44-49, 95. "*Many refugee returnees – in particular military-aged males – fear detention and reported that men of military age are often harassed on the streets by members of the security apparatus, even after gaining official exemptions from the compulsory military service.* (…) *Overall, the heavy presence of the security apparatus in the areas of return included in this research was considered threatening by the majority of respondents (in particular among male respondents), even among those that know they are not 'wanted' or at particularly high risk of being detained. Respondents reported that not having personal papers in order, or another seemingly small annoyance, could have large repercussions for one's personal safety and security*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow, pp. 5, 17. "*Some of these formerly besieged areas such as the Damascus suburb of Darayya* (…) *now remain totally depopulated. People originating from these formerly besieged areas continue to face human rights violations such as the threat of arrest or harassment when returning to check on or claim property*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 4. See also, Syria Report, *Al-Lajat: A Partial, and Dangerous, Return for Displaced Residents*, 3 February 2021, http://bit.ly/37QexYX; Chatham House, *Pro-Regime Militias and ISIS Militants Stand Against the Return of Palmyra's People*, 19 September 2019, https://bit.ly/2CPrTYY; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 10; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 5; World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*, 6 February 2019, www.ecoi.net/en/document/1457751.html (hereafter: World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html), p. 73; and Section III.A.1.e. "*Fear of Assad's security apparatus was the most important cause of displacement from the regime-held areas during all years of the conflict with 96% of people surveyed naming it as a cause of displacement in 2011 and 94% in 2018*"; SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou, p. 3.

189 "*84 per cent of the study participants who wish to return want to see compulsory military recruitment either cancelled or suspended for at least 5 years*"; SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, https://bit.ly/2WtVwFy, p. 4. Fear of conscription "*significantly contributes to decision making around refugee returns, including for boys soon to be of military age, who frequently mention conscription as a key reason for them not to return to Syria, even if they otherwise feel that return would give them better access to higher education or livelihood opportunities*"; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, https://bit.ly/3dJHpCi, p. 15. "*Men who are eligible to serve in the military are particularly worried about the prospect of forced conscription into the Syrian Arab Army, which continues to engage in combat operations. They also express fear of punishment for desertion or draft evasion*"; ECFR, *The Displacement Dilemma: Should Europe Help Syrian Refugees Return Home?*, 13 March 2019, https://bit.ly/2JcXqqr. See also, ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. *i*; HRW, *Winter Looms for Lebanon's Syrian Refugees*, 20 December 2019, https://bit.ly/2uoMaA5; and Section III.A.1.e. Men who passed 42 years of age and who did not perform their mandatory military service and did not have a valid exemption have to pay a US$ 8,000 exemption fee under amendments of the Conscription Law. Those who fail to pay are liable to sanctions, including in the form of seizure of their movable and immovable assets. As the vast majority of Syrian refugees in this situation do not have the means to pay, these regulations create a strong disincentive for those considering returning to Syria. See also Section III.A.2.

190 See Section III.A.1.e.

and religious coexistence are also reported.[191] Widespread contamination with ERW is a further concern.[192]

Refugees also express concerns over the lack of adequate housing, basic services and employment opportunities, coupled with high costs of living.[193] Lack of official documentation creates further obstacles for returnees, including when passing checkpoints, accessing employment, state-subsidized goods and health care, enrolling children in school, renting an apartment or reclaiming property.[194]

The large-scale damage and destruction of cities, towns and neighbourhoods in retaken areas, and lack of reconstruction, have been identified as a further obstacle to returns, with some areas remaining

191 "*From massacres and abuses by sectarian militias to HLP* [housing, land and property] *policy that contributes to major demographic shifts, sectarian identities have been activated and politicized by the war.* (…) *Deep divisions in Syria's social fabric contribute to further tensions, from the prospect of micro-level retaliatory violence to structural violence that is exhibited in an inability for refugees to return to their places of origin due to occupation of housing, among other forms*"; SAWA for Development and Aid (SDAID), *Unpacking Return: Syrian Refugees' Conditions and Concerns*, 6 February 2019, www.ecoi.net/en/document/1458873.html (hereafter: SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html), pp. 39-40. "*Refugees articulated skepticism about the possibility of achieving justice, although some spoke about the need for truth, reform, accountability, compensation, divine justice, and restitution of housing, land, and property. Views on future coexistence were more varied. For refugees from Daraa's Bosra al-Sham and Homs, concerns centered around Sunni-Shi'a and Sunni-Alawite relations. Among refugees from Daraa and Swayda, concerns also had to do with relations between Sunni and Druze. In each case, their concerns were shaped by their perceptions of the roles of different groups in the violence, political dynamics, and their personal experiences during displacement*"; International Center for Transitional Justice (ICTJ), *An Uncertain Homecoming: Views of Syrian Refugees in Jordan on Return, Justice, and Coexistence*, 1 May 2019, https://bit.ly/2CrIXEt, p. 2. See also, Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY; Georgetown Journal of International Affairs, *The Weaponization of Minorities in Syria and Beyond*, 9 January 2019, https://bit.ly/2OPwpsM.

192 UNMAS, *Syria: Explosive Hazard Contamination*, last updated October 2020, https://bit.ly/35bMMai. See also Sections II.B.1.b and II.C.

193 "*The cumulative effects of the disruption of basic services and the destruction of homes, schools, hospitals, electricity plants, water mains and other infrastructure create major barriers to people's return*"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3bIk1Gp, p. 23. "*The number of returnees to these neighbourhoods* [Karam Al-Maisar, Karam Al-Tarab, Karam Al-Jazmati, Jabal Badro, Al-Ardh Al-Hamra, Karam Al-Tahhan, Youth Housing and Karam Al-Qaterji] *remains small compared to other areas of east Aleppo – not only due to the destruction, but also because of neglect on the part of the government, governorate and city council* (…). *Electricity has yet to be restored, and the water networks have not been repaired, while municipal services remain absent. Most of the debris in these neighbourhoods is still strewn in the streets*"; Syria Report, *East Aleppo: Katerji Buys Properties of Displaced Residents*, 13 January 2021, http://bit.ly/3sIAy3X. "*Access to livelihoods is another important factor influencing Syrian refugee's decision to return. With the deteriorating economy across Syria, returnees are unable to gain the resources necessary for survival*"; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, p. 94, see also pp. 34-35. "*Almost all the interviewed returnees cited struggling to meet basic needs, the high cost of living and how this is being exacerbated by fluctuations in the value of the Syrian Pound and the COVID-19 measures limiting people's ability to work.* (…) *One unpublished study by an NGO based on focus group discussions in Azraq camp in Jordan found that respondents in every group raised the issue of inflation, increased prices, and lack of supplies inside Syria as barriers to their return.* (…) *Some areas have seen systematic demolition of homes, preventing people from returning, such as in Qaboun* [Damascus Governorate]"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 17. See also, Syria Report, *Al-Lajat: A Partial, and Dangerous, Return for Displaced Residents*, 3 February 2021, http://bit.ly/37QexYX; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, pp. 27-29; AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, p. 8; OCHA, *2020 HNO*, July 2020, p. 5; and Section II.F.

194 The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html; The New Humanitarian, *No Papers, no Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html.

largely depopulated.[195] Applicable property laws[196] – particularly Law No. 10 of April 2018, followed by Law No. 42 of 2018 amending certain articles of Law No. 10 – which foresee the designation of redevelopment zones across Syria by decree and may result in the confiscation of property from absent owners without compensation,[197] have been criticised by different actors for their potential to create significant obstacles to return due to their complexity and ambiguity, paired with concerns about burdensome administrative processes.[198] In addition, observers note that the 2012 Counter-Terrorism Law and legislation on housing, land and property has been used to permanently dispossess individuals or communities perceived to be opposing the government, thereby "*cementing displacement as a*

195 "*Six years have passed since residents of the northern Daraa village of Kafr Nasej* [Sanamayn Distict] *were displaced from their homes* (…) *a large share of residents remain displaced because their homes are greatly damaged and they are unable to make repairs because they don't have the financial means*"; Syria Report, *Northern Daraa Countryside: Destruction Hinders Return*, 6 January 2021, http://bit.ly/37UFxGS. "(...) *the regime's policy aimed to destroy the homes and infrastructure to such a degree as to make these areas uninhabitable until the regime approves their reconstruction under the new, discriminatory laws which would strip most of the owners and residents of their property and housing rights and make their displacement permanent. Such scenario was seen in the old Homs, Al-Waer neighborhood, Eastern and Western Ghouta, Al-Qalamoun, Moadamiya, Qudsaya, Al-Qusayr, Eastern Aleppo, the Jobar neighborhood in Damascus, Idlib countryside, Hama and elsewhere*"; SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou, p. 4. Deliberate demolition of properties by government forces following the retaking of areas from opposition forces "*prevented many residents from returning to their hometowns. Many families who lost their homes are still displaced elsewhere in rural Daraa, or in neighbouring countries such as Jordan and Lebanon*"; Syria Report, *More Than Two Years After Recapture, Regime Forces Still Burn, Damage Homes in Daraa*, 7 October 2020, https://bit.ly/2TquSvS. "(…) *much civilian infrastructure has been destroyed in indiscriminate attacks by the parties to the conflict, as well as in what seem to be targeted campaigns to depopulate certain neighbourhoods and prevent the original population from returning* [such as "*for example in the old city of Homs, Yarmouk camp, and Qaboun*]. *Without major reconstruction efforts, many refugees have no homes to which they can return*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 4 and footnote 13. "*Many formerly opposition-held areas, such as Daraya near Damascus, eastern Aleppo or certain neighbourhoods of Homs, have suffered such severe destruction that return is difficult without substantial material support, which is mostly unavailable*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, pp. 22-23. See also, Friedrich-Ebert-Stiftung (FES), *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 98-99. See also Sections II.F.1 and III.A.1.

196 For an overview of applicable property laws, see SNHR, *Public Auctions of Forcibly Displaced People's Lands Are Another Syrian Regime Method to Seize Its Opponents' Property in a Widespread and Deliberate Manner*, 14 February 2021, https://bit.ly/3q0eEr2, pp. 3-5; Syria Report, *The Most Notable Laws and Decrees Issued in Syria over the Past Decade Related to HLP Issues*, 20 January 2021, http://bit.ly/3dVkhUX.

197 Law No. 10 of 2018 expands Decree No. 66, which was issued in 2012 to "*redevelop areas of unauthorized housing and informal settlements [slums]*" in Damascus, to be applicable across all of Syria. Law No. 10 required Syrian refugees to return to Syria in order to register their property claims with government authorities. Law No. 10 had given property owners only 30 days to make a claim of ownership, after which all unclaimed property would be legally expropriated by the government. In addition to other amendments, Law No. 42 extended the period from 30 days to one year; Syrian Law Journal, *Urban Renewal Law: Law 10/2018*, accessed 28 February 2021, https://bit.ly/3o3w0n9; MEE, *Assad Amends Law 10, Giving Syrians a Year to Claim Their Property*, 29 January 2019, https://shar.es/a30oiP. "*Some of the best-known examples include Basatin Mezzeh and Kafr Sousse* [Damascus Governorate]*, whose residents were stripped of their properties by the Decree 66 of 2012, under the pretext of establishing the Marota City project. Other areas include Daraya, Al Qadam and Al Qanawat, which cover an area equivalent to about 10% of the total the area of Damascus, whose residents saw their properties confiscated without compensation equivalent to property or even housing in lieu of the confiscated housing*"; SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou, p. 4. On Law No. 40 of 2012 regarding the demolition of unauthorized buildings, see footnote 536.

198 "(…) *conditions to prove eligibility* [to obtain compensation for property expropriation] *are very difficult to meet, especially for those who are displaced, those wanted by the regime and the many who lived in informal, unregistered housing in these areas. Such individuals can thus be expropriated at little notice and without compensation or access to legal remedy*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 3. "*Interviewees outlined the cumbersome administrative burden upon those wishing to return to their places of origin. Individuals wishing to claim their property in Bayadah, Homs Governorate, were required to present proof of ownership to the Office of the Governorate and then approach the Criminal Security Branch to clear their records. Once cleared, they were required go to the local police. Many people who applied to return were not cleared and the reasons for denial were not specified nor provided in writing, preventing them from challenging the decision*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 76. See also, Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow, pp. 6, 32-34.

*permanent reality*."[199] The Independent International Commission of Inquiry on the Syrian Arab Republic (IICISyria) further reported that the government's demand for returnees to pay for outstanding utility charges "*further complicated return.*"[200] In areas under control of SNA-affiliated armed groups, the confiscation of property has also been described as a key impediment to returns.[201]

A gender analysis of returns identified multiple obstacles for women, including fear of arrest and military conscription of their male family members or themselves;[202] issues related to housing, land and property rights;[203] threats of gender-based violence and lack of laws to protect and empower women;[204] lack of basic services and livelihood opportunities;[205] as well as the lack of a meaningful political process and guarantees for safety, security and human rights.[206]

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199 PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 2. "*The pattern is always the same: use indiscriminate attacks and terror to displace the original population, handover the control of these areas to various security branches and militias which continue to oppress those who stay behind and prevent the displaced from safely returning, and then pass laws and decisions to strip the original owners of their properties and re-appropriate them to the regime-friendly businessmen or members of its forces. These decrees and laws are always made under the guise of 're-organisation' or reconstruction, but, as the case of Hama's countryside clearly illustrates, their aims are to cement displacement and the resulting demographic change*"; SACD, *Hama Confiscations of Property Confirm Syrian Regime's Intent to Cement Displacement*, 16 November 2020, http://bit.ly/2IOnIQm. "*The government continued to use Law No. 10 to reward those loyal to the government and create obstacles for refugees and internally displaced persons (IDPs) to claim their property or return to their homes*"; United States Commission on International Religious Freedom (USCIRF), *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. See also Section III.A.1.a and III.A.1.d.

200 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 77. For example, in Eastern Ghouta, "[H]*omeowners are routinely tasked with paying back electricity bills dating as far back as 2011, regardless of whether or not they have actually been living in their homes.* (…) *Those who are unable to pay these extortionate bills have their homes cut off from the power grid.* (…) *To resume service, residents must pay their outstanding bills as well as a fee of 12,000 SYP* [Syrian pounds] *($17.60) to obtain proof of debt clearance*." Furthermore, the "*Douma Financial Directorate has launched a sweeping investigation into the financial histories of many residents and local business owners. Regime forces are demanding they pay unpaid back taxes with service fees added to the delinquent account. Those who cannot or refuse to pay face prison*"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, pp. 11, 14. See also, Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, http://bit.ly/2NEWwWM; Enab Baladi, *"Adhesion Contracts" for Seizure of Real Property in Homs*, 27 August 2020, https://bit.ly/363SnAA; Enab Baladi, *State Institutions Extort Syrians in Daraa with Exorbitant Bills*, 13 November 2019, https://bit.ly/2E2iRIx; Syria Direct, *Syrian Government Forces Returning Displaced Persons to Pay for Services They never Received*, 16 September 2019, https://bit.ly/3hmiMNY.

201 See Section III.A.6.

202 Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 22. "*The fear of forced military conscription has also resulted in a relatively large number of families who have undertaken a so-called 'split return', where only a part of a refugee household returns to Syria and others (mainly male family members) stay behind in Lebanon*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 18.

203 "*The legal framework in Syria puts women at a great disadvantage to accessing their HLP rights upon return, compared to men, given gendered differences in the law. Legally, women do not have equal access to inheritance rights and property rights, and customarily, women are less likely to have HLP registered in their name*"; UN Women, *Why Gender Matters in the Discussion on Returns to Syria*, 8 November 2019, https://bit.ly/30wZXkr, p. 2. See also, Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11.

204 Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 71.

205 "*Women interviewees, especially widows, expressed particular concern about going back to Syria without a house or source of income*"; ICTJ, *An Uncertain Homecoming: Views of Syrian Refugees in Jordan on Return, Justice, and Coexistence*, 1 May 2019, https://bit.ly/2CrIXEt, p. 2. See also, Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11.

206 "*The lack of anything resembling due process, plus the government's continued practices of arbitrary arrests, mistreatment and harassment, continue to be a major deterrent to people considering a return to Syria*"; HRW, *Dozens of Prisoners Released in Syria*, 6 November 2020, www.ecoi.net/en/document/2040384.html. "*Examples were cited of family members that had returned and been arbitrarily detained simply for their family name or place of origin. Widespread risk of GBV and impunity inside Syria was also cited, with concerns raised that the Syrian authorities have drastically limited the number of organisations authorised to provide legal aid including to assist or advise survivors of such violence. The research also highlights how women and girls face specific gendered challenges in their legal status; both as refugees and as returnees. Refugee women are less likely to* (…) *have Syrian identity cards or passports. This lack of legal documentation puts them at heightened risk of extortion and sexual harassment*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11. See also, UN Women, *Why Gender Matters in the Discussion on Returns to Syria*, 8 November 2019, https://bit.ly/30wZXkr.

Many refugees also report feeling anxious and fearful about returning due to the traumatic experiences to which they were exposed in Syria.[207]

UNRWA expects that many Palestinian refugees will remain displaced for the foreseeable future in light of continued access restrictions and large-scale destruction to and lack of services in many camps and settlements.[208] Obstacles to return reported by other organizations are fear of arbitrary arrest and forced conscription;[209] housing, land and property issues;[210] and the loss of livelihoods.[211] More than 180,000 Palestine refugees have had their homes destroyed or severely damaged due to hostilities.[212]

UNHCR and other actors in Syria do not have free and unhindered access to all returnees, be they IDP or refugee returnees, in order to monitor the conditions of reception and reintegration and ascertain the voluntariness and sustainability of these returns.[213] As conditions remain unconducive for large-scale

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207 "*Syrian refugees have highlighted the extent to which distressing and traumatic memories of their earlier lives in Syria remain, resulting in a complicated relationship to the notion of return. Even for those who express a desire to reunite with their families and to 'go home', thoughts of returning are often accompanied by deep levels of anxiety and fear* (…)"; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, https://bit.ly/3dJHpCi, p. 17. See also, SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, https://bit.ly/2WtVwFy, p. 22. Among IDP returnees, 92% are reported to lack access to psychosocial services; OCHA, *2020 HNO*, July 2020, p. 30.

208 "*Yarmouk, Dera'a, and Ein El-Tal (Aleppo) camps, previously home to more than 30 per cent of the Palestine refugee population in Syria, were almost completely destroyed during the conflict*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12. A 2020 government plan for the rehabilitation of Yarmouk Camp was suspended in August 2020; however, in November 2020, the government launched an official registration process for those wishing to return to Yarmouk. To obtain approval to return, a family must provide an ownership deed (which must be a certified title deed) and prove, via an engineer's report, that their home can be repaired. They must also apply for a security clearance. As at March 2021, over 400 vulnerable Palestinian families have returned to the camp: "*Many of them returned because they cannot afford increasing rents anymore*"; UNRWA, *UNRWA Mobile Health Clinic Brings a Sign of Hope to the Devastated Yarmouk Camp*, 11 January 2021, http://bit.ly/3em6F5F. See also, UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12; Enab Baladi, *1,200 Displaced Yarmouk Camp Residents Wish to Return Home*, 7 January 2021, http://bit.ly/3uSKwSb; Enab Baladi, *With No Title Deeds, Yarmouk Camp's Displaced Residents Might Not Return Home*, 12 December 2021, https://bit.ly/3boQ7bc. "*Damascus Governor Adel Al-Olabi told the pro-government newspaper Al-Watan on February 6* [2020] *that out of the 1,200 official requests submitted by former residents of the Yarmouk Palestinian refugee camp south of the capital, 500 have been approved, allowing those people to return to the now-empty camp. Approval came after applicants provided proof of property ownership in the camp, proof of the property's safety, and security approval*." In order to return, applicants had to provide: "*copies of their identity card, family card, proof of ownership, security approval number and a written request to obtain the restoration permit. The applicant must also attach a 'technical report' prepared by an engineer from the camp municipality on the property to be restored*"; Syria Report, *Yarmouk Camp: the Right of Return?*, 10 February 2021, https://bit.ly/38vijr9. The requirement to hold a certified title deed poses an obstacle for those wishing to return to Yarmouk given that already prior to the conflict, many Palestinians "*had limited property rights*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 31. For further information on Yarmouk Camp, see also footnote 929.

209 SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, p. 18. See also Section III.A.1.e.

210 "*The case of Yarmouk Camp in Damascus illustrates the complexity of Palestinian refugees' situation with respect to property rights.* (…) *Most residents' ownership contracts are registered only with a notary, not the cadastre registry department, and according to local activists, many HLP-related documents stored at the Yarmouk court building were damaged during shelling in early 2013. Former Yarmouk residents need a special permit and have to pay bribes to access the camp to check on their properties. To date only 1,700 persons have been able to return to the camp, mainly through connections with the regime or with Palestinian factions with ties to it. These challenges will inevitably complicate proof of ownership during any restitution efforts in the future*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 7. See also, SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, p. 16; The Syria Report, *New Zoning Plans for Yarmouk Camp*, 15 July 2020, https://bit.ly/32DhCtr.

211 MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, https://bit.ly/2XO0Nbp; Asharq Al-Awsat, *Palestinians Bid Farewell to Syria's Yarmouk Refugee Camp*, 29 March 2020, https://bit.ly/2XNttRD; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, https://bit.ly/2TZym9d.

212 See below footnote 437.

213 "*As also emphasized by the World Bank, UNHCR currently does not have a system in place to monitor whether current returns can be considered safe, voluntary and dignified. This report confirms the lack of UNHCR access and current ability to monitor the situation of refugee returnees. All returnee respondents reported that there has not been follow up by any actor after return. Moreover, when asked if they would contact UNHCR if they were ever to face an issue in their place of residence, overwhelmingly*

organized returns that are safe, dignified and sustainable,[214] the overall scale of refugee returns absent significant investment in reconstruction and sustained progress in the political process and the human rights situation is expected to remain limited relative to the overall refugee population outside the country.[215]

## E. Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law

Civilians continue to bear the brunt of the conflict.[216] According to numerous reports, parties to the conflict commit war crimes, other serious violations of international humanitarian law and serious violations and abuses of human rights law, including acts amounting to crimes against humanity, with widespread impunity.[217]

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*respondents reported that they will not do so due to their distrust in UNHCR's capabilities. Respondents also reported a lack of UNHCR presence in their areas, in particular in Rural Damascus*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2l4m7ow, p. 6, see also p. 34. "*Existing UN monitoring and assessment methodologies in Syria cannot ascertain the voluntariness and sustainability of these returns, or whether they have been adequately informed and took place in safety and with dignity*"; OCHA, *2020 Humanitarian Response Plan*, 29 August 2020, p. 16. "*The situation inside Syria remains very opaque, and independent monitoring of returnee conditions is virtually impossible*"; Refugees International, *Lebanon at a Crossroads: Growing Uncertainty for Syrian Refugees*, 30 January 2020, https://bit.ly/32BTPdB. "*Opportunities for systematic field-based data collection remain limited due to access restrictions* (…)"; UNHCR/Shelter Cluster, *Q2 2020 Shelter Sector Syria Hub Quarterly Report*, 19 July 2020, https://bit.ly/3fKVn8B, p. 1. See also, World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 40.

214 UNHCR considers that forced and premature returns to Syria may have several adverse consequences, including: refugees' fundamental freedoms and well-being may be at risk; violations of the principle of non-refoulement and a breach of international law; exposure to immediate dangers; undue hardship in rebuilding their lives and accessing basic services, shelter and livelihoods; societal exclusion, marginalization and stigmatization, discouraging further returns; and potential for further displacement; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, https://bit.ly/30v9DMl, p. 11. "*Without a resolution to the conflict and a reconciliation process that includes all of the country's ethnic groups and religions, displacement will not be brought to a sustainable end*"; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36. "*Challenges remain in the safety and sustainability of returns and some* [returns] *may have been prompted by the difficult conditions in areas of displacement*"; OCHA, *Syrian Arab Republic: 2019 Humanitarian Response Plan Monitoring Report (January - May 2019)*, 10 October 2019, https://bit.ly/2oWASkg (hereafter: OCHA, *2019 HRP Monitoring Report (January - May 2019)*, 10 October 2019, https://bit.ly/2oWASkg), p. 5. "*Any increase in pressure on refugees and IDPs to prematurely return or relocate carries a significant risk of creating 'unsafe returns', compounding suffering, precipitating cyclical displacement and discouraging others from returning*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 13.

215 "*While most Syrian refugees wish to return one day, only a very small proportion feel confident to do so soon according to the latest intention surveys. Many Syrian refugees are likely to remain in host countries for the medium term* (…)"; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, https://bit.ly/30v9DMl, p. 6.

216 "*Pro-government forces, but also other warring parties, resorted to methods of waging war and used weaponry that minimized risks to their fighters, rather than those minimizing harm to civilians. They consistently focused on the acquisition and control of territory, at the expense of the rights of the civilian population. Syrians have suffered vast aerial bombardments of densely populated areas; they have endured chemical weapons attacks and modern day sieges in which perpetrators deliberately starved the population along medieval scripts and indefensible and shameful restrictions on humanitarian aid* (…). *The horrors of the conflict have left no Syrian family untouched*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 96. "*Civilians across the Syrian Arab Republic continued to suffer the direct and indirect consequences of armed conflict and violence. Civilians were killed and injured as a result of shelling and intermittent airstrikes, fighting between and within various armed groups, shootings, attacks carried out with various types of improvised explosive devices, including vehicle-borne improvised explosive devices, and as a result of explosive remnants of war, including unexploded ordnance. Some improvised explosive device attacks were carried out inside residential areas and local markets, appearing either to target civilians or to be heedless of their impact on civilians*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 18. According to the UN Secretary-General, "[M]*illions of civilians continue to face protection risks... We have seen nine years of horrific atrocities, including war crimes. Nine years of human rights abuses on a massive and systematic scale, eroding international norms to new depths of cruelty and suffering.* (…) *Tens of thousands are missing, disappeared, detained, subjected to ill-treatment and torture. Untold numbers have been killed and injured*"; UN News, *War in Syria: 'Carnage', Flouting of Rights and International Law, Must Stop: Guterres*, 12 March 2020, https://shar.es/aHIjIV.

217 "*Over the past 10 years, parties to the conflict have perpetrated the most heinous violations of international humanitarian law and violations and abuses of international human rights law. Such violations and abuses have included acts that are likely to constitute*

### 1) Government Forces

Reports accuse government forces of perpetrating war crimes, crimes against humanity, and serious violations of human rights law with impunity.[218] Indiscriminate and direct attacks on civilians[219] and

*crimes against humanity, war crimes and other international crimes, including genocide*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 95. "*For almost a decade the government of Syria, its allies and armed opposition groups have all perpetrated attacks on civilians and civilian infrastructure, blatantly disregarding international law. All parties to the conflict have committed acts that may amount to war crimes and crimes against humanity. As various armed groups attempt to consolidate their control over territory in Syria, civilians face the ongoing risk of atrocities*"; Global Centre for the Responsibility to Protect, *Syria*, 15 January 2021, http://bit.ly/37Mg2XW. "*In the light of the patterns observed and the large number of incidents and civilians killed and injured in markets and residential areas, it appears that parties to the conflict have failed to respect the key principles under international humanitarian law of distinguishing civilians from fighters and civilian objects from military objectives; of refraining from indiscriminate attacks; of respecting proportionality in attack; and of taking constant care to spare civilians and civilian objects in the conduct of military operations*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, paras 19, 59. "*There is no declared intention, nor mechanism, for meaningful accountability and reconciliation for the gross violations and brutal crimes committed during the conflict*"; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 24. "*Even if the political will existed, neither the 1953 Penal Code nor the 1950 Military Penal Code contains provisions enabling the prosecution of war crimes, crimes against humanity, or genocide, although ordinary crimes committed on Syrian territory are easily prosecuted as such*"; Beth Van Schaack / Stanford Law School, *National Courts Step Up: Syrian Cases Proceeding in Domestic Courts*, last revised 16 April 2020, https://bit.ly/2D35GqG, p. 8.

218 "*The government of Syria has not only manifestly failed to uphold its responsibility to protect, it bears primary responsibility for the ongoing commission of war crimes and crimes against humanity*"; Global Centre for the Responsibility to Protect, *Syria*, 15 January 2021, http://bit.ly/37Mg2XW. "(…) *for the past nine years, the Commission has consistently found that Syrian national courts are not an effective mechanism through which to pursue justice. The Commission has yet to identify evidence that Syrian courts have either the will or the capacity to fulfil international obligations to prosecute the perpetrators of serious international crimes.To date, however, the Commission has not received any information concerning the investigation, prosecution, conviction or acquittal of any Syrian military, security forces or government personnel for any criminal violations of international human rights or humanitarian law by the Government. The Commission has yet to identify evidence that Syrian courts have either the will or the capacity to fulfil international obligations to prosecute the perpetrators of serious international crimes. To date, there have been no developments towards lifting the immunity of security and intelligence forces who continue to enjoy immunity from prosecution under Legislative Decrees No. 14/1969 and No. 69/2008*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 75. See also earlier reports by the IICISyria, available at: www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

219 "*From the end of 2011 through the end of 2020, its army and air forces have used artillery and airstrikes in a clearly indiscriminate manner.* (…) *From the outset of the armed conflict, government forces have indiscriminately bombarded civilian populated areas and deliberately targeted protected objects, in particular hospitals and medical facilities, and what are clearly civilian locations, including markets, bakeries, schools and civilian neighbourhoods. Protected religious sites have also been struck in indiscriminate attacks*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 23-24. "*Numerous hospitals, schools, markets and homes were destroyed by aerial and ground attacks, the latter including the use of cluster munitions, in acts amounting to the war crimes of launching indiscriminate attacks, and deliberate attacks on protected objects*"; UN Human Rights Council, *Rampant Human Rights Violations and War Crimes as War-Torn Idlib Faces the Pandemic UN Syria Commission of Inquiry Report*, 7 July 2020, https://bit.ly/329lORv. On the deliberate targeting of civilian neighbourhoods, towns and villages perceived to be opposing the government, see Section III.A.1.c.

civilian infrastructure,[220] including medical facilities,[221] schools,[222] displacement camps,[223] markets and bakeries,[224] mosques,[225] as well as humanitarian staff and objects,[226] continue as a pattern of violations

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220 "*The repeated Syrian-Russian alliance attacks on civilian infrastructure in populated areas in which there was no apparent military objective suggests that these unlawful attacks were deliberate. The intent may been have been to deprive local residents of the means to sustain themselves, to force the civilian population to flee and make it easier for Syrian ground forces to take territory, or simply to instill terror in the civilian population as a way to achieve victory*"; HRW, *"Targeting Life in Idlib"; Syrian and Russian Strikes on Civilian Infrastructure*, October 2020, www.ecoi.net/en/document/2039286.html, p. 5. Other critical civilian infrastructure targeted include water tanks, water treatment plants, irrigation facilities, grain silos and wheat warehouses. See for example, SNHR, *Ariha's Main Water Tank Damaged in Syrian Regime Ground Attack in Idlib Suburbs on July 14*,15 July 2020, https://bit.ly/2BipTIc; AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, p. 17; SNHR, *Russian Forces Bombed a Water Tank in Jedraya Village in Aleppo, on January 21*, 22 January 2020, https://bit.ly/2CMiC3B. See also Section III.A.1.c.

221 "*The Commission notes the abhorrent, established pattern of pro-government forces targeting hospitals and clinics, clearly documented beginning in 201238 and accelerating in 2016*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 29. As at November 2020, "[A] *total of 25 attacks affecting health care were recorded since the beginning of the year, resulting in at least 13 deaths and 41 injuries to health-care workers and patients*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 25. SNHR has recorded the targeting 862 medical facilities, with the vast majority (88%) of these targeted by government forces. According to SNHR, "[T]*argeting the medical sector and its workers is a fundamental component in terrorizing society and pushing citizens towards displacement*"; SNHR, *857 Medical Personnel Killed and 3,353 Others Arrested and Disappeared since March 2011, Nearly 85% by the Syrian Regime*, 17 September 2020, https://bit.ly/3mATZt6, pp. 3, 15-16. PHR corroborated 595 attacks on at least 350 separate health facilities and documented the killing of 923 medical personnel between March 2011 and February 2020. Between April 2019 and February 2020, PHR verified 40 attacks on medical facilities in and around Idlib. The vast majority (90%) of these attacks were attributed to government forces. PHR considers that these attacks represent "*a widespread and systematic governmental policy*"; PHR, *Physicians for Human Rights' Findings of Attacks on Health Care in Syria*, as at February 2020, https://bit.ly/32sI2NT. See also, Syrian Human Rights Committee (SHRC), *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, https://bit.ly/3dPeNLs, pp. 25-32; SOHR, S*yrian Regime Ground Attack Damages Medical Facility in Ariha City in Idlib Suburbs on July 14*, 15 July 2020, https://bit.ly/3fJyW3Q; Amnesty International, *'Nowhere Is Safe for Us': Unlawful Attacks and Mass Displacement in North-West Syria*, 11 May 2020, www.ecoi.net/en/document/2029602.html (hereafter: Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html). On 30 July 2019, UN Secretary-General António Guterres created a Board of Inquiry to investigate attacks on facilities on the deconfliction list and other UN-supported facilities in northwest Syria since the signing of the September 2018 Memorandum on Stabilization of the Situation in the Idlib De-escalation Area. The Board concluded that it was "*plausible*" or "*highly probable*" that five of the seven attacks under investigation were "*attributable to the Government of Syria and/or its allies*"; UN Secretary-General, *Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents in Northwest Syria*, 6 April 2020, https://bit.ly/3fFy1Ru.

222 "*In numerous aerial and ground attacks, Government forces targeted schools and caused widespread destruction of educational establishments. While schools can lawfully be targeted when used for military purposes, any attack in densely populated civilian areas requires effective advance warning, unless the circumstances do not permit. As previously documented by the Commission, Government forces often failed to provide such warnings prior to conducting attacks. The Commission further documented instances where Government forces deliberately attacked schools, and therefore committed the war crimes of deliberately targeting a civilian object and deliberately attacking civilians*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 81. In 2020, SHRC documented the targeting of 42 schools (compared to 177 schools in 2019), nearly all by government forces; SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, https://bit.ly/3dPeNLs, pp. 38-41. See also, SNHR, *Syrian Regime Forces Shelled a School in Ariha City in Idlib Suburbs on January 14*, 15 January 2021, http://bit.ly/3kcZeye; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 24; SNHR, *Damages to a School in Balshoun Village in Idlib by Syrian Regime Forces' Shelling on November 24*, 25 November 2020, https://bit.ly/37hoY6F; SNHR, *Syrian Regime Bombed a Kindergarten in Ariha City in Idlib Suburbs on November 6*, 12 November 2020, https://bit.ly/37dWivk; Save the Children, *Syria: At Least Four Children Killed in Intense Shelling Across Idlib*, 4 November 2020, https://bit.ly/2JKDknX; SNHR, *School in Ariha City in Idlib Suburbs Damaged by Syrian Regime Forces' Bombing on November 4*, 4 November 2020, https://bit.ly/2U6vB5O; SNHR, *Damages to Two Schools in Ariha City in Idlib Suburbs Due to Syrian Regime Bombing on October 30*, 31 October 2020, https://bit.ly/382Ldzs; UNGA/UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 9 June 2020, A/74/845–S/2020/525, www.ecoi.net/en/document/2031779.html (hereafter: UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html), para. 177; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html.

223 "*In some instances, displacement sites* [in Idlib] *were subjected to attacks, further terrorizing residents*"; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 6. "*Even camps and other sites where displaced families have sought shelter have been struck by shelling*"; UN News, *'Mayhem' in Syria's Idlib amid Ongoing Violence, as Guterres Urges Immediate Ceasefire*, 28 February 2020, https://shar.es/abnABs. See also, Al Jazeera, *At Least 15 Displaced Syrians Killed in Idlib Air Attack*, 5 March 2020, https://aje.io/y47cw; MEE, *'Assad's Bombs Chase Us': Syrian Forces Target Refugee Camps near Turkish Border*, 19 February 2020, https://bit.ly/2NGfAAg; SNHR, *The Death of a Civilian and Damages in an IDPs Camp near Sarmada City in Idlib Due to a Shelling by Syrian Regime, on Feb 15*,

carried out by government forces, particularly in north-western Syria.[227] According to reports, government forces have used weapons in an indiscriminate manner, including artillery, airstrikes,[228] barrel bombs,[229] incendiary weapons, cluster munitions[230] and chemical weapons in populated civilian

16 February 2020, https://bit.ly/30pgmYn; The Guardian, *Syria: Five Children Killed in Missile Strike on Displacement Camp*, 4 January 2020, https://bit.ly/2tFMuu8.

224 SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, https://bit.ly/3dPeNLs, pp. 11, 23-24; AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, p. 17; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para.73. See for example, SNHR, *Syrian Regime Forces Shelled a Market in Ariha City in Idlib Suburbs on January 14*, 15 January 2021, http://bit.ly/3aKbIue; SNHR, *Civilian Killed & Fires Caused by Russian Forces' Bombardment of a Market in al Dabes Village in Aleppo on October 23*, 25 October 2020, https://bit.ly/2HuxFkR; The New Arab, *Syrian Regime Bombs Idlib Market, Killing Five Children*, 3 March 2020, https://bit.ly/2XQ6DKq; SNHR, *Russian Forces Bombed a Bakery in Mhambel Village in Idlib, on February 20*, 20 February 2020, https://bit.ly/3fJTlpc; SNHR, *Syrian Regime Bombed a Market in Darat Ezza City in Aleppo, on February 18*, 18 February 2020, https://bit.ly/3dnGWFD; UN News, *As North-West Syria Violence Reaches 'Horrifying' New Level, UN Relief Chief Says Ceasefire Is only Option*, 17 February 2020, https://shar.es/abniAi; SNHR, *Syrian Regime Bombed a Bakery in al Atareb City in Aleppo, on February 9*, 9 February 2020, https://bit.ly/2zU2fB2; SNHR, *Russian Forces Bombed a Bakery in Sarmin City in Idlib, on February 4*, 4 February 2020, https://bit.ly/39eEMrA; SNHR, *Syrian Regime Bombed a Bakery in al Bara Village in Idlib, on January 28*, 29 January 2020, https://bit.ly/2OAQTpe; Al Jazeera, *Syria's War: More than 20 Killed in Air Raids on Rebel-Held Idlib*, 16 January 2020, https://bit.ly/3ea4xuB.

225 In 2020, SHRC documented the targeting of 45 mosques, nearly in all cases by government forces; SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, https://bit.ly/3dPeNLs, pp. 42-45. See for example, SNHR, *Civilians Injured and Mosque Damaged in Syrian Regime Forces' Bombardment of al Bab City in Aleppo on February 8*, 9 February 2021, http://bit.ly/3btTMDo; SNHR, *Mosque in al Qameshli City in Hasaka Suburbs Was Damaged due to Syrian Regime Forces' Shelling on January 23*, 28 January 2021, http://bit.ly/3aINC31; SNHR, *Mosque Damaged in Russian Air Attack on al Bab City in Aleppo Suburbs on July 15*, 16 July 2020, https://bit.ly/3jjaQz3; SNHR, *Syrian Regime Ground Attack Damages Mosque in al Mozara Village in Idlib Suburbs on July 13*, 13 July 2020, https://bit.ly/2CtTRcB; SNHR, *Russian Forces Bombed a Mosque in Shnan Village in Idlib, on March 5*, 6 March 2020, https://bit.ly/30gmHFx; SNHR, *Syrian Regime Shelled a Mosque in Balyoun Village in Idlib, on March 2*, 2 March 2020, https://bit.ly/3dm2hz2; SNHR, *Syrian Regime Bombed a Mosque in Ariha City in Idlib, on February 21*, 22 February 2020, https://bit.ly/2Cj6bwx; SNHR, *Russian Forces Bombed a Mosque in Hraitan Town in Aleppo, on February 6*, 6 February 2020, https://bit.ly/3fKUMne; SNHR, *Russian Forces Bombed a Mosque in al Bab City in Aleppo, on February 1*, 2 February 2020, https://bit.ly/2ZFDoe8; SNHR, *Syrian Regime Shelled a Mosque in al Nayrab Village in Idlib, on January 30*, 31 January 2020, https://bit.ly/3hNKR24.

226 See for example, SNHR, *Damages of a Car of SCD* [Syrian Civil Defence] *in a Bombing near Binnesh City in Idlib by Russian Forces, on Mar 2*, 3 March 2020, https://bit.ly/2OQZxAh; SNHR, *Russian Forces Bombed a Civil Defense Center in Bsamis Village in Idlib, on Feb 23*, 25 February 2020, https://bit.ly/3fKJVcl; SNHR, *Russian Forces Bombed a SCD Center in Sarmin City in Idlib*, on Feb 21, 23 February 2020, https://bit.ly/32wWoxj; SNHR, *Russian Forces Bombed a Building Consists of Two SCD Centers in Saraqeb City in Idlib, on Jan 31*, 1 February 2020, https://bit.ly/2OEKnha; SNHR, *Syrian Regime Bombed a Civil Defense Center in Shnan Village in Idlib, on January 15*, 16 January 2020, https://bit.ly/2AOUpJw. See also Section III.A.1.

227 SNHR recorded 882 attacks on vital facilities between 26 April 2019 and 29 May 2020, including 220 places of worship, 218 educational facilities, 93 medical facilities, 86 civil defence centres, and 52 markets; SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, https://bit.ly/3fKU5tX, p. 6. "*These violations included air strikes and ground attacks, in some cases using internationally banned cluster munitions, on medical facilities, such as hospitals, specialized medical clinics and physiotherapy centres, and schools, some of which are used as shelters for internally displaced people.* (…) *Amnesty International's investigation* (…) *has led it to conclude that Syrian and Russian government forces have been responsible for serious violations of international humanitarian law in north-west Syria by* ***intentionally directing attacks against civilians and civilian objects*** *such as hospitals and schools, failing to distinguish between civilians and fighters, and using prohibited weapons in attacks that killed or injured civilians*" (emphasis added); Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, pp. 12, 13. "*The* (…) *pattern of attack strongly suggests that pro-government forces* ***systematically*** *targeted medical facilities*" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 52. See also, Global Centre for the Responsibility to Protect, *How a UN Board of Inquiry Failed to Address the Real Problem in Syria*, 28 April 2020, https://bit.ly/2ztYOjR; and Section III.A.1.c.

228 Between November 2014 and August 2020, SOHR documented more than 162,400 air raids; SOHR, *The Sixth Month in a Row: Regime Aircraft Kill no Civilians*, 30 August 2020, https://bit.ly/31Jg3JE.

229 SOHR recorded the use of 78,505 barrel bombs between November 2014 and August 2020; *ibid*.

230 "*Concerning the attacks with cluster munitions on densely populated civilian areas impacting the Khaled Shaar, al-Barahim and al-Izza Ibn Abdelsalam schools in Idlib city* (…)*, the Commission has reasonable grounds to believe that Government forces committed the war crime of launching indiscriminate attacks resulting in death or injury to civilians, which may also amount to a direct attack against civilians*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para.71. See also, New York Times, *Casualties from Banned Cluster Bombs Nearly Doubled in 2019, Mostly in Syria*, 25 November 2020, https://nyti.ms/3glk72y.

areas.[231] Government forces are reported to have deliberately killed and wounded civilians near the frontlines, including by targeting individuals working in agricultural fields with sniper fire.[232]

[231] The IICISyria documented 28 separate instances of the use of chemical weapons, including 32 which met its standard of proof for attribution to Syrian government forces; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 32. See also, Reuters, *Syria Condemned by Chemical Weapons Body for Use of Sarin, Chlorine*, 9 July 2020, https://reut.rs/2O7axZK; SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, https://bit.ly/3fKU5tX, pp. 7-8; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html.

[232] Enab Baladi, *Al-Ghab Plain: An Exposed Area whose Farmers Are at Risk due to Regime's Targetings*, 2 January 2021, http://bit.ly/3b3eWcL; SNHR, *Syrian Regime Killed a Girl in the Vicinity in al Bab City in Aleppo Suburbs on July 1*, 1 July 2020, https://bit.ly/3enXIF7; SOHR, *Regime Snipers Shoot Dead Two Young People in Eastern Countryside*, 18 June 2020, https://bit.ly/32goXyO; SNHR, *Syrian Regime Forces Killed a Child near Iffes Village in Idlib Suburbs on June 4*, 5 June 2020, https://bit.ly/2OddSqi; SNHR, *The Injury of a Child by a Syrian Regime Sniper near the Regime's 46th Regiment's Base in Aleppo, on May 17*, 19 May 2020, https://bit.ly/2AVOu5q; SNHR, *Syrian Regime Killed a Civilian in Mizanaz Village in Aleppo, on May* 8, 9 May 2020, https://bit.ly/2WbhuNK.

According to the UN and human rights observers, arbitrary arrests[233] and enforced disappearances,[234] detention in life-threatening conditions,[235] systematic and widespread torture and other forms of ill-

[233] "*Tens of thousands of civilians reportedly remain missing or arbitrarily detained, with the vast majority held in government facilities. Both pro-government forces and armed groups continued to arbitrarily detain individuals in areas under their effective control. In the majority of cases documented by OHCHR, detainees were denied information about the reasons for their detention and other due process rights, while their families were denied information concerning their whereabouts or their fate, raising concerns that, in some cases, such detentions may constitute enforced disappearance*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 20. Arbitrary arrests and enforced disappearances "*are carried out by the Syrian security services, as well as their affiliated militias, as part of a deliberate and planned strategy, often in a sweeping indiscriminate manner, in order to instill terror and fear into the largest possible number of Syrian people*." According to SNHR, the families of those arrested "*are unable to accurately identify the body responsible for making the arrest, given the vast array of forces affiliated with the Syrian regime* (…)"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 2. "(…) *many arrests are effectuated without a formal arrest warrant, akin to an abduction: Armed men show up in government owned vehicles, ask for someone by name, and then take them away often with little or no explanation. According to some testimonies, in rare cases the arresting force identifies the arresting agency; but in many cases, family members, even if present, may not be informed of the detaining authority*"; ICTJ, *Gone Without a Trace: Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9 (hereafter: ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9), p. 13. "(…) *the majority of these arrests begins with a group of armed men, often affiliated with the security services, wearing military or civilian uniforms, breaking into a house, raiding a workplace or a public place, or detaining the victims at a checkpoint, with arrests carried out without presenting any arrest warrant, official order or judicial documentation for the arrest. These armed men refuse to reveal their names or identities or to give any information about their affiliations or which security service or official body they represent. These mafia-like abductions are usually accompanied by the use of excessive violence, physical and verbal abuse, using both to intimidate the detainee and other people in the area.*" SNHR estimates that "*at least 1.2 million Syrian citizens have been arrested and detained at some point*" between March 2011 and March 2020; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 6. See also Section III.A.1.a.

[234] "*In areas under the control of the Government, OHCHR continued to document cases of detainees dying while in custody, allegedly owing to natural causes. In many such cases, individuals appear to have been subjected to enforced disappearance, and the fact that they were detained by the Government did not become known until their deaths were acknowledged. The bodies of the deceased are rarely returned to their families, who are also denied the opportunity to question the official causes of death or to know the whereabouts of the bodies*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 20. "*Continuing to repress people by keeping them in incommunicado detention in abhorrent conditions and torturing them, amounts to crimes against humanity*"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council Session*, 22 September 2020, https://shar.es/abI9Fy. "*Almost all cases of arbitrary arrest and detention that were investigated in the reporting period resulted in enforced disappearance, with at least 34 men, one woman and 10 children disappeared. These took place in Dar'a, Homs, Qunaytirah, Rif Damascus and Suwayda' Governorates, involving government security forces, including the Military Intelligence Directorate and the Military Police*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 21. According to SNHR, "*enforced disappearances have been carried out in the context of a widespread assault against all civilian population groups*". As at August 2020, over 130,750 individuals, including 8,000 women and over 3,500 children, remain in detention or forcibly disappeared by the government; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 7. See also, UN News, *Security Council Stalemate Frustrates Families of Syria's Missing Detainees*, 23 July 2020, https://shar.es/abtwq4; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 1, 2; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; HRW, *Kidnapped by ISIS: Failure to Uncover the Fate of Syria's Missing*, 11 February 2020, www.ecoi.net/en/document/2024560.html, p. 5.

[235] "(…) *the Syrian regime also deliberately subjects the imprisoned detainees to unimaginably squalid, unsanitary and massively overcrowded conditions in its detention centers which lack even the bare minimum of hygiene or sanitation to protect against illness and disease. These conditions are especially horrific in the headquarters of the four main security branches and military prisons, where large numbers of detainees are packed into cells of various sizes, with an average cell area measuring 4 x 6 square meters containing approximately 50 detainees; this means that each detainee barely has an area of 70 cm² for sitting and sleeping, with detainees usually taking turns to attempt to sit or lie down to sleep when their numbers exceed the holding capacity of the cell, as they routinely do. These cells also lack ventilation and the most basic standards of sanitation and cleanliness, with the conditions being even more squalid in the solitary confinement cells located on the detention centers' lower floors which lack even light. Throughout the duration of their detention in the security branches, detainees are also prevented from going outside to get any exercise, or exposure to fresh air or sunlight*"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 18. "*Inhumane conditions were described across both official and informal detention centres*"; UN Human Rights Council, *Report of the*

treatment,[236] fair trial violations,[237] prolonged detention without trial,[238] and summary or extra-judicial executions continue to be documented on a wide scale,[239] primarily targeting those opposing or perceived to be opposing the government, including children.[240] The use of sexual violence, including

*Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 26. "*Those who survive the daily brutalities endure inhuman conditions, with minimal food or water. Diseases are allowed to run rampant, emaciation is common, and medical assistance is purposefully withheld.* (…) *Numerous local and international human rights organizations have reported that in addition to systematically torturing and ill-treating detainees* (…) *the Syrian regime also deliberately punishes detainees by keeping them in inhumanely overcrowded conditions, with little or no access to adequate food, clean drinking water, sanitation facilities, medical care, or medication*"; Center on International Cooperation / New York University, *Do or Die: COVID-19 and Imprisonment in Syria*, June 2020, https://bit.ly/2IuTu4J, pp. 1, 4. "*Even before the onset of COVID-19, we have received a significant number of reports of deaths in the facilities run by the four security branches and in Sednaya, including as a result of torture and denial of medical care";* OHCHR, *Press Briefing Note on Syria*, 3 April 2020, www.ecoi.net/en/document/2027741.html. See also, The National, '*Assad Wants Them to Die of Coronavirus,' Say Families of Syria's Missing*, 28 April 2020, https://bit.ly/366OE4P; ICTJ, *As Pandemic Looms, Action Is Needed to Protect Syria's Vulnerable Prison Population*, 22 April 2020, https://bit.ly/3fDJx0r; SNHR, *Images of Detainees Have Been Recently Released by Syrian Regime Forces Show the Negligence of Health and Medical Care which Threaten 130,000 Remaining Detainees*, 18 April 2020, https://bit.ly/2YSl4gt; HRW, *Syria's Detainees Left even more Vulnerable to Coronavirus*, 16 March 2020, www.ecoi.net/en/document/2026693.html. See also Section III.A.1.a.

236 "*Detention facilities are set up as 'interrogation prisons' where detainees are tortured regularly with various techniques.* (…) *The Assad government maintains its claim that interrogations are a means to obtain 'confessions.' In reality, the system of torture does not serve to obtain information, but to terrorize and humiliate the population*"; European Center for Constitutional and Human Rights (ECCHR), *Human Rights Violations in Syria: Torture under Assad*, last updated March 2021, https://bit.ly/2OdbC5J, p. 5. "*Every detainee is tortured from the very first moment of his or her arrest* (…)"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 2. SNHR documented the death of over 14,260 persons as a result of torture at the hands of government forces between March 2011 and September 2020; SNHR, *Death Toll Due to Torture*, accessed 28 February 2021, https://bit.ly/3ijCkmh. SOHR recorded the deaths of 16,245 persons who died under torture in government detention centres and prisons, including 125 children and 64 women; SOHR, *Civilian from Daraa Dies in Sednaya Prison after Six Years of Detention*, 20 February 2021, https://bit.ly/2OZDIBN. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 25, 27. See also Section III.A.1.a.

237 "*Due process and fair trial standards established under international law – including the right to be tried before an independent and impartial court, the right to a defense, the right to be presumed innocent, and the principle of equality of arms – are routinely violated, and the right of habeas corpus is consistently denied to those in custody.* Concerning courts such as the Counter-Terrorism Court (CTC), field military courts, and military courts, which are exempted from following the same fundamental procedures as Syria's ordinary courts, the ICTJ notes: "*Numerous human rights reports assert that trials before these courts are manifestly unfair and often summary in nature.* (…) *They often mete out harsh punishments, including the death penalty. Generally, the accused are tried without a lawyer or denied the right to present a defense. In the field military courts, trials usually last a few minutes, with the judge reading out the charges and asking the accused persons if they are guilty and their answering 'yes' or 'no.' Although it is widely known that many confessions were made under torture, judges still follow the sentence recommended by the intelligence director, in contravention of human rights standards. Reports indicate that rather than abide by due process requirements, the regime works to legalize the detention of the arrested persons, sometimes by inventing charges after arrests are made*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 13, 15. "*Military officers can try civilians in both conventional military courts and field courts, which lack due process guarantees. While civilians may appeal military court decisions with the military chamber of the Court of Cassation, military judges are neither independent nor impartial, as they are subordinate to the military command*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. According to SNHR, some 16 children have been tried by the Counter-Terrorism Court; SNHR, *On World Children's Day: Ninth Annual Report on Violations Against Children in Syria*, 20 November 2020, https://bit.ly/3agi2tv (hereafter: SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv), p. 10. See also Section III.A.1.a.

238 "*Little data is available on how many of those detained are actually brought before a court, because of the secretive nature of legal proceedings in Syria, the arbitrary actions of the security and intelligence services when conducting arrests, and the lack of access to or communication with those detained. Given the climate of prolonged incommunicado detention and enforced disappearance, it may be assumed that detainees are being held without any real due process in the vast majority of conflict-related cases*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 14.

239 According to SOHR, "*104,000 civilians have been executed and killed inside the prisons of the regime and its intelligence forces*", the majority between May 2013 and October 2015. "*SOHR sources also confirmed that more than 30,000 detainees were killed inside the notorious Seidnaya prison alone, while the Air Force Intelligence prisons came in the second place in terms of the number of deaths*"; SOHR, *Nearly 120 Syrian Civilians Have Died under Torture Inside Regime Security Prisons since Caesar Act Came into Effect*, 26 December 2020, http://bit.ly/3902tny. "*There were numerous reports of deaths in custody, notably at the Mezzeh airport detention facility, Military Security Branches 215 and 235, and Sednaya Prison, by execution without due process, torture, and deaths from other forms of abuse, such as malnutrition and lack of medical care*"; Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*The Commission recalls that the scope and scale of arbitrary arrests and detention used by government forces as a tool of repression have led to the custodial deaths of thousands of Syrian civilians*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 75. See also, STJ, *"My Mother still Hopes He's Alive": Dozens of Syrian Families Told Their Detained Loved Ones Are Dead*, 1 February 2021, https://bit.ly/3sTHcEH; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 11-12, 17.

240 See Section III.A.1.

as a form of torture, against men,[241] women, boys and girls is reported to be widespread.[242] The IICISyria concluded that it

> "(…) *has reasonable grounds to believe that the Government of Syria, in pursuance of a continued State policy, has continued to perpetrate the crimes against humanity of enforced disappearance, murder, torture, sexual violence and imprisonment. In certain cases, these acts may also constitute war crimes*."[243]

In areas retaken by the government, be it as a result of military offensives and/or "reconciliation" agreements, previous patterns of human rights violations are reported to have re-emerged with harassment, arbitrary arrest, incommunicado detention, torture and other forms of ill-treatment, enforced disappearance, and forced conscription a frequent occurrence.[244] Assurances given by the government as part of "reconciliation" agreements, including the reinstating of basic services and freedom of movement, the release of detainees, the return of government employees to their jobs and the postponing of military service, have not been fulfilled by the government.[245] Instead, "*ubiquitous*

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241 "*Syrian forces have used rape and other forms of sexual violence to harass, intimidate, and torture men and boys in intelligence branches, military and unofficial detention centers, central prisons, checkpoints, and in the Syrian army*"; HRW, *"They Treated Us in Monstrous Ways": Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html (hereafter: HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html), p. 32. "(…) *the systematic sexual torture of men and boys*"; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 3 June 2020, S/2020/487, https://bit.ly/2WNgz6v (hereafter: UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, https://bit.ly/2WNgz6v), para. 57. "*The broad reasons to use sexual violence against men are the same that led to sexual violence against women: to terrorise, to humiliate, and to disempower. But sexual violence directed against men can also be committed for different reasons than female sexual violence: specifically, to 'cast aspersions of homosexuality' and to emasculate. In the Syrian context, forced nudity upon arrival to the detention facility followed by threats of rape during interrogation sexually humiliated male detainees and threatened their masculinity*"; Lina Biscaia, "Weaponising Gender", in Hilly Moodrick-Even Khen, Nir T. Boms, Sareta Ashraph (eds), *The Syrian War: Between Justice and Political Reality*, 2020, pp. 154-155.

242 The IICISyria concluded that "[R]*apes and other acts of sexual violence at checkpoints and the imprisonment and rapes in detention that followed also formed part of a widespread and systematic attack directed against a civilian population, and amounted to crimes against humanity*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 83. "*Women and girls have been targeted on the basis of their gender since the early days of the Syrian conflict. Rape and sexual violence have been committed against women and girls during house raids often following ground offensives, at checkpoints and, most often, in State custody. Women and girls were raped and sexually assaulted in Government detention facilities* (…). *Girls in detention were subjected to sexual and gender-based violence to extract information, coerce confession or force the surrender of opposition family members.* (…) *Boys in detention have been particularly vulnerable to sexual violence. Sexual torture, including the tying of genitals, has been systematically perpetrated against men and boys in detention in Damascus, Homs and Aleppo*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 60-62. See also, SNHR, *On the International Day for the Elimination of Violence Against Women: Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv (hereafter: SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv), pp. 14-15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 25; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?,* 19 June 2020, https://p.dw.com/p/3e3Ns.

243 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 35.

244 "*In Damascus, around Rif Damascus, Suwayda' and Dar'a, arbitrary detention, enforced disappearance and torture remained pervasive*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 4. "*Just as in all areas that the regime has recaptured in the war, the civilian population* [in Eastern Ghouta] *lives in constant fear of further reprisals*"; Konrad-Adenauer-Stiftung (KAS), *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 3. "(…) *as Russian military police retreated from Homs city in mid- to late 2018, pro-regime units, such as the National Defense Force, were given control. They created an atmosphere of terror as the regime apprehended thousands of people, reneging on promises not to arrest those who had been reconciled*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/3iZgWEi. "*Civil rights in Syria are systematically violated. This was the case not only for the years in which the regime felt an essential threat to its existence, but has become even more so in the period where it has gained ground, and the violation of civil rights is particularly visible in those areas recaptured*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 13. See also Sections III.A.1.d and III.A.2.

245 "(…) *the Assad regime and Russia repeatedly violated the commitments made in those* [reconciliation] *agreements*"; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 3. "*Civilians in retaken areas indicated that the lack of respect for the 'reconciliation' processes and agreements was a significant factor of current fear and tension among the population. A network of checkpoints remained across 'reconciled areas', including in Dar'a and eastern Ghutah, in contravention of the assurances made during 'reconciliation processes'. This has severely restricted the freedom of movement of the civilian population, primarily affecting adult men who feared apprehension and forced conscription*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 72, 73. See also Section III.A.1.d.

*checkpoints*" are reported to restrict people's ability to move within and out of retaken areas.[246] Individuals seeking to return to retaken areas are also reported to have been subjected to the unlawful deprivation of property and arbitrary movement restrictions, which, according to the IICISyria may amount to "*the war crime of collective punishment.*"[247]

Government forces have also forcibly displaced civilians in the context of military operations[248] and so-called "evacuation agreements" from areas retaken from anti-government armed opposition groups.[249]

There are reports on the targeting of real or perceived government opponents following their return to Syria from abroad.[250]

Since 2011, the government has issued a number of time-limited amnesty decrees outlining amnesties and sentence reductions for certain crimes and types of offenders.[251] These amnesty decrees are reported to have had a limited impact on the release of real and perceived government opponents, many of whom are held under the Counter-Terrorism Law.[252] Large numbers of real and perceived government opponents are reported to remain in detention, and arbitrary arrests continue.[253] Those who were released based on an amnesty decree are reported to remain at risk of re-arrest.[254] Amnesty decrees covering draft evasion and desertion only lift sentences associated with draft evasion or desertion, but do not eliminate the duty to perform military service.[255] In November and December 2020, close to 100 detainees from Dera'a Governorate were reportedly released based on a presidential pardon.[256]

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246 See Section II.B.1.a.

247 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 36; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 80. See also Section III.A.1.

248 For example, "(…) *the Commission finds that there are reasonable grounds to believe that, through the widespread and indiscriminate bombardment on Ma'arrat al-Nu'man during the second half of December* [2019]*, and Ariha on 29 January* [2020]*, in addition to Atarib between 10 and 14 February* [2020] *and Darat Azza on 17 February* [2020]*, pro-government forces may have perpetrated the crime against humanity of forcible transfer*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 80.

249 See Section III.A.1.d.

250 See Section III.A.1.e.

251 According to SNHR, the government has issued 17 such amnesty decrees, most of which were very similar in content; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 18. The most recent decree, Legislative Decree No. 6 of 22 March 2020, granted an amnesty for some crimes (including draft evasion and desertion) committed prior to that date, as well as sentence reductions for juveniles and other detainees; *Legislative Decree No. 6 of 22 March 2020*, available in Arabic at: https://bit.ly/2VF0puO. The decree is a near replica of Legislative Decree No. 20 of 15 September 2019; *Legislative Decree No. 20 of 15 September 2019*, available in Arabic at: https://bit.ly/2KckH9C.

252 See Section III.A.1.a.

253 SNHR documented over 660 arbitrary arrests and 116 deaths as a result of torture in the period between the two most recent amnesty decrees (15 September 2019 and 22 March 2020, respectively). In the same period, it documented the release of 232 detainees, including 14 women, in accordance with Legislative Decree No. 20 of 15 September 2019. All releases were documented from prisons under the authority of the Ministry of Justice. No releases have been reported from detention centres controlled by the four security branches; SNHR, *It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues*, 24 March 2020, https://bit.ly/2z6lAy8, pp. 1, 5, 6. By July 2020, SNHR recorded the release of 121 political detainees under Decree No. 6 of 22 March 2020. However, new arrests outnumber reported releases; SNHR, *SNHR Submits a Report to the UN Human Rights Committee on the Most Notable Violations Committed by the Syrian Regime During the Past Four Years*, 27 August 2020, https://bit.ly/3b9fKe6, p. 4; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/335E8vt, p. 11.

254 US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "(…) *those released detainees are banned from travelling outside Syria and kept under security surveillance, prompting many to leave the country via irregular means*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 6. According to SNHR, "*any citizen released from the Counter-Terrorism Court remains at risk of being rearrested*"; SNHR, *At Least 10,767 Persons Still Face Trial in Counter-Terrorism Court, nearly 91,000 Cases Heard by the Court and 3,970 Seizures of Property*, 15 October 2020, https://bit.ly/3mcGte6, p. 13.

255 See below Section III.A.2.

256 With regards to some 60 detainees released in early November 2020, HRW said: "*The majority of those released this week were reportedly arrested after the Syrian government retook areas often through brutal and unlawful tactics*"; HRW, *Dozens of Prisoners Released in Syria*, 6 November 2020, www.ecoi.net/en/document/2040384.html. SNHR reported that those released had spent an average of one to two years in detention. All of them were in poor health due to torture, medical negligence and dire detention conditions; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, https://bit.ly/3gJY3F7, p. 10. A second group of over 35 detainees were reportedly released in mid-December 2020; SOHR, *At Russia's Orders: Regime Security Services Release nearly 100 Detainees from Daraa in 40 Days*, 13 December 2020, http://bit.ly/3p1tv4f.

Government forces also recruit and use children, including children under the age of 15, in combat and support functions.[257] Children recruited by other actors are reportedly at risk of arbitrary arrest, detention and torture and other forms of ill-treatment by government forces on account of their perceived affiliation with armed groups.[258]

a) For relevant risk profiles, see Sections III.A.1, III.A.2, III.A.8, III.A.9, III.A.10, III.A.11 and III.A.12.

### 2) *Syrian Democratic Forces (SDF) / People's Protection Units (YPG), Democratic Union Party (PYD) and Institutions of the Autonomous Administration*

According to reports, the SDF as part of the US-led anti-ISIS coalition has not taken all feasible precautions to avoid harm to civilians during military campaigns against ISIS.[259] The SDF/YPG have also been accused of the disproportionate use of force against protestors, at checkpoints, and during anti-ISIS raids.[260] In addition, the SDF/YPG are held responsible for the military occupation of schools,

257 "*Syrian Regime forces have routinely conscripted children, establishing special training camps for them, usually in schools, sports halls, or in the headquarters of the regime's irregular forces and militias that fight alongside its troops, with the children forced to compensate for the losses among their adult ranks. Children regularly join the National Defense Forces, as well as the battalions and brigades of foreign and local militias, after undergoing short training courses on carrying weapons, and sometimes being enlisted directly without training. After being conscripted, children work in various combat and non-combat roles, usually being assigned the tasks of transporting ammunition, cleaning, fortification and guarding within the group they join; in battles and attacks, they participate alongside the adults in the fighting, with most of the conscripted children whose deaths we recorded being among the ranks of Syrian Regime forces, who put them directly into hostilities.*" Between March 2011 and November 2020, SNHR recorded the deaths of at least 57 children in combat; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 19. "*During the reporting period, there was a government policy or pattern of recruiting and using child soldiers. The government and pro-Syrian regime-affiliated militias continued to forcibly recruit and use child soldiers, resulting in children facing extreme violence and retaliation by opposition forces.*" And further: "*Law No.11/2013 criminalized all forms of recruitment and use of children younger than the age of 18 by the Syrian armed forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and pro-regime militias, armed opposition groups, and designated terrorist organizations*"; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. "*In areas held by the Syrian government and its loyalist militias also, child recruitment never stopped, particularly in the city of Damascus and its countryside*"; STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v. See also, SOHR, *Ongoing Recruitment Operations and Attempts to Woo the Syrian People, Iran Seeks to Cement Its Presence in Syria*, 26 July 2020, https://bit.ly/2OYPkl9; UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 35.

258 "*The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for unlawful acts traffickers compelled them to commit.*" And further: "*The government routinely arrested, detained, raped, tortured, and executed children for alleged association with armed groups and made no effort to offer these children any protection services*"; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. See also Section III.A.1.

259 Airwars, *US-led Coalition in Iraq & Syria*, accessed 28 February 2021, https://bit.ly/2RnndNO; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, https://bit.ly/2ATQknb, pp. 39, 42; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, paras 34-38.

260 "*The SDF faced criticism over its conduct. On 20 July* [2020]*, villagers in Al-Shahail, alBusayrah, Dhiban, Merkada, and other towns in Deir-ez-Zor Governorate criticized the SDF for looting property during the previous week's anti-ISIS campaign*"; Carter Center, *Weekly Conflict Summary: 20-26 July 2020*, 31 July 2020, https://bit.ly/3fnLn4q, p. 7. For example, "[O]*n 10 August* [2019]*, a 3-year-old child was shot in the back at a checkpoint as his father was parking his car in accordance with the instructions of members of the Syrian Democratic Forces. When a crowd came to protest the killing, members of the Syrian Democratic Forces opened fire and one civilian was injured by bullets in the back and leg. In Tabaqah, on 16 August* [2019]*, members of the Syrian Democratic Forces forced their way into the house of a doctor. The doctor was taken away and his spouse was physically assaulted*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 66. See also, SNHR, *Woman Shot Dead by SDF in Mer'anaz Village in Aleppo Suburbs on November 15*, 15 November 2020, https://bit.ly/2UqxOcm; SNHR, *SDF Killed a Civilian in Tal Ref'at City in Aleppo, on March 10*, 12 March 2020, https://bit.ly/3gRMhHq; The New Arab, *Kurdish Militia Filmed Beating Up Hospital Staff in Eastern Syria*, 2 January 2020, https://bit.ly/2DGG0A7; and Section II.B.2.

at times resulting in attacks against these schools by other actors, including ISIS.[261] Furthermore, the YPG and its affiliates have been accused of subjecting SNA-held localities to indiscriminate attacks, including by shelling and the use of IEDs in civilian areas such as markets, schools and IDP camps.[262]

The SDF/YPG have detained thousands of alleged members of ISIS and their family members during military operations and raids.[263] According to reports, during such operations individuals, including boys as young as nine years of age,[264] are rounded up based on overly broad criteria, including on the basis

261 UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, S/2020/576, www.ecoi.net/en/document/2032945.html, para. 19; SOHR, *SDF Stations in Schools, Intensifying Patrols and Imposing Curfew in Eastern Rural Deir ez-Zor*, 17 July 2020, https://bit.ly/3jqhdRl; UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 178; SOHR, *SDF Violations: Members Seize School and Turn It into Military Headquarters in Rural Deir ez-Zor*, 15 May 2020, https://bit.ly/3iRd5JA; SOHR, *IEDs Go Off in School Planned to be SDF Headquarters in Eastern Deir Ezzor*, 18 April 2020, https://bit.ly/2CzyhTF; SOHR, *Several Civilians Injured in ISIS Cell Attack on School Housing SDF Members*, 5 April 2020, https://bit.ly/3iVucKl; SOHR, *IED Explodes in a School after a Visit of an SDF Delegation to Discuss Taking It as Headquarters*, 14 February 2020, https://bit.ly/303Pxsz. On 13 July 2020, the General Command of the SDF issued instructions *inter alia* committing the SDF "*to refrain from using schools for military purposes and from placing equipment or weapons near them, except in cases of extreme military necessity, when schools are exposed to aggression from other military parties and need protection*"; General Command of the Syrian Democratic Forces, *Military Instructions Issued by the General Command of the Syrian Democratic Forces*, 13 July 2020, https://bit.ly/38VAvZU.

262 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 30; UNGA, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 177; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 4. For example, "*Syrian Democratic forces, using heavy artillery shell in parallel with missile launcher, shelled al Ittehad al Arabi School* (…) *in the middle of Afrin city in the northern suburbs of Aleppo governorate, injuring eight students, partially destroying its building and damaging its furniture, on February 4, 2020*"; SNHR, *SDF Shelled a School in Afrin City in Aleppo, on February 4*, 4 February 2020, https://bit.ly/3fq2R0y. See also, for example, SNHR, *SDF Shelling Damages Hospital in Izaz City, Aleppo Suburbs on November 27*, 29 November 2020, https://bit.ly/37jZ2Yc; SNHR, *SDF Shelled a Market in Afrin City in Aleppo, on March 18*, 18 March 2020, https://bit.ly/2ATwR6d; SNHR, *SDF Killed a Child in Afrin City in Aleppo, on January 29*, 30 January 2020, https://bit.ly/3gLRgtc; SNHR, *SDF Killed Two Civilians in Afrin City in Aleppo, on January 20*, 20 January 2020, https://bit.ly/2ZlyBP2; and Section II.B.4.

263 "*Scores of people remain in detention facilities and in internally displaced persons camps managed by the Syrian Democratic Forces and other parties to the conflict, held in unsanitary conditions, without access to their families, and lacking adequate medical care*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary-General*, 24 June 2020, S/2020/576, www.ecoi.net/en/document/2032945.html, para. 15. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 17.

264 UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 174. "*We have documented a number of detentions carried out under the pretext that the children were supposedly affiliated with ISIS in areas controlled by the SDF after the withdrawal of ISIS."* As of 20 November 2020, SNHR recorded the arrest/abduction of over 650 boys and girls since January 2014; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, pp. 26-27. "(…) *numerous detainees reported that children were also held in other detention facilities, including the Allaya and Hasakah prisons. The majority of these children had also been accused of affiliation with ISIL or had been recruited by Syrian Democratic Forces/Kurdish People's Protection Units and accused of offences including spying. Adults released from these facilities reported that children were held in the same cells as adults at certain periods. It was not clear whether these children had been charged with any offence*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 78. "*Men and boys as young as 12 years of age with perceived links to ISIL militants, likely including Yazidi boys forcibly transferred into Syria in 2014, were separated from women and younger children and transferred to SDF-managed detention sites*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 57. "*The Kurdish-led Syrian Democratic Forces (SDF) do not have facilities to segregate prisoners according to their level of radicalism, or interrogate them properly, ensuring that boys as young as 12 are incarcerated with the most hardened ideologues*"; The Times, *Time Bomb Jail Packed with 5,000 ISIS Fighters*, 30 September 2019, https://bit.ly/2OjPovA. See also, SNHR, *SDF Arrested a Child in al Sh-heil City in Deir Ez-Zour Suburbs on December 12*, 12 December 2020, https://bit.ly/2WeMaxq; SNHR, *SDF Arrested Civilians, Including a Child, in al Sh-heil City in Deir Ez-Zour Suburbs on October 23*, 25 October 2020, https://bit.ly/3kxY6ET; SNHR, *Syrian Democratic Forces Arrested a Child in al Sh-heil City in Deir Ez-Zour on June 16*, 18 June 2020, https://bit.ly/38SPrrF; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, https://shar.es/abnACm. According to the IICISyria, the AANES "*reported that in June 2020, 110 children between 12 and 18 years of age were present in the Houri Rehabilitation Centre* [in Hassakeh]*, on the basis of their association with ISIL*." The IICISyria said that they had received information that "*representatives were not allowed access to the children during interrogations in which confessions were induced, and lawyers were only appointed once charges had been filed by prosecutors*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 78.

of their (Arab) ethnic background, their appearance and/or family relations.[265] Others are detained because of a perceived association with the SNA, or because they oppose, or are perceived to be opposing, the SDF/YPG.[266] Detention conditions are reported to be dire,[267] and torture and deaths in detention as a result of torture and medical negligence have also been reported.[268] Detainees are held without access to adequate judicial review,[269] or are tried in irregularly constituted courts. Trials in these courts, including the local terrorism courts ("People's Courts"), are reported to not meet international fair trial standards.[270] The death penalty was abolished by the AANES in 2014.

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265 According to SNHR, in 2019, such arrests regularly took place on account of individuals' alleged affiliation with ISIS, however with "*no evidence to substantiate these allegations*"; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, https://bit.ly/3eaD77i, p. 18. "*Locals feel that the SDF is dealing with those who lived in SIS-controlled areas under the assumption that they are affiliated with the group until proven otherwise. This is largely due to the fact that ISIS thoroughly embedded itself in the local social structure, requiring residents to attend mosques and small businesses to pay taxes. As such, it is difficult today to distinguish between ISIS sympathizers and civilians who were forced to collaborate against their will, or were merely trying to survive. But the guilty-until-proven-innocent approach is deeply problematic. Local residents have expressed alarming concerns about the waves of arbitrary arrests based on people's appearance and without any prior information about them. Some arbitrary detainees might be released after a few days or weeks, based on the ability for people to vouch for them, while others remain imprisoned for longer periods until proven innocent*"; ICSR, *Reintegrating ISIS Supporters in Syria: Efforts, Priorities and Challenges*, 2018, https://bit.ly/327SxX8, p. 17. See also Section III.A.4.

266 As at February 2021, SNHR documented over 3,700 non-ISIS affiliated individuals, including 659 children and 176 women, who remain in detention following their arbitrary arrest by the SDF; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, https://bit.ly/3kfRGer, p. 4; Syria Direct, *Overcrowded Prisons and Camps in Northeast Syria Raise Fears of COVID-19 Outbreak*, 5 May 2020, https://bit.ly/3ekSgTv. See also Section III.A.4.

267 Audrey Alexander, "*The Security Threat COVID-19 Poses to the Northern Syria Detention Camps Holding Islamic State Members*", Combating Terrorism Center at West Point, CTC Sentinel, June 2020, Vol. 13(6), June 2020, https://bit.ly/2OxNBTT, p. 17; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, https://shar.es/abnACm; HRW, *Northeast Syria: Boys, Men Held in Inhumane Conditions*, 8 October 2019, https://bit.ly/2ATQ1VI. See also Section II.B.2.

268 "*In line with previously documented cases, incidents of torture and ill-treatment were also reported. For example, a member of an Arab tribe had been held by Syrian Democratic Forces military intelligence in incommunicado detention from March 2019 until March 2020, and accused of collaborating with Turkey.* (…) *The majority of time in detention had been spent in solitary confinement, with minimal food and water, and he had been regularly beaten by Syrian Democratic Forces military intelligence.*" The IICISyria concluded that "*there are reasonable grounds to believe that members of the Syrian Democratic Forces and related entities may have committed the war crime of cruel treatment and ill-treatment of those deprived of liberty in military intelligence facilities*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 76, 80. "*Syrian Democratic Forces (SDF) use torture in the group's detention centers against detainees and abductees as a way to extract confessions, with torture often carried out in a vengeful way and based on ethnic prejudice.* (…) *Since 2016, we have recorded a noticeable increase in the death toll of torture victims by Syrian Democratic Forces* (…) *and we recorded SDF handing over a number of the victims' bodies to their families, with the bodies bearing signs of torture*"; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, https://bit.ly/3evBTUb, p. 39. Between March 2011 and September 2020, SNHR documented the deaths of some 57 individuals in SDF detention centres; SNHR, *Death Toll due to Torture*, accessed 28 February 2021, http://bit.ly/2ZERCv5. See also, SNHR, *Civilian from Hasaka Died due to Torture in SDF's Detention Center, February 18*, 21 February 2021, http://bit.ly/3aIZEJS; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 20; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 17; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html.

269 "*The self-administration* [AANES] *has outlined the legal safeguards for detainees, however the majority of interviewees reported that they had received no information on the charges or evidence against them, and nor had they had access to legal representation or been able to have their deprivation of liberty reviewed by a competent judicial authority*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 75. See also, UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 57.

270 "*The AANES' nascent justice system is unable to prosecute them* [ISIS suspects, and families affiliated with ISIS suspects] *in a fair and expeditious manner – as evidenced by the fact that the majority have not been charged with a crime or even brought before a court to determine the legality and necessity of their detention. Their families are being held by the Kurdish authorities in in* [sic] *locked desert camps in appalling and sometimes deadly conditions* (…)"; HRW, *Written Testimony by Sara Kayyali for the U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria*, 10 June 2020, https://bit.ly/2EjVScf, p. 2. The SNHR referred to trials before the People's Courts as "*kangaroo trials*" due to the manifold due process violations; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021,*

Thousands of Syrian women and children with familial links to former ISIS fighters are indefinitely detained in deplorable and deteriorating conditions in displacement camps[271] due to their perceived affiliation with ISIS, in what observers have called a form of "*collective punishment*".[272] They are reported to face discrimination and abuses on the basis of their perceived affiliation with ISIS.[273] According to Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights while countering terrorism, the conditions and treatment of detainees in the camps "*may well amount to torture or other cruel, inhuman or degrading treatment or punishment under international law, with no effective remedy at their disposal*."[274] Some of the women and girls had been forced into marriages with ISIS affiliates.[275]

Groups affiliated with the SDF have also been accused of the illegal confiscation of property left behind by individuals displaced by ISIS in Raqqa Governorate.[276]

*Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 17 (and earlier reports). "*The People's Courts established by the Kurdish Democratic Union Party in 2012 come perhaps the closest to providing some basic due process and fair trial norms, although even they appear to fall short. Within that system, political detainees are usually funneled through two types of courts: the criminal 'Platform' Courts and the counterterrorism People's Defense Court. In most cases, the Platform Courts issue their decisions in one session. The courts' decisions are not always appealable, and even when Syrian state laws are referenced, the courts' decisions are based on 'social justice' standards, rather than law. The People's Defense Court is an extrajudicial court established in 2014 following the issuance of decree 20 by the Autonomous Administration of North and East Syria to deter 'terrorism.' According to sources, the court does not provide the right to a defense or appeal in order to 'preserve the secrecy of the investigation and the identity of the prisoner.' Additionally, judges, who are selected from the military ranks of the Syrian Democratic Forces, need not have a legal background, just basic knowledge of reading and writing*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 16. The Social Charter, which covers both civil and criminal law, does not include "*certain fair trial standards – such as the prohibition on arbitrary detention, the right to judicial review, and the right to appoint a lawyer*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

271 "*Tens of thousands of women and children affiliated with ISIS are held in locked desert camps in degrading and often life-threatening conditions* (…)": HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. The IICISyria concluded that the SDF "*have held these individuals in inhuman conditions*" and that "*in many instances, the ongoing internment of these individuals continues to amount to unlawful deprivation of liberty*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 80. "*In Hawl camp, women and children with familial links to ISIL suffered discrimination on the basis of their perceived affiliation with the group, in violation of international humanitarian law*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 61. See also Section II.F.2.a.

272 "*International law allows imposing punishment for crimes only on people responsible for the crimes, after a fair trial to determine individual guilt. Imposing collective punishment on families by preventing them from leaving the camps violates the laws of war*"; HRW, *Syria: Dire Conditions for ISIS Suspects' Families*, 23 July 2019, https://bit.ly/2ZvqWxC. ICRC's Director for the Near and Middle East region, Fabrizio Carboni, referred to the "*wholesale stigmatization*" of women and children as "*a form of collective punishment*"; VOA, *ICRC: Families of Foreign Fighters in Syria Should Be Repatriated*, 7 July 2019, https://bit.ly/3h2zBgZ. The IICISyria said that these women and children are held "*without access to the necessary legal safeguards*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 71.

273 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 61. See also, HRW, *Syria: Dire Conditions for ISIS Suspects' Families*, 23 July 2019, https://bit.ly/2ZvqWxC. SNHR reported incidents of sexual violence against female camp inhabitants, including sexual harassment and threats of rape; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 20.

274 UN News, *'Unknown Number' of Foreign Nationals Have Died in Squalid Syrian Camps, Say Rights Experts*, 8 February 2021, https://shar.es/aokze8.

275 "*Locals in Raqqa and Deir Ezzor report that while some families resisted giving their daughters to ISIS fighters, other families did so willingly – however, it was very rarely the decision of the woman herself. A humanitarian NGO employee living in Deir Ezzor reported that many ISIS fighters compelled their sisters to marry senior ISIS commanders to improve their position within the group*"; Carnegie Endowment for International Peace, *An Unnerving Fate for the Families of Syria's Northeast*, 31 January 2020, https://bit.ly/3ey8dG3. See also Section III.A.9.b.

276 STJ, *Raqqa: The Northern Democratic Brigade Arbitrarily Seizes over 80 Houses*, 9 December 2020, https://bit.ly/3pmJx9p; Enab Baladi, *Accusations Against "SDF" of Seizing Civilians' Property in Syria's al-Tabqa*, 25 October 2020, http://bit.ly/3pajkut. A controversial law, which stipulated the seizure of "absentee property", was issued by the AANES in August 2020 (Law No. 7 of 2020). It was suspended following widespread criticism; Syria Justice and Accountability Centre (SJAC), *Law No. 7 in NE Syria: Protection of Property Rights or a Tool for Appropriation*, 3 September 2020, http://bit.ly/3p8jrqd; Syria Report, *Kurdish-Led Administration: A Law to Protect Absentee's Property or Confiscate It?*, 12 August 2020, http://bit.ly/3mHO58A.

The SDF/YPG and *Asayish* continue to engage in the abduction of men for the purpose of forced recruitment under the so-called "Duty of Self-Defence" law.[277] While a report from June 2019 stated that conscripts were generally not deployed to frontline positions following mandatory training,[278] a report from December 2020 describes the regular deployment of conscripts to the frontlines with SNA-affiliated armed groups.[279] Despite repeated pledges to halt the practice,[280] and the subsequent

277 The AANES has made several amendments to the "Duty of Self-Defence" law, which was adopted in July 2014. Under a June 2019 amendment, all men as of age 18 are subject to the mandatory service and service has to be completed by age 40. The length of mandatory duty was raised from nine to 12 months. The law also provides for deferral and exemption procedures, e.g. for students, only sons or for medical reasons. The self-defense duty is described as a "*national, human and moral duty*"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, https://bit.ly/3flnEm2; SDF Press, *The General Council Approves the Law of Self-Defense Forces*, 22 June 2020, https://bit.ly/33497X1. "*On June 22, 2019, the General Assembly of the Autonomous Administration for North and East of Syria approved the Self-Defense Law that included 'mandatory military service' in the AA areas. Large regions were included, such as the governorates of al-Hasaka, Raqqa, Deir Ezzor and Aleppo. Locally, this law is referred to as 'mandatory conscription,' and it is implemented by defense sub-committees within civil departments, or 'councils', of the regional defense committees, which are in turn are subordinate to the Defense Office of the Autonomous Administration. The Self-Defense Act covers all males between the ages of eighteen and thirty, those born between (1990-2001), and females have the right to enlist voluntarily. Mandatory military service shall be a complete calendar year (twelve months) to which a reserve month shall be added.* (…) *Forced conscription enforcement is carried out by the military police approximately every three months. Random checkpoints emerge through the main entrances of cities and towns to forcefully draft young men; this is in addition to home and workplace raids*"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, https://bit.ly/37xJCRq, p. 36. Men who fail to enlist must serve an additional one month: According to article 13 of the "Duty of Self-Defence" law, as amended in June 2019, "[E]*very absentee shall be punished by the addition of one month to the end of his service*"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, https://bit.ly/3flnEm2. Enab Baladi reported that individuals with a valid deferral or exemption have been forcibly recruited; Enab Baladi, 12 July 2019, https://bit.ly/324rMms. See also, Kurdistan 24, *Syrian Kurdish-Led Authorities Say They Won't Abolish Conscription System*, 4 February 2020, https://bit.ly/2WhbWBr; Enab Baladi, *Autonomous Administration's Military Service Recruitment Campaign Targets Young Men Born in 2001*, 20 September 2019, https://bit.ly/2W8oY36; SDF Press, *The General Council Approves the Law of Self-Defense Forces*, 22 June 2019, https://bit.ly/2JBUvpd.

278 According to the RIC, "*Self-defence duty does not typically mean fighting on active frontlines. Conscripts typically complete a course of ideological and military training, before being posted to man checkpoints and roadblocks, and offer second-line and logistical support to the YPG and other voluntary, non-conscripted forces during combat*"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, https://bit.ly/3flnEm2. However, attacks against members of the self-defense forces have been reported; SOHR, *ISIS Resurgence: Four Members of "Self-Defense Forces" Assassinated in Southern Al-Hasakah*, 29 August 2020, https://bit.ly/2R42cro; SOHR, *After Armed Attack on Security Post: "Self-Defense Forces" Clash with Unidentified Gunmen in Eastern Rural Deir ez-Zor*, 21 August 2020, https://bit.ly/3jT4INh; SOHR, *Unknown Assailants Attack Checkpoint of Self-Defense Forces in Eastern Deir Ezzor*, 14 August 2020, https://bit.ly/3bDoJob.

279 "*Those conscripted are transported from the military police headquarters to self-defense academies, where the conscripts undergo a military and ideological training course for 45 days. After that period, the conscripts are dispatched to brigades and points affiliated with the Self-Defense Forces, especially lines of contact with the Assad regime forces in the western and eastern countryside of Raqqa (al-Shamiya). It is noteworthy that the self-defense conscripts are not assigned to security branches and Asayish*"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, https://bit.ly/37xJCRq, pp. 36-37.

280 On 29 June 2019, the SDF signed an action plan with the Special Representative of the Secretary-General for Children and Armed Conflict to end and prevent the recruitment and use of children under the age of 18. The action plan further foresees "*to identify and separate boys and girls within the group's ranks and to put in place protection and disciplinary measures related to child recruitment and use*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 23; Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Syrian Democratic Forces Sign Action Plan to End and Prevent the Recruitment and Use of Children*, 1 July 2019, https://bit.ly/2WBIyEQ. "*Each year's edition of the DoS Country Reports on Human Rights Practices since 2014 have contained similar promises by Kurdish entities partnered with the United States to end the use of child soldiers, and each report notes that their use apparently continued*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 70. In late August 2020, the AANES, in follow up to the action plan, announced the establishment of a complaint mechanism to receive and investigate reports of violations of children's rights, including child recruitment: "(…) *complaints mechanism* (…) *allows citizens, families, parents and humanitarian actors to submit their complaints and reports regarding any recruitment of minors, boys and girls, into the ranks of the SDF*"; Kurdistan 24, *New Mechanism Allows Northeast Syrians to Report Child Recruitment by Armed Forces*, 30 August 2020, https://bit.ly/3bxpLCa; SDF Press, *Public Statement*, 29 August 2020, https://bit.ly/3jTvs0m.

demobilization of some children,[281] primarily the YPG/YPJ[282] and the *Shabiba al-Thawriya*[283] continued to recruit boys and girls as young as 12 years old,[284] for combat and support roles.[285] Family members of those opposing their children's recruitment have in some cases been subjected to threats and physical abuses.[286]

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281 As at August 2020, the IICISyria reported that "(…) *51 girls from 13 to 17 years of age were removed from the ranks of Women's Protection Units in early 2020 and were housed in a 'rehabilitation centre'. Eighteen boys were also in the process of being formally released at the time of reporting*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 79. In December 2020, the release of several children, including an 11-year old, was reported. These releases reportedly ensued after their parents had lodged a complaint with the AANES; SOHR, *Recruited Earlier in SDF: "Child Protection" Office Hands Over Four Children to Their Families*, 17 February 2021, https://bit.ly/2Nhs7xv; Rudaw, *Three SDF Child Soldiers Returned to Families in Rojava*, 28 January 2021, http://bit.ly/3uDhMg7; SOHR, *"Child Protection" Office Hands over Two Teenagers to their Families*, 24 December 2020, http://bit.ly/3rOQHVP. SDF commander-in-chief "*Kobane said in a July* [2020] *interview that he regarded the practice* [of child recruitment] *as unacceptable and that perpetrators would be punished. But there have been no prosecutions so far*"; Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, https://bit.ly/37cXY9y. The SDF has rejected reports that it continues to recruit children; Hawar News Agency, *Defense Affairs Office Refutes Accusations about Recruiting Children*, 13 July 2020, https://bit.ly/2ZsCxxr. See also, UNGA, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v.

282 According to the US Department of State, "*the issue* [of child recruitment] *was raised to the SDF command for resolution, and that they assessed 'this issue is limited more to the YPG rather than the SDF or internal security forces as a whole' "*; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 70. See also, Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, https://bit.ly/37cXY9y.

283 The *Shabiba al-Thawriya*, or Revolutionary Youth, have been described as "*a youth empowerment movement located in northeast Syria that is known for its ties to the Turkish Kurdistan Workers' Party (PKK) leadership based in the Qandil mountains in Iraqi Kurdistan. The group has centers across northeast Syria and offers educational lectures on Kurdish history and nationalism to youth in the area.*" According to Syria Direct, the group maintains a presence in schools across the North-East, where they select children for "*the meticulous grooming and recruitment.*" And further: "*From the training camp, the children are divided into those who want to fight for the PKK and those who want to stay in northeast Syria and fight for the independence of Rojava with the YPG*"; Syria Direct, *SDF Continues to Recruit Child Soldiers, Despite Pledges to Stop the Practice*, 15 September 2020, https://bit.ly/307jd8Y. See also, Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, https://bit.ly/37cXY9y; SOHR, *"Al-Shabiba Al-Thawriya" Kidnaps Two Girls from Ras al-Ain (Sere Kaniye) and Amuda*, 22 November 2020, https://bit.ly/3ldmlI0; SOHR, *With the Help of Asayish Member, "Al-Shabiba Al-Thawriyah" Kidnap a Child in Al-Hasakah, Driving Him to Military Camp*, 9 November 2020, https://bit.ly/36pDOHV; SOHR, *"Al-Shabiba Al-Thawriyah" Continues Kidnapping and Recruiting Children, amid Widespread Popular Discontent*, 27 October 2020, https://bit.ly/3mTcj05.

284 According to reports, orphans and displaced children are among those recruited by the SDF/YPG. "*The Kurdish People's Protection Units (YPG and YPJ) in northwest Syria continued to recruit, train, and use boys and girls as young as 12 years old; since 2017, international observers reported that YPG and YPJ recruit – at times by force – children from displacement camps in northeast Syria*"; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. As at late December 2020, SNHR was aware of approximately 113 children in SDF recruitment camps. Families were not informed about their children's whereabouts. Child recruitment was reported in Aleppo (including in the Ashrafiyah neighbourhood of Aleppo City and among IDPs from Afrin) and Hassakeh governorates. SNHR recorded an increase in recruitment in 2020; SNHR, *SDF Recruited a Young Girl in Hasaka Governorate on February 15*, 21 February 2021, http://bit.ly/2ZFogNc; SNHR, *SDF Kidnapped a Girl in Qeshla Village in Hasaka Suburbs on December 19*, 27 November 2020, http://bit.ly/2X50Krx; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 29. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 79; Syria Direct, *SDF Continues to Recruit Child Soldiers, Despite Pledges to Stop the Practice*, 15 September 2020, https://bit.ly/307jd8Y; Enab Baladi, *Kurdish People's Protection Units Continues to Recruit Female Minors Without Their Parent's Consent*, 4 September 2020, https://bit.ly/3bxIUnJ.

285 According to SHNR, 29 children recruited by the SDF have been killed in combat since the SDF's establishment; SNHR, *SDF Recruited a Young Girl in Hasaka Governorate on February 15*, 21 February 2021, http://bit.ly/2ZFogNc. "*Contrary to its own commitments, the YPG/ SDF, recruited and accepted girls and boys under the age of 18 into their ranks. The Commission received multiple accounts of the SDF recruiting children for combat and support roles in military operations aiming to oust opposing groups, including Jabhat al-Nusra and, later on, against ISIL. Instances have been documented of boys aged 15 below and, albeit infrequently, girls as young as 16 recruited for participation in hostilities in Aleppo, Hassakah and Ayn al-Arab (Kobane) and Raqqah. Numerous accounts collected by the Commission describe how children were actively recruited, often under the guise of the providing access to education, and deployed to battlefields*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 40. See also, UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 65.

286 "*Parents who speak up against the Revolutionary Youth face threats and intimidation, according to several Syrian Kurds interviewed by Al-Monitor. None was willing to be identified by name for fear of retribution*"; Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, https://bit.ly/37cXY9y. See also, SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 29. SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, p. 13; EuroMed Rights, *Crimes in Limbo: SDF Commits Horrific Crimes Against Syrians under the Cover of the International Coalition*, 30 July 2019, https://bit.ly/2OpmNHY.

b) For relevant risk profiles, see Sections III.A.4, III.A.8, III.A.9, III.A.10 and III.A.11.

### 3) HTS and Anti-Government Armed Groups in Idlib and Adjacent Areas

Reports accuse HTS and other anti-government armed groups of perpetrating violations of international humanitarian law and serious abuses of international human rights law with impunity.[287] HTS has further been accused of having perpetrated crimes against humanity in relation to the widespread and systematic detention, torture and murder of civilians in areas under its control.[288]

HTS and other anti-government armed groups are reported to subject government-held localities, including religious minority areas perceived as being "pro-government",[289] to indiscriminate attacks using mortars, rockets, missiles and IEDs.[290]

Civilians living in areas under the *de facto* control of HTS, and in particular persons critical or perceived to be critical of HTS' rule,[291] continue to be subjected to extortion, abduction and unlawful deprivation of liberty[292] in HTS-run prisons and unofficial detention facilities,[293] torture and other forms of ill-

287 "*By conducting these attacks, armed groups did not direct the attack at a specific military objective, and may have perpetrated the war crime of launching an indiscriminate attack resulting in death or injury to civilians, and also may have committed the war crime of spreading terror among the civilian population.* (…) *The Commission finds that there are reasonable grounds to believe that members of HTS committed the war crimes of murder and of passing sentences and carrying out executions without previous judgment pronounced by a regularly constituted court as well as the war crime of cruel treatment, ill-treatment and torture. In instituting makeshift courts whose procedures fall far short of fair trial standards, HTS violated due process principles. Moreover, HTS also committed the war crime of pillage*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 88, 96. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 81, 83, 90; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17.

288 "*The Commission has previously documented a systematic practice by the HTS to unlawfully detain, torture and murder civilians living in areas under their control, in acts amounting to war crimes or crimes against humanity as well as recruitment and use children in their forces*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 89.

289 See Sections III.A.3 and III.A.8.

290 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 30. See also Section III.A.3.

291 "*HTS continued previous patterns of brutally oppressing local populations for expressing dissent in the areas under their control*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 92. See also Section III.A.5.

292 According to SNHR, over 2,100 individuals remain in captivity or forcibly disappeared by HTS as at August 2020; SNHR, *Record of Arbitrary Arrests*, accessed 28 February 2021, http://bit.ly/3nIHZpw. In September 2019, SOHR estimated the number of people held in captivity by HTS to be in the "*thousands*"; SOHR, *The Syrian Observatory Reveals the Conditions of Detainees in Prisons of Hayyaat Tahrir al-Sham*, 26 September 2019, https://bit.ly/2VCJo5e. "*The whereabouts and fate of many deprived of their liberty remain unknown*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 12. "*Hay'at Tahrir al Sham has resorted to concealing the fate of the forcibly detained and abducted persons, and does not subject them to any trial except for the pro forma secret trials that are conducted by its sharia officials and security men. We have documented 2,057 individuals who are still detained or forcibly disappeared by Hay'at Tahrir al Sham until March 2020*"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 7. See also, STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k.

293 According to SNHR, those held in captivity do not have access to a lawyer nor can they communicate with their families; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 21. For information about the detention facilities run by HTS, see: STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, https://bit.ly/2NL0AkC; Rozana Radio [a non-affiliated media outlet broadcasting from Paris], *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I; HRW, Syria: *Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html. The Idlib Central Prison has reportedly repeatedly been hit by government airstrikes and in June 2020, it became the scene of fighting between HTS and the military operations room led by HAD; ISW, *Syria Situation Report: June 10 - 23, 2020*, 23 June 2020, https://bit.ly/3imO7S1; Al-Monitor, *Syrian Front Lines Heat Up, Especially in Idlib Province*, 4 December 2019, https://bit.ly/2ZBtWHM; The Independent, *Syria Airstrikes: Dozens of Inmates Flee Prison During Russia-Backed Assault in Idlib*, 14 March 2019, https://bit.ly/38k13n6. The IICISyria reported that HTS shot and killed detainees who sought to flee airstrikes against Idlib Central Prison on 2 December 2019 and Qasimiah detention facility on 17 January 2020; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 93.

treatment,[294] fair trial violations in irregularly constituted "courts",[295] and extra-judicial executions.[296] Convicts are reportedly also sentenced to corporal punishments such as flogging and forced into hard labour (e.g. digging trenches and graves).[297] The IICISyria assessed in 2019 that "*the mass arbitrary detention of political dissenters perpetrated by Hay'at Tahrir al-Sham terrorists constitutes a systematic attack directed against a civilian population*," constituting "*the crime against humanity of persecution on political grounds*".[298]

Other armed groups, including HAD and TIP are also reported to have engaged in the abduction and extra-judicial killing of civilians.[299]

294 As at September 2020, SNHR documented the death of 26 detainees in HTS detention facilities; SNHR, *Death Toll Due to Torture*, accessed 28 February 2021, https://bit.ly/3ijCkmh. SNHR reported that female detainees are subjected to intimidation, death threats, severe beatings and denial of healthcare and food; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 21. "*According to the testimonies we obtained, torture aims to extract confessions from detainees, or intimidate them as part of the punishment imposed on them.*" Detention conditions were described as "*inhumane*"; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I. See also, SNHR, *Child from Idlib Dies due to Torture in Hay'at Tahrir al Sham' Detention Center, February 3*, 5 February 2021, http://bit.ly/37FER7X; Syria Direct, *Like Being in Assad's Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, https://bit.ly/3b1Au9u; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 20; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, https://bit.ly/3iojagr, pp. 30-33; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k.

295 "*HTS subjected its detainees to formalistic secret trials* (…)*, with the judgements being issued by its Sharia and security officials* (…)"; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 21. "*None of them received any consultation from a lawyer or legal specialist; of course, they were not informed of any legal procedures that they could resort to during their detention by al-Nusra, and the majority of them were not allowed by Hayat Tahrir al-Sham to meet their relatives or communicate with the outside world during their detention*"; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 96.

296 "*Unauthorized 'courts' established by Hay'at Tahrir Al-Sham and various armed groups imposed death sentences that amounted to the war crime of murder and were used to impose such groups' draconian social strictures, in particular against women and sexual minorities, including men accused of homosexuality*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 52. "*Through self-appointed courts, members of Hay'at Tahrir al-Sham continued to inflict harsh penalties, including death, on those either perceived as critical of those rules or accused of having affiliations with an opposing party to the conflict*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 20. Between 1 November 2019 and 1 June 2020, "*HTS carried out executions of persons in detention, with the Commission documenting at least four such incidents and receiving reports on approximately 10 others. For example, a male teenager was executed by HTS in mid-April* [2020]. *The victim had been condemned to death after being accused by HTS of apostasy. A few months prior to the execution, he was arrested while entering Syria from Turkey, his phone was searched and messages critical of HTS were reportedly found. Others were executed by HTS after being accused of spying*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 94. See also, OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, https://shar.es/aoWKIv; SOHR, *HTS Executes Two Persons in Idlib for "Murdering" a Fuel Dealer*, 2 July 2020, https://bit.ly/2O1vBAJ; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, https://bit.ly/2NL0AkC; The New Arab, *HTS Executes Four People in Syria's Idlib Province as Assad Regime, Rebels Violate Ceasefire*, 12 April 2020, https://bit.ly/3iobfQb; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k. Among those abducted and in some cases executed are individuals who had been forcibly returned from Turkey; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, p. 12; SOHR, *HTS Executes Kurdish Civilian in Idlib after Being Deported from Turkey*, 30 April 2020, https://bit.ly/3e4zJug.

297 According to SNHR, detained government soldiers and Alawites were forced to dig graves, which were then used to bury those executed; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, https://bit.ly/3iojagr, p. 33. On the use of prisoners for forced labour, see also STJ, *HTS Arrests 22 Civilians in Idlib for Different Reasons*, 1 October 2019, https://bit.ly/2NRxZKt.

298 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 57.

299 STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, https://bit.ly/2C2AHdb; SNHR, *Hurras al Din Group Is Responsible for Kidnapping and Forcibly Disappearing Six Activists Working for Relief Organizations in Idlib*, 19 March 2020, https://bit.ly/3e4PTEa.

HTS and other anti-government armed groups have also been implicated in the abduction, torture and summary execution of captured government soldiers and supporters,[300] defectors and persons associated with ISIS or other rival armed groups,[301] or with foreign countries.[302]

HTS is reported to impose regulations in relation to women and girls' dress, behaviour and social interactions in line with its strict interpretations of Islam and Islamic law. Although the level of enforcement has varied over time, it has implemented severe punishments for perceived transgressions.[303] Reports further confirm the continued imposition of strict Islamic law and discriminatory attitudes vis-à-vis members of minority groups, in addition to cases of individual targeting.[304] HTS is also reported to continue to target persons of diverse sexual orientations and/or gender identities in areas under its *de facto* control.[305]

HTS has also been accused of looting and unlawful confiscation of civilian property belonging to displaced persons, including members of minority groups and real or perceived government supporters.[306]

HTS and other anti-government armed groups recruit and employ children, including in hostilities.[307] Against the background of the escalation in violence in Idlib Governorate in 2019 and early 2020, HTS and other anti-government armed groups are reported to have intensified their recruitment efforts, including the recruitment of children from IDP camps.[308] Financial incentives are reported to be a key reason for children joining these armed groups, particularly when male adult family members are missing due to death, arrest or disappearance.[309]

c) For relevant risk profiles, see Sections III.A.3, III.A.5, III.A.8, III.A.9, III.A.10, III.A.11 and III.A.12.

300 See Section III.A.3.

301 "*Hayat Tahrir al-Sham (HTS) uses assassinations and arrests to target hardliners and members of competing Salafi-jihadist groups*"; ISW, *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, https://bit.ly/3bqI5hQ. See also, SOHR, *HTS Arrests Three of Its Members in Idlib Countryside*, 3 November 2020, https://bit.ly/3kXOa7Y; SOHR, *HTS Executes Former ISIS Commander*, 11 June 2020, https://bit.ly/2BL9SdM; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, https://bit.ly/2NL0AkC. See also Section II.B.3.

302 Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I.

303 See Section III.A.8.e.

304 See Section III.A.8.c.

305 See Section III.A.12.

306 "*As of March 2020, the de-facto authorities have assumed control of property from people who are absent from the area. Most of these owners are currently displaced in Government of Syria-controlled areas. This is in addition to the seizure of the property of minorities that began in 2019*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 18*, 25 July 2020, www.ecoi.net/en/document/2041463.html, p. 13. See also, SOHR, *Eastern Idlib: Popular Discontent Grows, as HTS Members Continue Systematic Theft of Displaced People's Homes in Town*, 11 February 2021, https://bit.ly/2ZEmvjc; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 95; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 13; STJ, *Syria: Over 100 Houses and Shops Seized by HTS in Rural Hama*, 18 November 2019, https://stj-sy.org/en/1256/. On the confiscation of property belonging to real or perceived government supporters and members of minority groups, see also Sections III.A.3 and III.A.8. The Turkestan Islamic Party (TIP) has also been reported to have confiscated and looted private and public properties in areas taken from the government; SNHR, *The Collapse of the Main Cooling Tower in Zeyzoun Thermal Tower in Zeyzoun Village in Hama as a Result of Dismantling and Looting of the Station*, 6 May 2020, https://bit.ly/2ZFgZxK; STJ, *Syria: Turkistan Islamic Party Seizes and Pillages Public Property in Rural Hama*, 20 April 2020, https://bit.ly/2VEpQ0d.

307 SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 25; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 35, 36. Among those identified as recruiting children are HTS, Ahrar Al-Sham, Jund al-Aqsa, and Nur Al-Din al-Zinki; UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 36.

308 STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 37; The New Humanitarian, *Civilians See no Future in Idlib as Syrian Forces Tighten Grip*, 6 January 2020, www.ecoi.net/en/document/2022485.html; SOHR, *Religious "Shura General Council" Launches a Mobilization Campaign to Recruit Children and Young People*, 4 January 2020, https://bit.ly/36zJEoJ. See also Section III.A.10.

309 STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 35; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 39.

### 4) Armed Groups Affiliated with the Syrian National Army

Across areas held by SNA-affiliated armed groups, the human rights situation has been reported to be "*grim, with violence and criminality rife.*"[310]

#### a) "Operation Euphrates Shield" and "Operation Olive Branch" Areas

Armed groups affiliated with the SNA have been accused of war crimes and human rights abuses against civilians, including extortion, looting, unlawful confiscation and destruction of property, abduction, unlawful deprivation of liberty,[311] enforced disappearance,[312] torture and other forms of ill-

310 "(…) *an alarming pattern in recent months of grave violations in these areas, including in Afrin, Ras al-Ain, and Tel Abyad, where increased killings, kidnappings, unlawful transfers of people, seizures of land and properties and forcible evictions has been documented*"; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html. "*With the exception of information received from the 'Syrian interim government' in relation to two specific instances of extrajudicial executions, the Commission* [IICISyria] *has yet to receive information concerning non-State armed groups holding their own forces to account in specific cases of alleged violations or abuses committed against Syrians in relation to the conflict since March 2011*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 76.

311 SOHR has documented the existence of 20 prisons administered by various SNA-affiliated armed groups in Afrin; SOHR, *SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, http://bit.ly/3kbhNmq. SNA-affiliated armed groups "*have established many official detention centers, as well as converting their military headquarters into detention centers* (…)"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 24. "(…) *we also recorded detentions carried out under an ethnic pretext, with these incidents being concentrated in areas under the Armed Opposition/Syrian National Army's control in Aleppo governorate. Most of these arrests occurred without judicial authorization* (…) *as well as being carried out without presenting any clear charges against those being detained*"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 6 (and earlier reports). "*As their properties were systematically looted and appropriated by Syrian National Army forces, civilians approached senior Syrian National Army members in the Afrin and Ra's al-Ayn regions to lodge complaints. In response, many found themselves threatened, extorted or detained by Syrian National Army members, while others were abducted and forced to pay ransom directly to Syrian National Army senior members for their release. The Commission remains concerned by the prevalent and recurrent use of hostage-taking by Syrian National Army forces*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 52. There are reports that some detainees, including women, have been illegally transferred to Turkey following their detention by SNA-affiliated armed groups. According to the IICISyria, such "*transfers of Syrians detained by the Syrian National Army to Turkish territory may amount to the war crime of unlawful deportation of protected persons*"; *ibid.*, para. 69. See also, HRW, *Illegal Transfers of Syrians to Turkey*, 3 February 2021, www.ecoi.net/en/document/2044641.html; SOHR, *Arrested by Ankara-Backed Factions in Ras Al Ain (Sere Kaniye): Turkish Intelligence Transfers Man and His Son to Turkey*, 1 February 2021, http://bit.ly/3k7BOuk; SOHR, *Ankara-Backed Factions Clamp Down on Afrin's Kurds, Arresting Two Civilians in Ma'abatli Area*, 28 October 2020, https://bit.ly/3jIXvPn; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html; STJ, *Illegal Transfer of Dozens of Syrian Detainees into Turkey Following Operation Peace Spring*, 10 July 2020, https://bit.ly/3mV70xl.

312 Between January and July 2020, SNHR recorded the abduction of 185 persons, including eight women, by SNA-affiliated armed groups across northern Syria. Of these, 100 were subsequently recorded as forcibly disappeared; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/3eE2X3C, p. 16. See also, SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 7.

treatment,[313] as well as rape and other forms of sexual violence,[314] frequently targeting individuals of Kurdish origin and those opposing or perceived to be opposing these groups.[315] The IICISyria assessed that SNA-affiliated armed groups had repeatedly perpetrated the war crimes of pillage, hostage-taking, cruel treatment and torture, and rape.[316] The IICISyria further assessed that these groups may "*be responsible for the war crime of destroying or seizing the property of an adversary*."[317] According to multiple sources, SNA-affiliated armed groups commit such acts with impunity.[318]

SNA-affiliated armed groups have also been accused of having looted and destroyed religious and archaeological sites,[319] and, in some instances, of having deliberately set fire to agricultural fields in SDF-controlled areas near frontlines.[320]

Armed groups affiliated with the SNA are also reported to impose restrictions on women's dress, behaviour and social interactions and have also been accused of targeting women for harassment,

313 SNA-affiliated groups are reported to run makeshift detention facilities across areas under their control, with incidents of torture and sexual abuse being reported. Deaths in detention have also been reported. "*In detention, civilians – primarily of Kurdish origin – were beaten, tortured, denied food or water, and interrogated about their faith and ethnicity*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 54. According to Elizabeth Tsurkov, a fellow in the Middle East Program at the Foreign Policy Research Institute: "*While some detainees are brought before judges in Efrîn (Afrin) or in Turkey, hundreds of Efrîn residents, many of them Kurds, are held extrajudicially, without ever being charged with any crime. Those individuals are held in undeclared prisons. According to testimonies of detainees held at these black sites, torture is routine*"; Kurdistan24, *Syrian Kurds Call for Investigation into Kidnapping of Women in Afrin*, 31 May 2020, https://bit.ly/2U6HwRw. "*Its arrests are mostly conducted by its civil police, military police, and political intelligence, as well as members of National Army factions.* (…) *Communities have reported several incidents of torture and sexual abuse committed by factions of the National Army* (…)"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 10. "*While deprived of their liberty, individuals were subjected to torture and ill-treatment, with little access to food, in poor hygienic conditions*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 40. See also, SOHR, *SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, http://bit.ly/3kbhNmq; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 25; SNHR, *Civilian from Aleppo Died Due to Torture in a Syrian National Army Detention Center, November 10*, 11 November 2020, https://bit.ly/3f1hwjo; SOHR, *Secret Prison: Al-Sham Corps Detain Tens of People under Turkish Supervision*, 27 August 2020, https://bit.ly/2YK7iNK; SOHR, *Civilian from Afrin Dies of Deteriorating Health Situation after Being Tortured in "Al-Hamzat Division" Prison*, 7 July 2020, https://bit.ly/38Hx1u0; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, https://bit.ly/3iojagr, pp. 41-44; STJ, *Afrin: 17 Men, One Woman Arrested in Four Districts During May 2020*, 14 June 2020, https://bit.ly/3fKjKn5; SOHR, *Revealed: Thousands of Civilians Are Held in Official and Secret Prisons in Areas Controlled by the "Interim Government" and "Salvation Government"*, 26 April 2020, https://bit.ly/2Xs2egE.

314 "*During the period under review, cases of sexual violence against women and men at one detention facility in Afrin were documented. On two occasions, in an apparent effort to humiliate, extract confessions and instil fear within male detainees, Syrian National Army Military Police officers forced male detainees to witness the rape of a minor*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 60.

315 See below Sections III.A.6.a and III.A.8.d.

316 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 65-66.

317 *Ibid.*, para. 65.

318 "*A former judge in Afrin confirmed that Syrian National Army fighters had been charged with rape and sexual violence carried out during house raids in the region, however none had been convicted, but rather had been released after a few days*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 61. "*During the quarter, the DoS* [US Department of State] *said it had no evidence that the Syrian Interim Government has consistently arrested, prosecuted, or otherwise held accountable any TSO* [Turkish-supported armed opposition groups] *members implicated in human rights abuses or violations of the law of armed conflict. To date, the DoS said that the Syrian Interim Government had imprisoned only one 19-year-old fighter for a series of high-profile abuses.* (…) *human rights groups such as Human Rights Watch, Amnesty International, Syrians for Truth and Justice, the Violations Documentation Center, and the UN Commission on Inquiry, continue to report that TSOs operate with relative impunity and express a lack of confidence in the Syrian Interim Government's accountability efforts to date*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 69.

319 SOHR, *Turkish-Backed Factions Continue Digging near the "Roman Amphitheatre" in Nebi Huri Fortress in Sharran District*, 26 February 2021, http://bit.ly/3bLZqAO; SOHR, *Afrin: Turkish-Backed Factions Continue Looting Artifacts and Antiques, amid Ongoing Excavation in Archaeological Hill in Raju*, 6 January 2021, http://bit.ly/3aHzves; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 63. See also Section III.A.8.d.

320 See for example, SOHR, *Eastern Aleppo: Turkish-Backed Factions Commit Arsons, Setting more than 2,000 Olive Trees on Fire*, 26 June 2020, https://bit.ly/3dHP5oD; SOHR, *Arsons in SDF-held Areas: Turkish-Backed Factions Continue Setting Civilians' Farmlands and Crops on Fire*, 21 May 2020, https://bit.ly/3cRS7pK.

forced marriage, rape and other forms of sexual violence, and kidnappings.[321] In some instances, persons considered as having violated these groups' strict interpretations of Islam have also been targeted.[322]

SNA-affiliated armed groups reportedly carry out under-age recruitment of children living in areas under their *de facto* control, including for deployments to Libya.[323]

#### b) "Operation Peace Spring" Areas

In the context of the military offensive, Turkish forces and allied armed groups were reported to have attacked civilian infrastructure and residential areas, resulting in civilian casualties.[324] Multiple sources reported that SNA-affiliated armed groups have been involved in the abduction, torture, and extra-judicial killing of civilians and *hors de combat* fighters, as well as the looting of civilian homes and shops.[325] According to the IICISyria, civilians "*were subjected to myriad violations of human rights and international humanitarian law by Syrian National Army fighters consistent with the pattern documented in the Afrin District.*"[326] Fearing similar abuses as reported from Afrin as well as sectarian language used by SNA-affiliated groups,[327] many Kurdish and Yazidi residents fled the area during the military operation.[328] The IICISyria concluded that there were "*reasonable grounds*" to believe that armed groups affiliated with the SNA had committed the war crime of murder,[329] and that these groups had "*repeatedly*" committed the war crime of pillaging.[330]

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321 "*88 women and girls whose identities are known were reportedly kidnapped by Turkish-backed armed groups in Afrin, Syria in 2020, a rate of approximately one incident every four days. As of January 1, 2021, 51 remained missing. 35 were reported to have been released. One had allegedly been murdered.* (…) *14 cases, or about 15% of the incidents, included direct allegations of torture.* (…) *Three cases included direct allegations of sexual violence. Two of these cases involved forced marriages, while the remaining case included an allegation of rape in detention*. (…) *Seven cases targeted women specifically identified as members of religious minority communities*"; Missing Afrin Women Project, *2020 Report*, 16 January 2021, http://bit.ly/3sCmCIK. See also Section III.A.8.d.

322 See Section III.A.8.e.

323 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 58; UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173. SOHR reported in early August 2020 that it had recorded the deployment of 350 children from Syria to Libya, of which 35 were killed; SOHR, *Turkey Sends 10,000 foreign Jihadists and 17,000 Mercenaries to Libya*, 1 August 2020, https://bit.ly/3goBh4x. "*These fighters* [in Libya] *were recruited through armed factions affiliated with the Syrian National Army that have been accused of serious human rights abuses in Syria*. (…) *Thousands of Syrian men, including boys under 18 years, have reportedly been sent to Libya via Turkey in recent months*"; OHCHR, *Libya: Violations Related to Mercenary Activities Must Be Investigated*, 17 June 2020, www.ecoi.net/en/document/2031952.html. According to STJ, "[T]he *enlisting of children* [recruited for deployment to Libya] *requires the consent of their families, who receives* [sic] *money. New identification cards are issued for these children with altered names and dates of birth. Some were registered in the name of their older brothers*"; STJ, *Turkey's Recruitment of Syrian Mercenaries to Fight in Libya: Process and Legal Consequences*, 11 May 2020, https://bit.ly/3d1v8c4, p. 17. See also, Al-Monitor, *Report: Child Soldiers Deployed to Libya by Turkish-Backed Syrian National Army*, 8 May 2020, https://bit.ly/2YAaPND.

324 Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 49-51; SNHR, *20 Days of Operation "Peace Spring": Civilian Casualties Are on the Rise and the Death Toll of Fighting Parties Increases*, 29 October 2019, https://bit.ly/333jcVO.

325 "*Repeating a trend from prior incursions, Turkish-backed militias looted property and occupied homes in Turkish designated 'safe-zones' within 20 miles of the Turkish-Syrian border. The majority of properties looted and occupied belonged to Kurdish residents*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 11. See also, STJ, *Following Operation Peace Spring, Thousands of Tons of Grain Seized as "Spoils of War"*, 22 June 2020, https://bit.ly/2ZJo3sY; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, pp. 5-6; STJ, *New Evidence Pointing to Ahrar al-Sharqiya's Responsibility for Field Executions in Suluk During "Operation Peace Spring"*, 1 February 2020, https://bit.ly/3hdo0vA; HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html; Refugees International, *Displacement and Despair: The Turkish Invasion of Northeast Syria*, 12 November 2019, https://bit.ly/2XoRCNI; The Independent, *Turkey's Proxy Army IS 'Looting, Kidnapping and Executing Kurds at Random'*, 11 November 2019, https://bit.ly/2KdppUW; Amnesty International, *Syria: Damning Evidence of War Crimes and Other Violations by Turkish Forces and Their Allies*, 18 October 2019, https://bit.ly/2J2tlqR; UN News, *Syria War: Executions Condemned as Violence Continues 'on Both Sides' of Border with Turkey*, 15 October 2019, https://shar.es/aXPWuK.

326 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54. See also Section II.E.4.a.

327 See Section III.A.8.

328 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54.

329 *Ibid.*, paras 58-59.

330 *Ibid*.

Since the end of the military offensive in late October 2019, SNA-affiliated groups are reported to engage in extortion, looting and unlawful confiscation and destruction of civilian property,[331] illegal taxation,[332] abduction,[333] unlawful deprivation of liberty,[334] torture and other forms of ill-treatment,[335] as well as rape and other forms of sexual violence,[336] frequently targeting Kurds and members of other minority groups and those opposing or perceived to be opposing these groups.[337] As in Afrin, the IICISyria assessed that SNA-affiliated armed groups had repeatedly perpetrated the war crimes of pillage, hostage-taking, cruel treatment and torture and rape.[338] The IICISyria further assessed that these groups may "*be responsible for the war crime of destroying or seizing the property of an adversary.*"[339]

331 "*Turkish-backed armed opposition groups continued to engage in property destruction and looting within Turkish-held Operation Peace Spring (OPS) territory and near the frontlines of SDF and GoS controlled territory in Al Hassakah Governorate*"; Carter Center, *Weekly Conflict Summary: 15-21 June 2020*, 26 June 2020, https://bit.ly/3gwD9rq, p. 6. "*During the period under review, the Commission corroborated repeated patterns of systematic looting and property appropriation as well as widespread arbitrary deprivation of liberty perpetrated by various Syrian National Army brigades in the Afrin and **Ra's alAyn regions**. After civilian property was looted, Syrian National Army fighters and their families occupied houses after civilians had fled, or ultimately coerced residents, primarily of Kurdish origin, to flee their homes, through threats, extortion, murder, abduction, torture and detention.*" And further: *Similarly to in* [sic] *Afrin, the civilian properties of Kurdish owners in the Ra's al-Ayn region who had fled battles during Operation Peace Spring in October 2019 were also appropriated by Syrian National Army forces*" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 47, 49. See for example, SOHR, *Al-Hamza Division Burns Down Five Houses in Rural Tal Tamr, after Looting Their Contents*, 11 February 2021, https://bit.ly/3k85GGM; SOHR, *SOHR Uncovers Turkish-Backed Factions' Involvement in Stealing and Transporting Property and Crops from "Peace Spring" Areas to Turkey*, 4 September 2020, https://bit.ly/32XnBba; SOHR, *Turkish-Backed Factions Steal Public and Private Property in Village in "Peace Spring" Areas*, 25 August 2020, https://bit.ly/3gxKKpg; SOHR, *"Sultan Murad" Steals Civilians' Homes in "Peace Spring" Areas*, 23 July 2020, https://bit.ly/2D4s5ny; SOHR, *Turkish-Backed Factions Steal Crops and Agricultural Equipment, Asking Christians to Pay Fine for Their Return*, 28 June 2020, https://bit.ly/2ZhxNtk; SOHR, *"Peace Spring" Areas: Turkish-Backed Factions Seize Wheat Crop and Loot Villages East of Ras al-Ain*, 19 June 2020, https://bit.ly/37Mbe3L; SOHR, *Tal Tamr: Turkish-Backed Factions Loot and Set nearly Ten Houses on Fire After*, 14 May 2020, https://bit.ly/3cVRk7c; SOHR, *Widespread Looting: Regime Forces and Turkish-Backed Factions Loot Public and Civilian Properties in Abu Rasin and Tal Tamr*, 2 May 2020, https://bit.ly/2ApUKly.

332 For example: "*On 22 May* [2020]*, the Turkish-backed opposition's Hamza Division imposed new agricultural taxes on all farmers under Operation Peace Spring (OPS) areas*"; Carter Center, *Weekly Conflict Summary: 18-24 May 2020*, 24 May 2020, https://bit.ly/2XNU0zK, p. 5. See also, SOHR, *"Peace Spring" a Year on: A New Map of influence…Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, https://bit.ly/2GrnVrm; SOHR, *"Peace Spring" Areas: Turkish-Backed Factions Impose Zakat Levy on Farmers, Arresting Violators and Confiscating Their Crops*, 15 June 2020, https://bit.ly/2AEHdqo; SOHR, *"Peace Spring" Areas: Turkish-Backed Factions Impose Zakat Levy on Agricultural Crops, while Committing Arsons on Frontlines with SDF*, 2 June 2020, https://bit.ly/2AV9edd.

333 "(…) *the factions of the so-called Syrian National Army launched raids and arrests in the villages of Asdiya, Asdiya Sharqiya, Safah, Salam Al-Alik, Tal Khanzer and Dahma, within the 'Peace Spring' areas of influence*"; SOHR, *"Peace Spring" a Year on: A New Map of influence…Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, https://bit.ly/2GrnVrm. See also, SOHR, *Turkish-Backed Factions Release Old Man after Getting Five Millions SYL*, 26 September 2020, https://bit.ly/3cC920V; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 69; STJ, *Tall Abyad: Spot for 32 Arrests in First Three Months of 2020*, 22 April 2020, https://bit.ly/32xa5fF.

334 STJ documented the use several makeshift detention facilities administered by the SNA-affiliated Levant Front in the town of Tal Abiyad (Raqqa Governorate); STJ, *Tell Abiad: 13 Arrests and Further Violations by the "National Army"*, 27 February 2020, https://bit.ly/3jk7pIj. On the transfer of detainees to Turkey, see also footnote 311.

335 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 54; SOHR, *Ras al-Ain: Civilian Dies under Torture in Turkish-Backed Military Police Prisons*, 8 August 2020, https://bit.ly/31WC1rA; SOHR, *Tal Abyad: Civilian Dies under Torture in Turkish-Backed Factions' Prisons*, 1 August 2020, https://bit.ly/2DtdKAU; STJ, *Arrests and Tortures* [sic] *by the National Army in Tell Abiad*, 9 January 2020, https://bit.ly/3eIMn2D.

336 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 59, 61.

337 See Sections III.A.6.b and III.A.8.d.

338 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 65-66.

339 *Ibid.*, para. 65.

SNA-affiliated armed groups have also been accused of deliberately setting fire to crops and agricultural fields in SDF-controlled areas near frontlines.[340]

Amid threats and harassment by armed groups, women are reported to face increasing restrictions on their ability to participate in public life.[341]

SNA-affiliated armed groups reportedly also carry out under-age recruitment of children living in areas under their *de facto* control, including for deployments to Libya.[342]

d) For relevant risk profiles, see Sections III.A.3, III.A.6, III.A.8, III.A.9, III.A.10, III.A.11 and III.A.12.

### 5) Islamic State of Iraq and Al-Sham (ISIS)

In areas where ISIS maintains a presence, it engages in small arms fire and IED attacks, ambushes, abductions and assassinations targeting mainly members of the government forces[343] and the SDF, respectively,[344] as well as civilians supporting or perceived to be supporting the government, or the SDF/AANES.[345]The loss of territorial control and operational capacity has resulted in fewer attacks against members of religious and ethnic minority groups.[346]

During its territorial expansion and rule, ISIS has been held responsible for serious human rights abuses as well as war crimes, crimes against humanity, and, in the case of the Yazidi community, genocide.[347] Many of those who were forcibly disappeared by ISIS remain unaccounted for.[348]

e) For relevant risk profiles, see Sections III.A.3, III.A.7, III.A.8, III.A.9, III.A.10 and III.A.11.

### 6) Family, Tribe, Community

Acts of violence, abuse and harmful traditional practices against women and girls as well as against individuals of diverse sexual orientations and/or gender identities are commonly committed by members of an individual's family, tribe, or community.

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340 For example, "[O]*n 2 June* [2020]*, Turkish-backed armed opposition groups set fire to crops and agricultural lands in Amiriyeh, Leylan, Madhba'a, Kherbet al Sha'er, and Umm al-Khair in the Ras al Ain district of Al-Hassakah Governorate. The same day, Turkish-backed factions imposed more taxes on farmers within Turkish-held areas. On 3 June* [2020]*, Turkish armed forces reportedly burned agricultural lands in Al-Qamishli along the Syrian-Turkish border in Al-Hassakah Governorate. Since 1 April 2020, Turkish armed forces and Turkish-backed opposition armed groups have engaged in 26 recorded instances of crop burning or agricultural land destruction in the region* (…)*. 22 incidents have been recorded since 22 May 2020*"; Carter Center, *Weekly Conflict Summary: 1-7 June 2020*, 12 June 2020, https://bit.ly/2zXifSS, p. 5. See also, SOHR, *Al-Hasakeh's Fire: Nearly 50, 000 Donums Turned into Ashes*, 15 June 2020, https://bit.ly/3e6ooe4; SOHR, *Arsons: Turkish-Backed Factions Set Hundreds of Donums of Wheat Crop on Fire in Rural Al-Hasakeh and Manbij*, 1 June 2020, https://bit.ly/2BQpM6o.

341 "*Following the murder of Hevrin Khalaf on 12 October* [2019] (…)*, Kurdish women recalled feeling increasingly insecure. Armed groups threatened and harassed women in positions in the political, military, medical and educational sector or otherwise taking active part in civil society*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 90. See also Section III.A.8.e.

342 "(…) *STJ registered a rise in child recruitment in the area of Ras al-Ayn / Sari Kani, al-Hasakah province, one month after the offensive Peace Spring was launched against the SDF by Turkey, with the support of the Syrian National Army* (…) *in October 2019. In the area, at least three cases of child recruitment were documented, carried out between late 2019 and early 2020 by the armed groups of Ahrar al-Sharqiya/ Rebels of the Eastern Area and Sultan Murad Brigade. The children continue to be recruited to the day*"; STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, https://bit.ly/2Z4T35v. SNA-affiliated groups have reportedly also deployed children for the purpose of suicide attacks against the SDF; SOHR, *Turkish-Backed Factions Recruit Children in Suicide Attacks Against SDF*, 16 April 2020, https://bit.ly/32dhCQJ. See also Section II.E.4.a.

343 See Sections II.B.1 and III.A.3.

344 See Section II.B.2.

345 See Section III.A.7.

346 See Section III.A.8.

347 See, for example, successive reports by the IICISyria, available at: www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

348 "*While the Kurdish-led Syrian Democratic Council (SDC), announced the creation of a civilian working group to trace and locate those who have been disappeared by ISIS, no significant progress has been made, and the US-led Global Coalition to Defeat ISIS remains largely absent on this issue*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. According to SNHR, ISIS is responsible for the forcible disappearance of over 8,600 individuals up until August 2020; SNHR, *Record of Enforced Disappearances*, accessed 28 February 2021, https://bit.ly/3irRR4w. See also, SOHR, *Mass Grave: "First Responders Team" Recovers 15 Corpses in Western Al-Raqqah*, 9 February 2021, https://bit.ly/3ujVShK; The New Arab, *'Huge' Mass Grave Found in Former IS Capital Raqqa*, 23 June 2020, https://bit.ly/3fNyNw6; HRW, *Syria: ISIS Dumped Bodies in Gorge*, 4 May 2020, www.ecoi.net/en/document/2029153.html.

f) For relevant risk profiles, see Sections III.A.8.f, III.A.9, III.A.10 and III.A.11.

# F. Humanitarian Situation

## 1) Humanitarian Needs

While the decade-long conflict and resulting displacement remain the principal drivers of Syria's extensive and deepening humanitarian needs,[349] especially in the North-West and North-East,[350] a severe economic downturn has caused a rapid deterioration of humanitarian conditions across the country.[351] The vast majority of Syrians are living below the poverty line,[352] with the UN Resident Coordinator and Humanitarian Coordinator in Syria calling it "*an impoverishment crisis*."[353] The economic crisis has significantly increased the number of people struggling to afford food,[354] prompting

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349 "*The impacts of the economic downturn compound those of displacements, which continue to be a key driver of humanitarian needs*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 2. See also, ACT Alliance, *Syria: Humanitarian Response for People Affected by the Syrian Conflict*, July 2020, https://bit.ly/3feUkga, p. 8.

350 OCHA stated in March 2020 that the "*current crisis is the worst that northwest Syria has experienced since the conflict began*"; UN News, *UN 'Determined to Stand by the People of Syria' Says Lowcock, as Grave Humanitarian Crisis Intensifies Around Idlib*, 3 March 2020, https://bit.ly/2YrC4ew. "*The humanitarian situation remains dire as the additional strains related to the COVID-19 pandemic and the economic downturn in Syria continue to impact the 4.1 million people living in northwest Syria*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 9 September 2020, www.ecoi.net/en/document/2038029.html, p. 1. See also, REACH, *Humanitarian Situation Overview in Syria (HSOS): Northwest Syria*, 29 January 2021, www.ecoi.net/en/document/2044408.html; OCHA, *2020 Humanitarian Response Plan*, 30 December 2020, https://bit.ly/2XcsWZv, p. 8.

351 "*With the unprecedented depreciation of the national currency, the imposition of further international sanctions, and crises in neighboring countries, the Syrian economy went into freefall for much of 2020. For ordinary Syrians, this translated into an inability to procure food, essential drugs, and other basic necessities*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "*The Syrian economy continued to exhibit signs of extreme fragility, including a volatile exchange rate and high inflation, deepening the vulnerabilities of populations across the country*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, p. 1. "*Syrians are now being hit by yet another tsunami of suffering – economic collapse*"; UN Special Envoy for Syria, *United Nations Special Envoy for Syria Geir O. Pedersen Briefing to the Security Council*, 23 July 2020, https://bit.ly/3eXW4KN. See also footnote 358.

352 "*For many currently living in Syria, the current socio-economic situation represents some of the most challenging humanitarian conditions experienced in the past ten years of crisis. While estimates one year ago suggested at least 80 per cent of the population lived below the poverty line, current conditions indicate that it is likely more families have been pushed toward poverty and destitution. In mid-October* [2020]*, the GoS announced new economic measures, including a restructuring of income tax brackets and increase in the tax-free threshold, and one-time payments to civil servants and military personnel. However, this is unlikely to provide much alleviation for the most vulnerable, particularly those without a formal income*"; OCHA / WHO, *COVID-19 Humanitarian Update No. 22*, 1 February 2021, https://bit.ly/2LZLPwS, p. 3. "*Syria's spiral into an increasingly deep financial black hole had virtually eradicated the country's middle class, with 90 percent of the country now living under the poverty line. Buying bread to put on the table has now become a daily ordeal*"; MEI, *2021 Will Be a Defining Year for Syria*, 12 January 2021, http://bit.ly/37NbrVp. "*Extreme poverty, estimated at 50-60 percent at the end of 2019, may possibly have increased by about 5-10 percent. It would imply that between 1.5 million and 2 million people previously living in poverty (and, in some cases, even living above the poverty line) could now be living in extreme poverty*"; UN Country Team, *Framework for the Immediate Socio-Economic Response to COVID-19*, 31 August 2020, https://bit.ly/3jikstv, p. 20. See also, FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 2. On the situation of Palestinian refugees, see Section II.F.2.f.

353 He further said: "*We are seeing children going to bed hungry now, which we did not see before. (…) The reality now is simply that people can't afford food*"; Financial Times, *Syria's Children 'Go to Bed Hungry' as Prices Soar*, 24 May 2020, https://on.ft.com/2UOQZNx. "*Conversations conducted over messaging applications and by phone with residents of all of Syria's 14 governorates indicate that large swaths of the population are going hungry. Locals describe seeing more beggars on the street, prostitution, and people rummaging in the garbage in search of scraps of food*"; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, p. 3. According to Sir Mark Lowcock, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, "*Syrians are hungry now en masse in a way which wasn't true one or two years ago*"; BBC, *Assad under Pressure as Economic Crisis Spirals*, 15 June 2020, https://bbc.in/2Cd6w3l. See also, BBC, *Syria Faces Mass Starvation or Mass Exodus Without More Aid, WFP Says*, 29 June 2020, https://bbc.in/3j0NIVF.

354 "*A record 12.4 million Syrians – nearly 60 percent of the population – are now food insecure* (…)*. In just over one year, an additional 4.5 million Syrians have become food insecure*"; World Food Programme (WFP), *Twelve Million Syrians Now in the Grip of Hunger, Worn Down by Conflict and Soaring Food Prices*, 17 February 2021, https://bit.ly/3u7wGuK. "*Food insecurity and*

the Executive Director of the World Food Programme (WFP) to warn of famine.[355] Inflation accelerated during the first half of 2020, with the Syrian pound rapidly devaluing.[356] The health and socio-economic impacts of the COVID-19 pandemic are exacerbating humanitarian needs.[357]

In June 2020, the International Committee of the Red Cross (ICRC) stated that it expected socio-economic conditions to remain a major challenge across Syria due to the "*dramatically deteriorating economic situation, a simmering COVID-19 crisis, the direct or indirect effect of sanctions and ongoing fighting in parts of the country*."[358] Across Syria, an estimated 200,000 to 300,000 jobs were

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*malnutrition are expected to rise significantly* (…)"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 3. "*With the loss of job opportunities due to the impacts of COVID-19, particularly in daily wage labour, combined with rises in food prices, disruptions to food supply chains and deterioration of access to markets during lockdowns, it is likely more families have been pushed into food insecurity. Reports indicate even households with regular income have been adversely affected as the cost of living has spiraled*"; OCHA / WHO, *Syrian Arab Republic: COVID-19 Humanitarian Update No. 21*, 30 November 2020, https://bit.ly/2VQPui3, p. 3. See also, WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, https://bit.ly/3p1s8ml, p. 12; IPS, *UN Warns of an Impending Famine with Millions in Danger of Starvation*, 27 November 2020, http://bit.ly/3mruskP; CARE International *et al*., *Hunger Spreading amid COVID and Economic Collapse*, 29 June 2020, https://bit.ly/2D4SmBR; and footnote 363. In October 2020, wildfires, including in Lattakia, Tartous and Homs governorates are estimated to have burned more than 35,000 hectares of agricultural land, with the UN anticipating "*a long-term impact on food production*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 9; Al-Monitor, *Assad Pays Rare Visit to Fire-Ravaged Western Syria*, 13 October 2020, https://bit.ly/2HsCjj8.

355 "*If Syria continues to deteriorate and the availability of cash, availability of food and supply chain disruption on a country that's already devastated by 10 years of war, famine could very well be knocking on that door*"; The National, *Stark Warning of Dangers of Syrian Famine from UN Food Programme Chief*, 12 June 2020, https://bit.ly/2D5HqDS.

356 "*Since the onset of the Lebanese financial crisis in October 2019, the value of the Syrian pound has weakened dramatically. In June 2020, the Syrian pound heavily depreciated on the informal exchange market down 75 percent compared to October 2019 levels, reaching a peak monthly average value of SYP 2,505/USD. The exchange rate has continued to fluctuate in the informal market with a further weakening trend over the past couple of months. In October 2020, the monthly average exchange rate was recorded at SYP 2,339/USD, resulting in unprecedented increases in food prices*"; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, https://bit.ly/3p1s8ml, p. 11. During 2020, "*the Syrian pound depreciated in the informal exchange rate market from SYP 2,262/USD in July to SYP 2,795/USD*"; WFP, *Regional Market Analysis: Economic Trends Across the RBC Region*, February 2021, www.ecoi.net/en/document/2045594.html, p. 10. By 26 February 2021, the pound fell further: "*In Damascus, the selling rate is 3,600 SYP and the buying rate is 3,560 SYP against the dollar, while 4,376 SYP for selling and 4,322 SYP for buying against the euro*"; SOHR, *Damascus Markets Are in Recession as Syrian Pound Keeps Plummeting, Amid Popular Anger and Regime Authorities' Indifference*, 26 February 2021, https://bit.ly/37WQKXj. See also, Syria Report, *Syrian Pound Passes SYP 3,000 per Dollar as Fear Grips Market*, 10 February 2021, https://bit.ly/3bzg6LY; OCHA / WHO, *COVID-19 Humanitarian Update No. 23*, 1 February 2021, https://bit.ly/37ss6xC, p. 3; AP, *Syria Floats New Bank Note amid Soaring Inflation*, 24 January 2021, https://bit.ly/3uaMDAp. The government has cracked down on persons attempting to do business using the US dollar instead of the Syrian pound; The Syrian Observer, *Dozens Arrested on Charges of Dealing with US Dollar*, 9 February 2021, https://bit.ly/37XUxUk.

357 "*For most of the past year, Syria's economy has experienced an unprecedented downturn that has had profound impacts on the welfare of a significant proportion of the population. While these economic hardships have not been primarily driven by COVID-19, the pre-existing and underlying fragility of the Syrian economy – in addition to multiple shocks over the past 12 months – has meant that COVID-19 related factors has had a disproportionate negative socio-economic effect. In practical terms, families across Syria have largely faced heavily eroded employment opportunities, skyrocketing prices and shortages of basic goods and services, and widespread deterioration of household coping mechanisms*"; OCHA / WHO, *COVID-19 Humanitarian Update No. 23*, 1 February 2021, https://bit.ly/37ss6xC, p. 2. "*The COVID-19 outbreak is one of many concurrent and interlocking factors that have spurred the deteriorating food security situation and exacerbated the existing humanitarian needs in Syria*"; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, https://bit.ly/3p1s8ml, p. 10. "*In December 2020, 45 percent of interviewed households reported that they had lost one or more sources of income because of COVID-19 related restrictions over the past month. This was the case even among breadwinners having university degrees (35 percent).* (…) *In December* [2020]*, more than a third of surveyed households (36 percent) indicated having lost at least half of their monthly salary, suggesting a further undermining of livelihoods in Syria. Moreover, according to displacement status, nearly half of returnee households (48 percent) reported job lay-offs in December, compared to 44 percent of IDPs and 45 percent of residents*"; WFP, *Syria mVAM Bulletin 51*, 11 January 2021, https://bit.ly/3asU91I, p. 4. "*COVID-19 has highlighted the deep structural weaknesses of the Syrian economy and destroyed what was left from its capacity to resist to new pressures*"; Pulitzer Center, *COVID-19 Exacerbates Syria's Socioeconomic Collapse*, 8 July 2020, https://bit.ly/3hJ2hvX. See also, FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, pp. 5-6. See also footnote 363.

358 ICRC, *Syria: Economic Crisis Compounds Conflict Misery as Millions Face Deeper Poverty, Hunger*, 28 June 2020, https://bit.ly/38pF7ax. "*The Syrian economy, devastated by nearly a decade of conflict, has entered a period of extreme fragility, marked by exchange rate volatility, high inflation, dwindling remittances, and lock down measures to contain COVID-19. For the year as a whole, the economy is expected to contract by more than 7 per cent this year*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, https://bit.ly/2Pvvdvm, p. 2. Deteriorating economic conditions caused rare street protests in Suweida and other government-held areas in June 2020; see footnote 66.

permanently lost between March and August 2020 as a result of the economic crisis and COVID-19 restrictions, among other factors, while 15 per cent of small to medium-sized businesses have permanently closed.[359] By June 2020, 90 per cent of households reported that their income was insufficient to cover expenses.[360]

As of January 2021, around 13.4 million people (out of a total population of 17.5 million) are estimated to require some form of humanitarian and protection assistance, including six million with acute needs.[361] This represents an almost 20 per cent increase in the number of people in need compared to early 2020.[362]

359 OCHA / WHO, *COVID-19 Humanitarian Update No. 22*, 23 December 2020, https://bit.ly/392uhbc, p. 3. "*The government continued to pay the salaries of public sector employees (who made up about 55 percent of the labor force in 2014), but the private sector and those reliant on day labor were hit hard.* (…) *Even those employed by the state have been forced for years to supplement their income with second and third jobs, and were affected as well*"; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, p. 4.

360 UN Country Team, *Framework for the Immediate Socio-Economic Response to COVID-19*, 31 August 2020, https://bit.ly/3jikstv, p. 20. "*The falling currency means that doctors now earn the equivalent of less than $50 a month.* (…) *Other professionals earn much less*"; New York Times, *Having Won Syria's War, al-Assad Is Mired in Economic Woes*, 23 February 2021, https://nyti.ms/37N4WSv. See also Section III.C.6.c.

361 OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ. This compares to 11.1 million persons in need of humanitarian assistance in 2020, including 4.7 million with acute humanitarian needs. In 2020, an average of 7.4 million people were reached with some form of humanitarian assistance every month; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 27. In 2021, the UN and partners aim to support 10.5 million people with humanitarian assistance; OCHA, *Global Humanitarian Overview: Syria*, accessed 28 February 2021, https://gho.unocha.org/syria.

362 "*Ten years into the Syria crisis, humanitarian needs are deepening. Ongoing insecurity and the compounded impact of displacement, combined with worsening socio-economic conditions characterized by sharp currency depreciation, record-level price increases and cuts in subsidized goods have prompted an almost 20 per cent increase in the number of people in need compared to early 2020 – with a disproportionate impact on women and children*"; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ, p. 2. "*None of the metrics point to improvement; on the contrary, humanitarian needs are deepening, now driven increasingly by economic decay and the compounding impact of COVID-19*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 53. "*Under current conditions economic recovery in Syria in a form that would create jobs, provide adequate incomes, and stimulate food production for local markets will be almost impossible*"; German Institute for International and Security Affairs (SWP), *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 22.

Access to food,[363] housing,[364] health care,[365] education,[366] water and sanitation,[367] as well as fuel and electricity[368] continues to be severely affected. Lack of employment and livelihoods[369] and increased

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363 In 2020, food prices saw steep increases across the country. "*Compared to last year, the price of the reference food basket has significantly increased across all 14 governorates. Homs recorded the highest increase (up 288 percent), while Deir-ez-Zor recorded the lowest increase (up 173 percent)*"; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 74*, 23 February 2021, https://bit.ly/3qS87zW, p. 1. "*Syria's fragile economy has suffered multiple shocks over the last 18 months. Depreciation of the Syrian pound has been one of the most visible effects, with food prices jumping 200 per cent and purchasing power dwindling dramatically as result. Average household expenses now exceed income by 20 per cent and millions of people are resorting to desperate measures to survive*"; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, http://bit.ly/2NGR99z. According to Ramesh Rajasingham, Acting Assistant Secretary-General for Humanitarian Affairs, the devaluation of the Syrian currency and increasing food prices mean that people are "*increasingly unable to feed their families*"; UN News, *'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed*, 25 November 2020, http://bit.ly/3r56orn. See also footnote 354; and Section III.C.6.c. "*Close to half of the surveyed households (44 percent) reported poor and borderline food consumption in December 2020, with the highest levels recorded among female-headed households (54 percent). Although the national average rate of inadequate food consumption (poor and borderline combined) remained steady at the same critical level reached in November 2020, it witnessed a 38 percent increase above the level recorded in December 2019.*" Inadequate consumption was highest for returnees (55%), followed by displaced persons (47%) and residents (41%). WFP, *Syria mVAM Bulletin 51*, 11 January 2021, https://bit.ly/3asU91I. Throughout the conflict, attacks on markets, agricultural fields and grain silos by parties to the conflict have resulted in the disruption of food supply lines; AOAV, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, https://bit.ly/2OB9eTf, p. 11. See also Section II.E.

364 The number of people in need of shelter increased by 20% from 4.7 million in 2019 to over 5.7 million in 2020, in 238 out of 272 districts. 14% of the population lives in damaged buildings, and an estimated 23% of IDPs live in inadequate shelter conditions; OCHA, *2020 HNO*, July 2020, p. 25. See also, UNHCR/Shelter Cluster, *Syria Hub: Shelter Sector: Q2 2020*, 19 July 2020, https://bit.ly/2WCKX3v, p. 1. "*In conflict-affected Syrian cities, physical destruction along with the exodus of people is extensive. About one-fifth of all residential buildings in the 15 cities* [Afrin, Al-Bab, Aleppo, Al-Qusayr, Raqqa, Dera'a, Deir Ez-Zour, Douma, Homs, Idlib, Kobane, Menbij, Qamishli, Tadmor, Yabroud] *covered in this study suffered damage*"; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, pp. 12, 108. A 2020 analysis of satellite imaging concluded that in southern and eastern Idlib Governorate, "*nearly one-third of buildings have been significantly damaged or destroyed. With most of these areas inhabitants having fled before or during the offensive, the destruction of homes and vital civilian infrastructure will make it nearly impossible for families to return in the near future*"; Save the Children, *Idlib: New Analysis Reveals Scale of Destruction and Displacement: Civilians Forced into Shrinking Space as Conflict Intensifies*, 4 March 2020, https://bit.ly/2CLhj51. The shelter situation is particularly precarious for IDPs in the North-East and North-West; see below Section II.F.2.a.

365 Across Syria, only 58% of hospitals and 53% of primary health care centres are fully functional; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ, p. 4. "*Only 6 per cent of public hospitals, and none of the public health centres in the north-east are assessed to be fully functioning*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 25 February 2021, https://bit.ly/3aXU2vg, p. 4. "*The combination of the deliberate targeting of medical facilities, hospitals and medical workers by government forces and the incidental damage to such facilities – at one point rendering approximately half of all medical facilities damaged or destroyed – in addition to the flight of health workers, further imperilled Syrian's access to health care*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40. "*In terms of access to healthcare, since April 2020 approximately 15 percent of households reported facing challenges in accessing medical care, mainly due to lack of financial resources. The peak was observed in October 2020 (21 percent of households) and the proportion of households reporting this issue was slightly higher among returnees (18 percent) and IDPs (15 percent) compared to resident households (12 percent). Moreover, in October 2020 almost 45 percent of surveyed households reported not being able to purchase the necessary medicines, mainly because of lack of financial resources (66 percent) and shortage of medicines in pharmacies (13 percent)*"; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, https://bit.ly/3p1s8ml, p. 12. According to Ramesh Rajasingham, Acting Assistant Secretary-General for Humanitarian Affairs, "[H]*ealth services are extremely weak across the country and are being stretched to new extremes under the public health impact of COVID-19.*" And further: "*Gaps in assistance and shortages of medical supplies and personnel are prevalent everywhere.*" By way of example, he noted that women in Dera'a were giving birth in rooms alongside other patients due to a lack of beds; UN News, *'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed*, 25 November 2020, http://bit.ly/3r56orn. "*Although damage to health facilities is one important effect of hostilities, acute shortages of health care staff – largely driven by displacement, death and injury to health workers, and the flight of health workers from Syria – has become a chronic issue that is much harder to remedy, even with sufficient financial resources. Over 50 per cent of the health workforce is estimated to have left the country.*" In southern Syria, five out of six hospitals are partially damaged, with hospitals in Dera'a and Quneitra Governorates relying on generators and solar electricity, and no electricity available at Nawa and Jassem hospitals; OCHA, *2020 HNO*, July 2020, pp. 7, 17, 26. See also, PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8. COVID-19 is severely impacting the already strained health system: "*Bed occupancy rates of 100 per cent are being reported in Sweida, Homs and other governorates, but we also know that many people who are sick are reluctant to seek in-patient treatment*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Dituation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 1. "*The global COVID-19 pandemic has* (…) *further hollowed out and laid bare the*

*shortcomings of the medical systems in Syria* (…)"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 34. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40; SOHR, *SOHR Documents by Names the Death of Nearly 175 Doctors of Coronavirus in 2020,* 3 January 2021, http://bit.ly/357fN8w. On attacks against hospitals and health care facilities by government forces and other actors, see Section II.E.

366 See Sections II.F.2.d and III.A.10.

367 The destruction or damage to water supply and sanitation systems, combined with the loss of qualified technical staff, have decreased communities' access to safe water. Over eight million people rely on alternative and often unsafe sources of water. Water supply and sanitation services are also interrupted by power cuts; OCHA, *2020 HNO*, July 2020, pp. 7, 17, 27. The World Bank noted in mid-2017: "*Overall, nearly two-thirds of the water treatment plants, half of the pumping stations, a third of the water towers, a quarter of the sewage treatment plants, and a sixth of the wells have been destroyed or partially damaged across Syria*"; World Bank, *The Toll of War: The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, www.ecoi.net/en/document/1404878.html, p. 29. Parties to the conflict have repeatedly targeted water supply systems. For example, the SDF raided a water purification station in eastern Syria on 13 August 2020, reportedly destroying equipment and sabotaging the station's capacity; SNHR, *SDF Attacks Water Station in Al Sh-heil City, Deir Ez-Zour Suburbs on August 13*, 17 August 2020, https://bit.ly/3hgPZea. SNA-affiliated armed groups are reported to have repeatedly cut off the water supply to over 460,000 people in SDF-held Hassakeh City, Tal Tamer and surrounding areas in what multiple sources called a "*water war*". "*Turkey has been using water as a weapon against the AANES, reducing the flow of the Euphrates and tapping into groundwater around the border, thereby reducing the amounts available downstream.* (…). *the water shortage is exasperating the population and creating additional tensions between Arabs and Kurds*"; The Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, https://bit.ly/2OLUukd. See also, DW, *Syria: Are Water Supplies Being Weaponized by Turkey?*, 24 January 2021, https://bit.ly/3pznhbU; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Dituation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 2; SOHR, *For 24th Day: Drinking Water still Cut Off in Al-Hasakah City and Countryside*, 16 December 2020, http://bit.ly/3mtntHW; Al-Monitor, *Turkey Starves Syria's Northeast of Water as Corona Death Toll Mounts*, 24 August 2020, http://almon.co/3e0x; HRW, *Turkey/Syria: Weaponizing Water in Global Pandemic?*, 31 March 2020, www.ecoi.net/en/document/2027325.html.

368 "(…) *Ghassan al Zamil, the Minister of Electricity, said in a statement* (…) *on January 4* [2021] *that while Syria's daily electricity need stands at 7,000 megawatts, the current available amount is less than 3,200 megawatts* (…). *This confirms the Syrian regime's inability to secure the main needs of the country's citizens in areas under its control*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 8. "*Shortages of oil products and lingering damage to electricity infrastructure from over a decade of conflict have badly affected Syria's power supply. In response, the Syrian government has rationed power, sometimes with cuts of up to 12 hours a day, as is the case in Hama province. Many people in Aleppo, for instance, depend heavily on expensive private generators, which are reportedly becoming more common in the areas around Damascus as well*"; Syria Report, *Government Rations Power to Industrial Cities in New Sign of Crisis*, 3 February 2021, https://bit.ly/3uvg8Ny. Over 5.2 million people only have irregular access to electricity of less than three hours per day, a significant increase from 3.8 million people in November 2018. Irregular access to electricity also affects the provision of adequate healthcare; OCHA, *2020 HNO*, pp. 18, 26. "*The public power supply dropped by 62.5 per cent between 2010 and 2015*"; ESCWA, *Syria at War: Eight Years On*, 23 September 2020, www.ecoi.net/en/document/2038203.html, p. 51. See also, UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 5. In the North-West, a REACH assessment found heating fuel was unaffordable for the majority of people as of December 2020. REACH, *Humanitarian Situation Overview in Syria (HSOS): Northwest Syria*, 29 January 2021, www.ecoi.net/en/document/2044408.html, p. 2. In a similar assessment conducted in June 2020 in the North-West, 92% of people reported that cooking fuel was unaffordable for the majority of people, and 65% reported that electricity was not accessible because fuel for generators was too expensive; REACH, *Northwest Syria: Conditions in Communities of Return*, 17 July 2020, https://bit.ly/32RnCz9. See also, REACH, *Humanitarian Situation Overview in Syria (HSOS): Northeast Syria*, 21 January 2021, https://bit.ly/2M4kOIJ, p. 4. Rising fuel prices and decreasing fuel subsidies have put further pressures on the availability and affordability of fuel, including for transport and for generators; see Section III.C.6.c.

369 An estimated 60% of the population does not have access to sustained and formal employment, which represents an 85% increase from the start of the conflict in 2011. Many people work in informal day labour; OCHA, *2020 HNO*, July 2020, pp. 28, 34. "*Recent data also show the impact of COVID-19 on businesses, with 45 per cent temporarily shut down; 25 per cent operating at reduced levels; and 15 per cent permanently closed.* (…) *In the north-west, where an estimated 45 per cent of households draw their income from day labor, more than 70 per cent of households say their income does not cover their needs – that's an increase of 10 per cent since January* [2020]"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, https://bit.ly/36ahiUR, p. 3. "*Initial estimates suggest that job losses in recent months have increased unemployment from 42 per cent last year to close to 50 per cent today*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, https://bit.ly/2Pvvdvm, p. 2. See also, iMMAP / DFS, *COVID-19 Situation Analysis: Update #4*, 5 February 2021, https://bit.ly/3uwfWh4, pp. 18-19; SOHR, *Workers in Northern Syria: Low Wages and Difficult Living Conditions*, 4 February 2021, http://bit.ly/3q6DiX4; UN Country Team, *Framework for the Immediate Socio-Economic Response to COVID-19*, 31 August 2020, https://bit.ly/3jikstv, p. 19; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 2; Syrian Center for Policy Research, *Syria: Justice to Transcend Conflict*, May 2020, https://bit.ly/2ZOF30Y, p. 9.

prices limit households' purchasing power,[370] causing families to adopt harmful coping strategies such as cutting the number of meals per day,[371] sending children to work,[372] and incurring debts to buy food.[373] Youth may also resort to harmful coping strategies such as joining extremist armed groups,[374] or engaging in crime, and are otherwise vulnerable to abusive and exploitative coping mechanisms.[375] Additionally, the government is reported to have cracked down on informal channels for remittances, cutting off a support lifeline for many Syrian families.[376]

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370 "*More than 80 per cent of displaced families across the country now say that their income does not cover their needs. Families in which women are the primary breadwinner are even worse off – they make 30 per cent less, on average, in terms of income than other displaced families*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 2. See also Section III.C.6.c.

371 "*Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock stressed that parents are eating less so they can feed their children, and sending them to work instead of to school. 'Those who have run out of options are simply going hungry'* "; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, http://bit.ly/2NGR99z. "(…) *food consumption has deteriorated since June 2020, reaching a worrisome level in September* [2020]*, when almost 54 percent of surveyed households consumed inadequate diets, 18 percent of which consuming poor diets. Although this trend decreased by five percentage points in October* [2020]*, it remains 44 percent above June 2020 levels and almost double the level recorded in October 2019*"; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, https://bit.ly/3p1s8ml, p. 12. "*In government held areas, fewer than 42% of children between 6 and 23 months in Syria are consuming an adequately diverse diet. Diets of children are far worse in areas that are underserved (Deir Ez Zour) and with high displacement (Idlib)*"; Save the Children, *Hidden Hunger in Syria*, 21 September 2020, https://bit.ly/3iiM3cI, p. 16. See also, OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, https://bit.ly/2Pvvdvm, p. 2; and Section III.C.6.c.

372 See Section III.A.10.

373 In December 2020, "*households reported relying on negative food coping mechanisms to source their essential food needs. More than 65 percent of interviewed households reported relying on less preferred or less expensive food, with peaks recorded in Quneitra (81 percent) and As-Sweida (77 percent). Besides, half of the surveyed households nationwide reduced the number of meals eaten per day and 44 percent of respondents restricted the consumption of adults to prioritize their children's food consumption needs.* (…) [T]*he adoption of food-based coping strategies among vulnerable groups continued to worsen in December 2020*"; WFP, *Syria mVAM Bulletin 51*, 11 January 2021, https://bit.ly/3asU91I, p. 3. *More than 70 per cent of Syrians say they have taken on new debt over the last year. Many are selling assets and livestock. Parents are eating less so they can feed their children, and they are sending them to work instead of to school. Those who have run out of options are simply going hungry*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 25 February 2021, https://bit.ly/3aXU2vg, p. 2. See also, OCHA, *Recent Developments in Northwest Syria: Situation Report No. 23, 21 December 2020*, https://bit.ly/2X8Sx5P, p. 8; The Syria Report, *Pound Devaluation Raises Prices of Subsidised Food Items*, 8 July 2020, https://bit.ly/3g1lvMV. See also Section III.C.6.c.

374 On the recruitment of children by various actors, see Section II.E.

375 Boys and girls are vulnerable to child labour, recruitment, domestic violence and forced and child marriage; see Sections III.A.9 and III.A.10.

376 "(…) *remittances – on which many families heavily rely – are estimated to have reduced up to 50 per cent*"; OCHA / WHO, *Syrian Arab Republic: COVID-19 Humanitarian Update No. 21*, 30 November 2020, https://bit.ly/2VQPui3, p. 4. "*Estimated remittances from Gulf States alone are now $2 million per day, down from $4.4 million in 2017, and at least $7 million in 2010*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, https://bit.ly/2Pvvdvm, p. 2. "[I]*n recent months, the Government of Syria has shuttered the informal currency exchange offices (hawala) through which many Syrians receive remittances from abroad. As a result, remittances now move through state-controlled banks and exchanges, which exchange them for Syrian pounds at a rate far below its value*"; COAR, *Cash Crash: Syria's Economic Collapse and the Fragmentation of the State*, 13 July 2020, https://bit.ly/32DtHyN, p. 8. See also, Synaps, *Picking Empty Pockets: Syria's Remittance Economy*, 8 July 2020, https://bit.ly/2OLrd9x; Pulitzer Center, *COVID-19 Exacerbates Syria's Socioeconomic Collapse*, 8 July 2020, https://bit.ly/3hJ2hvX; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 4; The New Arab, *Syria Insight: Suweida's Autonomy Threatened by New Economic Uncertainties*, 21 June 2020, https://bit.ly/3fTNkqm.

In retaken areas, many communities continue to suffer from the long-term impacts of the conflict,[377] which are exacerbated by international trade restrictions and financial sanctions.[378] Rehabilitation of damaged houses and civilian infrastructure has been limited,[379] despite significant damage.[380] After years of living under the control of anti-government armed groups and/or ISIS, including siege conditions, many civilians in these retaken areas are reported to lack adequate access to basic

377 The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, https://bit.ly/3ucUayv; Mercy Corps, *The Facts: What You Need to Know about the Syria Crisis*, 30 March 2020, https://bit.ly/3eAMyh7. More than half of all IDPs have been displaced for more than five years, causing significant mental distress and humanitarian needs for most of the population. For example, a multi-sector needs assessment from mid-2019 found that 42% of households reported children showing signs of psychosocial distress; OCHA, *2020 HNO*, July 2020, p. 6. "*Among Syrians, including local populations, the displaced and refugees, there is a high prevalence of mental health concerns.* (…) *It is also worth highlighting that before the conflict in Syria there were few health facilities dedicated to patients with mental disorders. It went from few to virtually none*"; AOAV, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, https://bit.ly/2OB9eTf, pp. 13-14. Between January and March 2020, in north-western Syria, 132 suicide attempts and incidents of self-harm were reported, mostly among IDPs; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 12 June 2020, www.ecoi.net/en/document/2031499.html, p. 9. See also, SNHR, *The Most Notable Human Rights Violations in Syria in September 2020*, 3 October 2020, https://bit.ly/34kyDZR, p. 3; Enab Baladi, *Escaping Their Reality… Syrians Resort to Suicide*, 9 June 2020, https://bit.ly/2NeKXlj; Harvard Public Health Review, *The Syrian Mental Health Crisis: Present Findings and Future Directions*, Vol. 21, 2019, https://bit.ly/2ph6bGD. See also, WHO, *2 Psychiatrists for Almost 4 Million People*, 13 September 2019, https://bit.ly/2muOqC3. See also Section II.C.

378 While there are humanitarian exemptions, "*sanctions by the United States and the EU have had a cumulative effect on humanitarian operations, and securing waivers to allow aid-related imports and bank transfers can be onerous*"; The New Humanitarian, *Inflation, Shortages Worsen Syrian Poverty on Eve of New US Sanctions*, 9 June 2020, https://bit.ly/2YtCX67. "*In addition to the economic harm associated with the conflict, a number of countries imposed unilateral coercive measures on the Syrian Arab Republic, increasing the economic devastation inflicted upon regular civilians. While most such sanctions were targeted at specific individuals and institutions, their impact was likely felt across the Syrian economy, including among the most vulnerable*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 42. See also, OHCHR, *US Must Remove Sanctions and Allow Syria to Rebuild: UN Expert*, 29 December 2020, 29 December 2020, http://bit.ly/2X5KxCD; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 20; Brookings Institution, *The Caesar Act and a Pathway out of Conflict in Syria*, 19 June 2020, https://brook.gs/2ZaxX5v.

379 According to PHR, "*the Syrian government has done little to rebuild areas formerly under opposition control or to replace the essential health services that were provided by the humanitarian organizations that were forced to withdraw following the government takeover of the area*"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 4. "*The destruction is very unevenly distributed. The worst damage is concentrated in areas that were contested, sometimes for years, and recaptured by the regime and its allies from the rebels or the IS. This applies in particular to the eastern suburbs of Damascus, to the Yarmouk refugee camp at the southern periphery of the capital, and to East Aleppo, Al-Raqqa, Homs and Hama.* (…) *Services including healthcare, education, drinking water and electricity are severely restricted, especially in the (formerly) contested areas*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and its Member States*, July 2020, https://bit.ly/3ba1y4R, p. 17. "*Reconciled areas are further mired by economic depravity. More than one year after reconciliation, residents in Daraa still lack access to basic necessities such as water, electricity, and education. Whether by choice or lack of funds, the Syrian government has largely failed to rehabilitate infrastructure and provide essential services following the withdrawal of international organizations. Civilians have also been hurt by mass dismissals of civil servants who worked under opposition control*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. See also, Enab Baladi, Al-Baghouz, *Islamic State's Last Fortress, still Feels Negative Effects of Islamic State's Destruction*, 22 December 2020, http://bit.ly/389i5px; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 4. According to some sources, the government prioritizes areas which are considered as "loyal" for reconstruction and humanitarian assistance, while neglecting areas that have previously been under control of anti-government armed groups. According to Sara Kayyali of HRW, "[T]*he Syrian government has limited the distribution [of humanitarian aid] to people who have proven loyal or areas considered strongholds for the Syrian government*"; Syria Direct, *Syria's 2020 in a Nutshell, and what to Expect for 2021?*, 28 December 2020, https://bit.ly/3sAIzrG. "*The lack of state resources has meant that the government has focused its reconstruction and early recovery efforts in areas that remained under its control throughout the war, neglecting recaptured areas. These areas are still considered to be hostile*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 27. "*Damascus decides who supplies international aid, where it goes, and who profits. In this way it can be sure that humanitarian aid is distributed as it would wish – to secure the allegiance of businesspeople and population groups regarded as loyal, and to punish others. The latter applies in particular to residents of former rebel strongholds such as the Damascus suburb of Duma and East Aleppo*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 10. See also, Syria Report, "*Halfaya: Municipality to Compensate Damaged Homes, but only for Loyalists*, 23 December 2020, http://bit.ly/37VomVs; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, pp. 7-8; and Section III.A.1.d.

380 "*The economic toll has been equally staggering. By the end of the eighth year of conflict, damage to physical capital was estimated at $117.7 billion.* (…) *The significant destruction of the economic infrastructure, particularly in sectors such as housing, manufacturing, electricity and power generation, also implies a significant transformation in productive capacity*". Of that total, 17.5% of the destruction was housing infrastructure; ESCWA, *Syria at War: Eight Years On*, 23 September 2020, www.ecoi.net/en/document/2038203.html, pp. 12, 49-50.

services[381] and have high levels of humanitarian needs.[382] Estimates for the cost of reconstruction range from US$ 250 billion to US$ 1 trillion,[383] but reconstruction is expected to remain limited for the foreseeable future.[384]

The 2020 Syria Humanitarian Response Plan, which set out the framework for the response by the humanitarian community to the large-scale humanitarian and protection needs in Syria, called for US$ 3.82 billion in funding, including US$ 384.2 million for the COVID-19 response.[385] At the time of writing, the plan had received only 56.1 per cent of its total budget requirements,[386] and aid programmes are at

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381 "*As the Syrian government has regained control of opposition-held territories like Daraa, the pattern of violence has shifted to include reprisals, willful neglect, denial of access for humanitarian services, suppression of information, and arbitrary withholding of aid*"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 3, see also pp. 4-5. "*The main challenge, said Mohammad Theweini Mehemid, the head of al-Susah City Council, is the lack of housing and jobs. In al-Susah* [Deir Ez-Zour Governorate]*, people like Radi return to find charred farmland and more than 1,200 uninhabitable homes. Just south of al-Susah, in the town of Baghouz, where IS put up its last stand in Syria, another 1,400 homes were destroyed or damaged, according to local tribal leader Salim al-Marsoumi.* (…) *Major aid agencies say they're working with NGOs and local partners in Deir Ezzor to provide returnees with support* (…) *But residents and local government officials told TNH they were yet to see this support*"; The New Humanitarian, *Leaving Syria's Notorious al-Hol camp, Civilians Find Little to Go Home to*, 14 January 2021, https://bit.ly/3ucUayv. "*Former opposition-controlled areas suffered greatly from destruction caused by the government and its allies. Upon recapture by the government, public services, including education, in these areas were often ignored with insufficient investment which sometimes led to a deterioration of essential services and infrastructure*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 19. See also, MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 3.

382 Challenges in areas where control has recently shifted back to the government include: "*Restrictions on freedom of movement, high levels of destruction of civilian and public infrastructure, explosive hazard contamination, limited access to core essential services, constraints on commercial access, reduced market functionality and protection related issues, including related to housing, land and property rights*"; OCHA, *2020 HNO*, July 2020, p. 42, and see also pp. 5, 17, 50. For example, in Eastern Ghouta, two million people need humanitarian assistance, and "*widespread destruction of civilian infrastructure continues to daily impact vulnerable local communities, including due to a lack of services in health, electricity, water and sanitation networks, agriculture and education*"; OCHA, *Humanitarian Update Syrian Arab Republic: Issue 9*, 10 March 2020, https://bit.ly/31CMuK1, p. 5. "*Living conditions remained dire in areas retaken by the Government* (…)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 67. See also, AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, p. 7; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 27, 62; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, pp. 108-110, 137-145.

383 SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 5; Carnegie MEC, *The Paradox of Syria's Reconstruction*, 4 September 2019, https://bit.ly/2YxmP3N. A statistical analysis by the World Bank from August 2019 estimated that there had been an average yearly negative GDP growth of 12% since 2011, costing the country around US$ 300 billion. The authors concluded: "*Under the optimistic scenario of robust political settlement, with exceptionally high investment-to-output of over 60 percent in the first decade, it would still take Syria about one decade to surpass its 2010 GDP and GDP per capita levels. Under the pessimistic scenario* (…) *it would take Syria at least two decades to meet its pre-conflict GDP level and close to three to surpass its pre-conflict GDP per capita*"; World Bank, *Policy Research Working Paper: Growth after War Syria*, August 2019, https://bit.ly/3dzRaTx, p. 34. See also, Institute for International Political Studies (ISPI), *Rebuilding Syria: The Middle East's Next Power Game?*, 9 September 2019, https://bit.ly/3eygQRJ, pp. 35, 37, 60, 129.

384 "*The funds required for comprehensive reconstruction are extremely unlikely to become available, given the attitude of the Syrian leadership, the economic ramifications of the Covid-19 pandemic, and the geopolitical interests of regional and global powers. Nor are resources likely to be deployed in line with the needs of the population*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 2. See also, Atlantic Council, *2021 Budget Reveals the Depth of Syria's Economic Woes*, 1 December 2020, https://bit.ly/2Wdyoep; Journal of Middle Eastern Politics and Policy, *Syria, the Gulf, and Reconstruction – What Possible Future?*, 25 April 2020, https://bit.ly/32XAYcP. When considering Syria's possibilities of economic reconstruction and attracting investment, an analyst concluded that: "*Opportunities for regional engagement will be constrained, and Syria's post-war economy will likely remain piecemeal and skeletal*"; Cairo Review of Global Affairs, *Syria's Prospects for Reconstruction Are Bleak*, 2020, https://bit.ly/3gIAGd6.

385 OCHA Financial Tracking Service (FTS), *Syria Humanitarian Response Plan 2020*, accessed 28 February 2021, https://bit.ly/38gK3y4.

386 *Ibid.*; OCHA, *Syrian Arab Republic: Humanitarian Funding Gaps*, 29 June 2020, https://bit.ly/2VRNrL9, p. 1.

risk due to funding shortfalls.[387] The 2021 Humanitarian Response Plan, which had not yet been launched at the time of writing, was expected to require US$ 4.2 billion.[388]

### 2) Humanitarian Needs of Particularly Vulnerable Groups

#### a) IDPs and Returnees

Humanitarian conditions in the country's North-West, where the majority of people are in need of humanitarian assistance,[389] have been described as a "*man-made humanitarian nightmare*"[390] and "*the biggest humanitarian horror story of the 21st century.*"[391] As of January 2021, there were some 2.7 million IDPs in the North-West, including those who were displaced by airstrikes, shelling, and ground attacks as government forces sought to retake Idlib and adjacent areas between December 2019 and early March 2020.[392] The area also hosts people displaced from other parts of Syria, including those forcibly displaced under "evacuation agreements" from formerly opposition-held areas, including Aleppo, Homs, Dera'a and Eastern Ghouta.[393] Many IDPs have been displaced multiple times.[394] IDP camps in and around Idlib are overcrowded and many IDPs are forced to seek shelter in makeshift settlements such as unfinished or abandoned buildings, or stay out in the open.[395] Adverse weather conditions, including snow, below-freezing temperatures and heavy rains, have repeatedly resulted in

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387 For example, in the North-West, "[*S*]*ignificant funding gaps have been noted by the WASH, Health, and Protection Clusters, with several programs closing down or at imminent risk of doing so. In particular, millions of people may go without adequate water and sanitation services, several COVID-19 treatment centres and facilities that treat gender-based violence are at risk of closing. Urgent funding is needed to maintain existing programming.*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 2. Also, current funding only suffices to reach 2.3 million out of three million people identified as most in need of winter assistance; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 3. See also, OCHA, *Syrian Arab Republic: Humanitarian Funding Gaps*, 29 June 2020, https://bit.ly/2VRNrL9, p. 1, 4, 17, 19, and 21.

388 OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 3.

389 "*Of the estimated 4 million people now living in the north-west of the country, 70 per cent require humanitarian assistance*"; UNSC, *Review of United Nations Humanitarian Cross-Line and Cross-Border Operations*, 14 May 2020, S/2020/401, www.ecoi.net/en/document/2030467.html.

390 UN News, *UN Chief Appeals for End to Syria's Man-Made Humanitarian Nightmare'*, 21 February 2020, https://shar.es/abnzMo.

391 UN News, *As North-West Syria Violence Reaches 'Horrifying' New Level, UN Relief Chief Says Ceasefire Is only Option*, 17 February 2020, https://shar.es/aHIPC3.

392 Including 1.6 million IDPs who live spread out in over 1,300 camps and informal sites; UN News, *Syria Floods: Humanitarians Working 'Round the Clock' to Provide Urgent Relief*, 29 January 2021, https://shar.es/aokzZP. New displacement continued to be reported in north-west Syria as of January 2021; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, https://bit.ly/3ubmCB6, p. 2.

393 On the forced displacement of civilians under evacuation agreements, see also Section III.A.1.d and footnote 502.

394 UN News, *As Syrian Conflict Enters 10th Year, 'Brutal Truth' Is, there Is Little Protection for Families*, 13 March 2020, https://shar.es/abnzHy.

395 "*More than 1.5 million of the 2.7 million IDPs in NWS currently shelter in around 1,100 'last resort' sites. Many of these sites are overcrowded, and access to shelter, safe water, food, health and psychosocial support is inadequate*"; OCHA, *Global Humanitarian Overview: Syria*, accessed 28 February 2021, https://gho.unocha.org/syria. "*Living conditions for Internally Displaced People (IDP) in northwest Syria are appalling: most are forced to shelter either in abandoned buildings and building sites, or overcrowded IDP camps*"; HALO Trust, *Explosive Hazard Contamination in Northwest Syria: Roundtable Meeting Report*, 17 December 2020, https://bit.ly/2LjBrj2, p. 3. See also, SOHR, *Displaced People in Government Buildings in Idlib City: Disastrous Humanitarian Situation, amid Fears of Expulsion by the "Salvation Government"*, 14 February 2021, https://bit.ly/2ZOY3Mp; OCHA, *2020 Humanitarian Response Plan*, 30 December 2020, https://bit.ly/2XcsWZv, pp. 8-9; UNHCR/Shelter Cluster, *North-West Syria: Shelter & NFI Emergency Overview (October 2020)*, 27 November 2020, https://bit.ly/39Xcrbt, p. 1; North Press Agency, *IDPs from Syria's Idleb Demand Solutions to High Rental Costs*, 20 October 2020, https://bit.ly/2HENWnd; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 68, 106; IRC, *Hunger Spreading Across Syria Amid COVID-19 and Economic Collapse*, 28 June 2020, https://bit.ly/2AW5iJl.

renewed displacement and the death of children.[396] In conflict-affected areas in the North-West, entire towns and villages have been emptied of their inhabitants.[397]

The humanitarian situation in displacement sites across the country,[398] including in Al-Hol,[399] Roj and Areesha (Hassakeh Governorate),[400] Ain Issa (Raqqa Governorate), Atmeh (Idlib Governorate), and the makeshift settlement at Rukban (Homs Governorate) on the Syrian-Jordanian border[401] is reported

396 SOHR, *Rainstorm and Floods Damage over 700 Tents in Displacement Camps in Idlib and Aleppo*, 31 January 2021, http://bit.ly/3kbddVj; UN News, *Syria Floods: Humanitarians Working 'Round the Clock' to Provide Urgent Relief*, 29 January 2021, https://shar.es/aokzZP; BBC, *Syria War: 20,000 Abandon Tents after Floods Inundate Camps*, 25 January 2021, http://bbc.in/3a6SMEj; SOHR, *Hundreds of Families Affected by Rainstorm and Bad Weather in Displacement Camps near the Border with Iskenderun Region*, 15 December 2020, http://bit.ly/3oSRu5D; Médecins Sans Frontières (MSF), *Northwestern Syria: Millions of Displaced People Brace for Another Harsh Winter*, 9 December 2020, http://bit.ly/3oYE9sv; SOHR, *Heavy Rains Kill Five Children and Displace Dozens of Families Living in Makeshift Camps, West of Idlib*, 19 June 2020, https://bit.ly/3hGwdcG; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, https://shar.es/abnACm.

397 "*At the time of the March 2020 ceasefire agreement between Russia and Turkey, over 300 villages and towns in the region had been completely depopulated*"; HRW, *"Targeting Life in Idlib"; Syrian and Russian Strikes on Civilian Infrastructure*, October 2020, www.ecoi.net/en/document/2039286.html, p. 39. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 10.

398 "*Many of the actors controlling territory were, and remain, poorly equipped to respond to the needs of displaced persons, with internally displaced persons forced to seek shelter in overcrowded camps and abandoned buildings and at times to sleep out in the open. Camps for displaced persons, such as Rukban next to Tanf, have become notorious for malnutrition and a host of human rights failures, while camps such as the Al-Hawl camp have become internment camps, where tens of thousands are unlawfully deprived of liberty* (…). *Displacement across the country has been characterized by denial of access to the rights to food, water, health, education and an adequate standard of living*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 66-67. "*The living conditions in all refugee* [displacement] *camps in Syria have continued to deteriorate due to the poor humanitarian conditions and the high cost of living, in addition to the outbreak of the COVID-19 pandemic amid extremely poor conditions that prevent the implementation of any precautionary measures*"; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, https://bit.ly/3nn9MLV, p. 9. It is estimated that there are 960 IDP sites in Syria, including informal and makeshift settlements, with a major concentration in the North-West and the North-East; OCHA, *2020 Humanitarian Response Plan*, 30 December 2020, https://bit.ly/2XcsWZv, p. 38.

399 As of early February 2021, almost 62,000 people, mostly foreigners, lived at Al-Hol camp, the vast majority (93%) of them women and children; UN News, *Without 'Constructive International Diplomacy' Syria's Peace Process Will not Move Forward*, 9 February 2021, https://shar.es/aokzsO. "*Thousands of people held in the camps are exposed to violence, exploitation, abuse and deprivation* (…)"; UN News, *'Unknown Number' of Foreign Nationals Have Died in Squalid Syrian Camps, Say Rights Experts*, 8 February 2021, https://shar.es/aokze8. Hundreds of persons, mostly children, are reported to have died in Al-Hol camp (Hassakeh Governorate) as a result of the poor living conditions, including from preventable diseases such as pneumonia, dehydration or malnutrition. SOHR reported that between January 2019 and January 2021, 694 persons died, including 521 children; SOHR, *"Al-Hawl Mini-State" in 2020*, 8 January 2021, http://bit.ly/302DDQ5. See also, The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, https://bit.ly/3ucUayv; UN News, *Syria: Humanitarians 'Very Concerned' for Thousands still Living in Al Hol Camp,* 16 October 2020, https://shar.es/abLsov.

400 "*Worryingly, conditions in the camps across the north-east deteriorated in the reporting period, with medical services reportedly being stripped down to skeletal levels due to COVID-19. Camp authorities and the self-administration* [AANES] *also reported that the closure of the Ya'rubiyah crossing reduced the sustainability of living conditions due to the inability to provide humanitarian assistance*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 72. See also, REACH, *Camp Profile: Roj*, 12 December 2020, https://bit.ly/3pAq58H.

401 Since September 2019, the UN has not had access to some 12,000 IDPs who continue to live in harsh conditions in Rukban near the Syrian-Jordanian border; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 15. See also, Syria Direct, *No Flour for Days in Al-Rukban: Residents Fear Famine amid Growing Food Shortages in Syria*, 4 February 2021, https://bit.ly/3baSkW8; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, https://bit.ly/36ahiUR, p. 3; The New Humanitarian, *Jordan Returns Refugees to Desolate Syrian Border Camp, Rights Groups Cry Foul*, 16 September 2020, https://bit.ly/3oZ0ZBo; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 33. A number of children are reported to have died of preventable causes due to lack of health services; PBS, *Most Aid to Syria's Rukban Camp Has Been Blocked for more than a Year. Here's Why*, 14 March 2020, https://to.pbs.org/38hG8Bf.

to remain desperate and continuously deteriorating.[402] The repeated cutting off of water supplies by SNA-affiliated armed groups further exacerbates the situation in Al-Hol and Areesha camps.[403]

In many areas throughout the country, the presence of IDPs and/or returnees in host communities has exacerbated the pressure on already reduced infrastructure, services and livelihood opportunities, straining the social fabric.[404] Many returnees are faced with disrupted basic service provisions, damaged or destroyed homes, and limited livelihood opportunities.[405] Larger return movements are expected to add further pressure on communities and on the services on which these communities rely.[406]

Due to severe overcrowding, unsanitary living conditions, overstretched health services and low coverage of routine immunization, there are concerns over the heightened vulnerability of IDPs,

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402 According to Sonia Khush, Syria Response Director of Save the Children, "*millions of people in northern Syria rely on humanitarian aid delivered largely through the United Nations cross-border mechanism. In camps for internally displaced persons, food, water and hygiene needs are still not being met. Many there live in flimsy tents, highly vulnerable to flooding and extreme cold*"; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, http://bit.ly/2NGR99z. "*A third of the 6.7 million internally displaced people in the Syrian Arab Republic lack adequate shelter. Geographically, poor shelter conditions are most prevalent in Idlib, Aleppo and Rif Dimashq Governorates, in Raqqah city and generally in camps in the northeast and north-west*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 5. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 66-67; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 59-60, 63, 68, 106-107; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, paras 6-7.

403 OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, https://bit.ly/36ahiUR, p. 3. See also footnote 367.

404 "*Communities situated along the Syrian-Turkish border and communities in parts of northern Aleppo in particular have witnessed high numbers of Internally Displaced Person (IDP) arrivals, putting increased pressure on already strained infrastructure and services*"; REACH, *Northwest Syria: Multi-Sectoral Rapid Needs Assessment*, March 2020, www.ecoi.net/en/document/2027982.html, p. 1. See also, REACH, *Camps & Sites Needs Assessment Northwest Syria Sub-District Profiles & Comparative Dashboard: January - February 2020*, 21 April 2020, www.ecoi.net/en/document/2028441.html, p. 2. Cohesion between groups, such as between IDPs and host communities, is reported to be deteriorating: "*Ethnic and confessional mobilisation and war crimes have left the social contract between political leadership and population fractured and the coexistence of diverse ethnic and religious groups deeply harmed*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 21. Violence and conflict have "*broken up larger social structures, dissolved associations and deprived individuals of what had previously been [peoples'] social anchors*"; ISPI, *Rebuilding Syria: The Middle East's Next Power Game?*, 9 September 2019, https://bit.ly/3eygQRJ, p. 129. See also, CARE International, *Understanding Resilience: Perspectives from Syrians*, February 2020, www.ecoi.net/en/document/2025513.html, pp. 6-7, 51-53.

405 For example, "*Hujeireh* [in Rural Damascus Governorate] *still suffers from neglect and lacks basic services. Its bakery is out of service, and the secondary school has not yet been repaired. The cell phone towers are still destroyed and electricity is off for long periods due to rationing*"; Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, http://bit.ly/2NEWwWM. Halfaya, a town in northern Hama Governorate that was retaken by government forces in 2017, "(…) *still suffers from poor public services. Drinking water is sold from large tanks, electricity networks are not running, and the roads need full maintenance*"; Syria Report, "*Halfaya: Municipality to Compensate Damaged Homes, but only for Loyalists*, 23 December 2020, http://bit.ly/37VomVs. "*Humanitarian needs in the south remained extensive. In Dar'a Governorate, with a population of some 1 million people, 41 per cent are food insecure and over a third of the population are returnees*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 13. See also, AOAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, https://bit.ly/2BdyH1X, p. 17; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 62; OCHA, *2020 HNO*, July 2020, pp. 31, 50. On return obstacles, see also Section II.D.3.

406 OCHA, *2020 HNO*, July 2020, p. 50. "*In past months, large-scale civilian movements towards areas close to the front-line have been observed. Civilians returning to their original locations of residence may face a shortage of basic supplies and services, general insecurity, limited assistance, as well as damage to – or destruction of – homes*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 12.

particularly those in camps and informal settlements, to outbreaks of infectious diseases, including COVID-19.[407]

### b) Persons Without Personal Documentation

The loss or destruction of civil documentation and the disruption or absence of civil documentation services[408] compromise, *inter alia*, civilians' ability to register vital events such as births, marriages and deaths; to exercise housing, land and property rights;[409] and to access basic services, employment, livelihoods and humanitarian assistance.[410] Fear of arrest is an obstacle for those seeking to replace missing civil documentation, particularly when they hold documents issued by non-state actors.[411] The

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407 "*With over 50 percent of the health infrastructure destroyed, and hundreds of thousands without shelter and unable to practice social distancing, the region* [North-West] *is increasingly at risk of a devastating outbreak*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "*Proper hygienic practices are key to preventing the spread of the virus. However, even the simple act of hand washing can be a luxury for many IDPs. Camp residents have limited access to latrines, with dozens of people often sharing the same one*"; Refugees International, *A Crisis on Top of a Crisis: Covid-19 Looms over War-Ravaged Idlib*, 28 April 2020, https://bit.ly/3dv41pN. See also, World Vision International (WVI), *COVID-19 Surge in Northwest Syria as Cases Multiply by 14 Times in One Month*, 3 October 2020, https://bit.ly/34vEaM8; MSF, *Ten-Fold Increase in COVID-19 Cases Adds New Challenges in Northwest Syria*, 22 September 2020, https://bit.ly/3cxUZd1; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 3.

408 "*Assessments indicate that 75 percent of those surveyed report a lack or loss of civil documentation as an issue in northwest Syria, 16 percent higher than at the national level. Lack of civil documentations has been indicated as a main barrier to access to humanitarian assistance*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 8. "*Among protection concerns, 59 per cent of assessed communities reported they had lost civil documentation. Reasons are numerous, including leaving papers behind when fleeing gunfire, expiration and lack of legal services, and confiscation*"; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 35. In a multi-sector needs assessment of 1,509 communities in Syria in 2019, all respondents reported that issues related to civil documentation were occurring in their communities. These problems ranged from accessing services, accessing shelter and increased restriction of movement. In communities that reported movement restrictions, 64% reported lack of civil documentation as a cause. Respondents stated that a lack of documentation was due to, *inter alia*, loss during displacement, unavailability of or lack of access to official services, and unaffordability of new documentation; OCHA, *2020 HNO*, July 2020, p. 19. A Syrian news site reported in June 2020 that there were: "*Thousands without birth certificates, thousands without personal identities, and others without documents for marriage, divorce, death, or property, some of whom were unable to obtain those documents at all, and others lost them during the years of war and displacement*"; Enab Baladi, *Thousands of People Without ID Documents in Syria's Idlib*, 3 June 2020, https://bit.ly/2BsZHuy. See also, WVI, *Northwest Syria Gender Analysis: A Comprehensive Gender and Age Analysis for the Northwest Syria Humanitarian Response*, 5 May 2020, https://bit.ly/2NRHIQP (hereafter: WVI, *Northwest Syria Gender Analysis*, 5 May 2020, www.ecoi.net/en/document/2026268.html), pp. 12, 38, 48. In areas where government-issued documentation is unavailable, many turn to unofficial and informal documentation as a substitute; The New Humanitarian, *Stop-Gap Solutions for Syrians Without Papers*, 4 August 2020, www.ecoi.net/en/document/2035292.html.

409 Holding civil documentation, and particularly the personal ID card, is a prerequisite for accessing legal processes, including to obtain other forms of documentation (e.g. family book, passport); to register vital events such as births, marriages, deaths and divorces; and to claim housing, land and property rights; UNHCR, *Booklet on Civil Documentation and Registration in the Syrian Arab Republic*, 25 April 2020, https://bit.ly/34fbEjc. On particular obstacles faced by women not holding civil documentation, see Section II.F.2.c. On the increased risks of statelessness of children without birth registration, see Section III.A.10.

410 OCHA, *2020 HNO*, July 2020, pp. 19-20, 24, 31, 33, 35. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 62-65; STJ *et al., A Complaint to Three UN Special Rapporteurs on the Loss of Evidentiary Documents by Syrians*, 12 October 2020, https://bit.ly/35w7vGT; Enab Baladi, *Syrian Regime Cancels Thousands of Eastern Ghouta's Real Estate Contracts Leaving Properties' Fate Unknown*, 23 June 2020, https://bit.ly/38o6DoE; FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 25-29.

411 "*In areas recaptured by government forces, Syrian authorities do not recognize civil documentation issued by armed groups*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 63. "(…) *many* [IDPs] *lack legal documents and civil status documents such as ID card, family book, birth certificate, and death certificate. The confiscation of these documents by security and military checkpoints is one of the most important factors of such loss, as well as the high financial cost of obtaining other documents. Moreover, the documents issued by the opposition parties expose the owner to significant risks if used outside their areas of control*"; STJ *et al., A Complaint to Three UN Special Rapporteurs on the Loss of Evidentiary Documents by Syrians*, 12 October 2020, https://bit.ly/35w7vGT. "*Suspicious-looking or opposition-stamped papers are likely to draw the attention of Syria's security agencies, which have a grim track record of arbitrary arrests and the killing of detainees*"; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, /www.ecoi.net/en/document/2035466.html. "(…) *civilians who have obtained property ownership documents from opposition real estate records are reluctant to show them in fear of being arrested or held accountable by the regime's government entities*"; Enab Baladi, *Syrian Regime Cancels Thousands of Eastern Ghouta's Real Estate Contracts Leaving Properties' Fate Unknown*, 23 June 2020, https://bit.ly/38o6DoE. See also, The New Humanitarian, *No Papers, No Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html and Section III.A.1.a.

lack of documentation further impacts freedom of movement and in particular renders a person more susceptible to arrest and detention (e.g. at checkpoints)[412] and presents an obstacle to return.[413]

### c) Women and Girls

Long-term humanitarian needs for displaced women and children are increasing.[414] Syria's economic crisis has a disproportionate impact on women across the country, likely causing increases in sexual and gender-based violence as well as driving female-headed households further into poverty.[415] In particular, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in July 2020 that in the North-West, conflict, increased displacement and COVID-19 restrictions resulted in increased reports of sexual and gender-based violence.[416]

An increasing number of women and girls have become the primary or sole caretakers for their families due to their male family members' injury or disability, detention, disappearance, death, or movement restrictions.[417] These women and girls are reported to face specific risks and hardships in pursuing

412 According to Laura Cunial, a legal assistance specialist with the Norwegian Refugee Council (NRC), identification documents are "*a tool to function anywhere, but especially in a place like Syria where people's freedom of movement is very dependent on having these types of documents*"; The New Humanitarian, *No Papers, no Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html. See also Section II.B.1.a.

413 See Section II.D.3.

414 Women across Syria have significant unmet health needs; Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 105-107; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html. On the increased levels of acute and chronic malnutrition among children, see Section II.F.2.d.

415 Food security levels in Syria continue to be critical, with female-headed households suffering most. "*December* [2020] *data outlined that around 85 percent of the surveyed households mentioned applying at least one foodbased coping strategy, with the highest level recorded among female-headed households (92 percent)*"; WFP, *Syria mVAM Bulletin 51*, 11 January 2021, https://bit.ly/3asU91I, p. 3. "*As the economic downturn increasingly impedes the ability of households to meet their basic needs, financially motivated negative coping mechanisms are increasingly being adopted, including child labour, forced prostitution, forced abortions and early and forced marriages*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 7 August 2020, www.ecoi.net/en/document/2035718.html, p. 2. "*Female-headed households report an average income 33% lower than the national average, making them exceptionally susceptible to economic shocks*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 4. "*Syrian women have higher rates of poverty than men; they face increased risk of gender-based violence; and they shoulder the responsibility of caring for their children and other family members*"; UN Women, *Op-Ed: Put Women at the Centre of Syria Crisis Response*, 2 July 2020, https://bit.ly/31eAdul. See also, FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, https://bit.ly/33Bc9E3, p. 2.

416 "*Significant increases in different types of gender-based violence (GBV) are being reported, particularly incidences of domestic violence such as marital rape, physical and emotional violence and denial of resources, with girls and women with disabilities and pregnant women especially vulnerable*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 3. Fear of sexual violence can prevent women from being able to access humanitarian aid. Movement restrictions and negative coping mechanisms "*are also affecting* [women's] *access to essential humanitarian aid. The fear of sexual harassment and exploitation that some women and girls face at aid distribution sites in Syria has caused them to feel so unsafe that they are avoiding going at all*"; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14.

417 "*About 22% of Syrian households are now headed by women; this is up from only 4% prior to the conflict*"; CARE, *'If We Don't Work, We Don't Eat': Syrian Women Face Mounting Food Insecurity a Decade into the Conflict*, 25 February 2021, https://bit.ly/3sxSL4e, p. 2. "*Female-headed households have been rapidly increasing because of the widespread and systematic arrests and disappearances of men and boys, primarily by pro-government forces*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 64. "*The disproportionate killing of civilians and* [the destruction of] *healthcare infrastructure means that millions of Syrian women are faced with a grim reality. The rise in female-headed households means that many are burdened with the grief of widowhood along with a heightened responsibility to act as both breadwinner and primary care giver within their families*"; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 38. See also, OCHA, *2020 HNO*, July 2020, p. 34; WVI, *Northwest Syria Gender Analysis*, 5 May 2020, www.ecoi.net/en/document/2026268.html; COAR, *The Business of Empowering Women: Insights for Development Programming in Syria*, May 2020, www.ecoi.net/en/document/2030991.html, pp. 3-4, 10; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 13; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, pp. 13, 59; CARE, *Supporting Resilience in Syria: Women's Experience of the Conflict and the 'New Normal'*, February 2020, www.ecoi.net/en/document/2025340.html, pp. 1, 4-5.

livelihood opportunities and caring for their families,[418] against a background of social and legal discrimination as well as indiscriminate and targeted violence against women.[419]

Women perceived to be without a "male protector" are reported to be at heightened risk of exploitation, gender-based violence and poverty.[420] In areas under *de facto* control of HTS and SNA-affiliated armed groups, respectively, women reportedly need to be accompanied by a close male relative in public. Hence, women without a close male relative face severe limitations on their freedom of movement and access to services and employment.[421] Divorced women and widows reportedly face stigmatization and discrimination,[422] and many do not have access to documentation necessary to protect their rights.[423]

#### d) Children

Children continue to be among those who are most severely affected by the conflict.[424] According to the United Nations Children's Fund (UNICEF), at least 4.8 million children were born since the conflict

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418 "*Many Syrians and humanitarian actors say that the stress of the conflict and the changing socio-economic status quo and lack of financial stability is a leading cause of the increase* [in] *interpersonal violence (IPV) and sexual exploitation. FG participants shared that they believe more conflict in the home is coming because women are now earning money. In addition, key informants said that they have heard, and some have seen, an increase in IPV because of the changing social norms, and women having more financial control, while men are feeling more limited*"; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 29, see also pp. 7, 30-34. "(…) *women with missing husbands or fathers often face economic hardship and social exclusion in the absence of a traditional head of household*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 8. See also, UNFPA, Voices from Syria 2020, 2 April 2020, https://bit.ly/30AdBUa, p. 59. The absence or inability to work of male family members means that: "*Women and girls are therefore forced into work. Consequently, women and girls face increased risks of GBV such as sexual exploitation and abuse by employers, denial of resources, opportunities or services, such as education or male family members denying them their earnings from employment*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 13, see also pp. 26, 31-32, 39. See also, CARE, *Supporting Resilience in Syria: Women's Experience of the Conflict and the 'New Normal'*, February 2020, www.ecoi.net/en/document/2025340.html, pp. 5-9.

419 See Section III.A.9.

420 UNFPA, *Syria Country Office: COVID-19 Humanitarian Response Flash Update #6*, 18 August 2020, https://bit.ly/3j7j50l; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 2. See also, OCHA, *2020 HNO*, July 2020, p. 34. Single women may struggle to find work that is considered appropriate for women. "*Womens' access to paid employment depends on where in Syria they are, according to research by humanitarian organisations including CARE International, and attitudes vary across the country. Even in Damascus, women still battle entrenched sexism.* (…) *women are often under pressure to take jobs considered feminine such as sewing or hairdressing*"; Financial Times, *Shortage of Men Sees More Syrian Women Enter Workforce*, 25 January 2019, https://on.ft.com/31t0wO9.

421 See Section III.A.9.e.

422 "*Divorced and widowed women as well as persons with disabilities often have their food aid stolen.*" Additionally, a multi-sector needs assessment showed that divorced women are most likely to be excluded from receiving humanitarian services; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, pp. 18, 21. " (…) *in Idleb adolescent girls are often not able to attend distribution sites as families view it as shameful, mostly because the distribution sites are seen as a very male dominated environment.* (…) *Widows and divorced women also raised the issue of sexual exploitation at distribution sites*"; CARE, *Rapid Gender Analysis North West Syria (Idleb and Aleppo)*, February 2020, https://bit.ly/34wqDFO, p. 27. For further information on the stigmatization and risks of exploitation of women without male support, see Section III.A.9.e.

423 "*Widowed/divorced women are susceptible to exploitation linked to the lack of property documentation*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 45. Women whose husbands disappeared but who do not hold an official document recognizing the disappearance or death, are unable to claim property rights and inheritance, or to remarry. "*The death of many men and boys has gone undocumented. Without an official death certificate, women have been unable to move forward with the legal aspects of the deaths, which, in turn, has impeded inheritance and custody rights and severely restricted freedom of movement, in particular travel abroad with minor children*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 64. See also, COAR, *Syria Update, 23-29 October 2019*, 29 October 2019, https://bit.ly/308lPBh. The lack of documentation generally affects women most severely; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html.

424 "*As 2021 marks the tenth year of the Syrian Crisis, children remain at the centre of the tragedy. They are subject to constant hostilities, and the deadly exposure to the heavy contamination of unexploded ordnance and increasing incidents of improvised explosive devices (IED). Unexploded ordnance (UXO) and IED attack are now the primary cause of child casualties in Syria*"; UNICEF, *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6. "*A generation of Syrians has been born into war. As the Syrian conflict closes in on a decade, at least 3 million Syrian children under the age of six know nothing but conflict. Children continue to suffer horrendously, facing trauma that will impact them for years to come.* (…) *Aerial attacks and the use of barrel bombs by government forces and indiscriminate shelling and improvised explosive device attacks by armed groups, were found by the UN to be the primary cause of death and injury among Syrian children. Countless children have been killed as a result of the use of cluster munitions, thermobaric bombs, improvised munitions such as barrel bombs, and other explosive weapons*"; AOAV, *The Impact of Explosive Weapons on Children in Syria*, 17 October 2020, https://bit.ly/3lVN1Of. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 54-61.

began.[425] Nearly five million children are in need of humanitarian assistance,[426] 2.5 million are internally displaced,[427] 2.45 million are out of school,[428] and 500,000 children under five years old are chronically malnourished, particularly in Syria's North-East and North-West, where an estimated 1 in 3 children suffers from stunting.[429] Large numbers of children are reported to be severely traumatized.[430]

### e) Persons with Injuries and Disabilities

Persons with injuries and disabilities, including those who sustained injuries and disabilities as a result of conflict,[431] are particularly affected by the weak or non-existent health care services, including for

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425 UNICEF, *Almost 5 Million Children Born into War in Syria, 1 Million Born as Refugees in Neighbouring Countries*, 15 March 2020, https://uni.cf/3hakKIs. See also Sections II.C, II.E and III.A.10.

426 UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6, p. 1; DW, *5 Million Syrian Children in Need Due to War*, 13 March 2020, https://bit.ly/3ggDPRJ.

427 UNICEF, *Whole of Syria Humanitarian Situation Report: End of Year*, 1 February 2021, https://bit.ly/3pBaYM7, pp. 1-2.

428 An estimated 2.45 million children between the ages of 5 and 17 are out of school and another 1.6 million are at risk of dropping out of school. Access to and quality of education has, *inter alia*, been negatively impacted by the cumulative effects of extensive destruction/damage to schools, occupation of schools for military use or to host IDPs (closing 2 out of 5 schools); contamination with explosive hazards (schools in 212 communities); ongoing attacks on schools (542 attacks in 2014-2019); the shortage of qualified education personnel (by 2018, some 180,000 education personnel including teachers had left the education system); and poverty and the increase in child labour (reported by half the population as preventing or reducing school attendance); OCHA, *2020 HNO*, July 2020, pp. 18, 20, 33; UNICEF, *Syria: Facts and Figures*, June 2020, https://uni.cf/2OolshQ, pp. 2, 6. UNICEF considered that the number of those out of school "*increased in 2020 due to the impact of the COVID-19 pandemic which exacerbated the disruption to education in Syria*"; UNICEF, *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6, p. 2. "*Seventy-nine per cent of teachers in Syria's north-east region reported that their students have dropped out of school in order to work to help their families survive*"; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, http://bit.ly/2NGR99z. "*Analysis recently by Save the Children found that an estimated two thirds of children in northern Syria are now out of school. Apart from COVID-19, teachers say that children are dropping out because of rising poverty*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Dituation in Syria*, 16 December 2020, https://bit.ly/3nx2hlK, p. 1. Two-thirds of children attend public schools, where there is "*a lack of basic teaching and learning materials, unsafe spaces and teachers who are not trained in addressing learning challenges of children affected by psycho-emotional stress or trauma*"; No Lost Generation, *The Syria Crisis: No Lost Generation Advocacy Brief*, June 2020, https://bit.ly/2ZGGChs, p. 2. See also, UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, paras 177-178. On attacks against schools by government forces and other actors, see Section II.E.

429 "*More than half a million children under five in Syria suffer from stunting as a result of chronic malnutrition* (…). *We fear this number will increase. These problems are visible in many parts of the country but the situation is particularly bad in the north-west and the north-east, where nutrition surveillance data show that up to one in three children in some areas suffer from stunting*"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 25 February 2021, https://bit.ly/3aXU2vg, p. 2. In the North-West, "*the nutrition situation* (…) *was far worse in 2020 than in 2019. Cases of severe and moderate acute malnutrition among children aged 6-59 months increased by over 70 percent and 38 percent, respectively, in 2020 compared to the year prior. Similarly, the proxy prevalence of chronic malnutrition (stunting) in December 2020 increased by 2 percent compared to the same period in the year prior, affecting one-third of children aged 6-59 months*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, https://bit.ly/3ubmCB6, p. 5. See also, UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, http://bit.ly/2NGR99z; The New Humanitarian, *Inside the Childhood Hunger 'Emergency' in Syria's Idlib*, 28 October 2020, https://bit.ly/321T2S8; OCHA, *2020 HNO*, July 2020, p. 6; AOAV, *Explosive Violence and Its Impact on Malnutrition in Syria*, 4 March 2020, https://bit.ly/39wCG6c.

430 "*27% of households report that children show signs of psychological distress – almost double the figure in 2020 (14%)";* OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ, p. 4. "*The mental health of many Syrian children has been, and will continue to be, deeply affected by the conflict's brutality*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 60. "*As a result of repeated exposure to violence and insecurity, children exhibit signs of trauma, including psychological and behavioural disorders, as well as chronic fatigue and acute stress*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 3, and see also para. 74. See also, Save the Children, *'Anxiety, Panic Attacks' among Displaced Syrians Highlight Critical Gaps in Mental Health Support*, 24 June 2020, https://bit.ly/2Bx7A1O; IRC, *Children in Idlib Suffering from Staggering Levels of Emotional Distress, Says IRC*, 5 March 2020, https://bit.ly/2NfO0cK.

431 "*More than a third of displaced households are headed by a member with disabilities, significantly affecting the household's ability to secure sufficient economic resources*"; iMMAP / DFS, *COVID-19 Situation Analysis: Update #4*, 5 February 2021, https://bit.ly/3uwfWh4, p. 19. According to the findings of a nation-wide household survey undertaken by the Humanitarian Needs Assessment Programme (HNAP, a joint UN assessment initiative) in June 2019, 3.7 million people, or 27% of the total population over the age of 12, have a disability. Rural Damascus has the highest rate of disabilities (32%). 52% of households were found to have a member with a disability (aged 12+), of which nearly half (46%) have two or more members with disabilities: HNAP, *Disability: Prevalence and Impact*, January 2020, https://bit.ly/2U4jNCi, pp. 5, 6, 11, 13. See also, OCHA, *2020 HNO*, July 2020, p. 34.

mental health, and often face serious difficulties in meeting their basic needs.[432] They may also face social discrimination and ostracism.[433] Children with disabilities are less likely to attend formal education compared to their peers without disabilities,[434] and are at greater risk of abuse, neglect and discrimination both at home and in their communities.[435]

### f) Palestinian Refugees

As a result of their long-term and renewed displacement,[436] loss of assets and economic opportunities, and massive destruction of residential areas,[437] Palestinian refugees in Syria are "*vulnerable in the extreme.*"[438] The vast majority of Palestinian refugees, including many female-headed households, live in absolute poverty and are dependent on humanitarian assistance.[439] UNRWA's severe financial

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[432] According to HNAP, 62% of individuals with disabilities are out-of-work, as compared to 48% of those with no disability. 20% of women who live with disabilities are widowed, significantly higher than men (5%) and women without disabilities (4%). "*The majority of households across Syria reported that their current monthly income does not allow them to sufficiently meet their basic needs. Income insufficiency increases with the cumulative presence of persons with disabilities*"; HNAP, *Disability: Prevalence and Impact*, January 2020, https://bit.ly/2U4jNCi, pp. 10, 18, 20. See also, OCHA, *2020 HNO*, July 2020, p. 34. "*While participants in camps and rural settings noted that aid was often available to the most vulnerable (e.g. widows, persons with disabilities), in urban areas this was often not the case*"; CARE International, *Understanding Resilience: Perspectives from Syrians*, 26 February 2020, www.ecoi.net/en/document/2025513.html. See also, REACH, *Northeast Syria HSOS Zoom-In, IDPs in Host Communities: May 2020*, 1 July 2020, www.ecoi.net/en/document/2032518.html, p. 2.

[433] "*The experience of children with disabilities is often one of marginalisation and disempowerment as many are* [living] *isolated lives and struggle against stigma, discrimination and social exclusion*"; OCHA, 2020 HNO, July 2020, p. 33. "(…) *an estimated 1.5 million people suffered a disability as a result of the war and now face social stigma and exclusion*"; UNSC, *Persons with Disabilities Face Exclusion, Psychosocial Challenges in Syria, Senior Humanitarian Affairs Official Tells Security Council*, SC/13792, 24 April 2019, https://bit.ly/31mqsuQ. According to Fayez Orabi, a Syrian doctor operating from Turkey, "*many disabled Syrians also are suffering from stigma and exclusion within their communities, in addition to the effects of the war*"; VOA, *Disabled Victims Are Syrian War's Most Vulnerable*, 15 March 2019, https://bit.ly/32aQRdW. "*Many parents will not want their child in the same classroom as a child with disabilities, as they fear that it will harm their child's education. Society may place blame on parents of children with disabilities, and Syrians may believe the disability is a result of the parents' sin. People with disabilities report facing a high level of judgement when they go out in public by themselves*"; Nationalities Service Center and Pennsylvania Developmental Disabilities Council, *Caring for the Health of Refugees and Immigrants with Disabilities: Syria*, 2019, https://bit.ly/31kNTEt.

[434] "*16 percent of children between the ages of 12 and 17 have a disability. Of those with a disability, 56 percent are not attending formal education as compared to 23 percent of those without a disability. Non-attendance figures increase to 58 percent for IDPs with a disability versus 33 percent for displaced persons without a disability; 65 for returnees, as compared to 27 percent of those without a disability; and 55 versus 19 percent of those without a disability for resident populations*"; HNAP, *Disability: Prevalence and Impact*, January 2020, https://bit.ly/2U4jNCi, p. 16. See also, No Lost Generation, *The Syria Crisis: No Lost Generation Advocacy Brief*, June 2020, https://bit.ly/2ZGGChs, pp. 2, 5.

[435] Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, https://bit.ly/3dJHpCi, p. 17. See also Section III.A.10.

[436] See Section II.D.1.

[437] According to UNRWA, more than 180,000 Palestinians registered with UNRWA have had their homes destroyed or severely damaged due to conflict. Yarmouk, Ein El-Tal (Aleppo Governorate) and Dera'a refugee camps, previously home to more than 30% of the Palestine refugee population in Syria, have sustained large-scale destruction. Many UNRWA installations, including 40% of schools and 29% of health clinics, are unusable due to damage or destruction; OCHA, *2020 HNO*, July 2020, p. 34; UNRWA, *2020 Syria Regional Crisis Emergency Appeal*, 31 January 2020, https://bit.ly/2Sf4eFc, pp. 2, 5, 6, 19. "*Another unpublished study based on the views of Palestine Refugees from Syria found that more than 70% of respondents stated that their property in Syria had been destroyed, damaged or rendered uninhabitable*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 17. Due to the widespread damage and destruction of homes in camps and settlements, many refugees are forced to rent apartments, often at high prices; MEE, *'Poverty Everywhere': Palestinians in Syria Living in Desperate Conditions*, 20 February 2020, https://bit.ly/2TUZvdd.

[438] UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 3.

[439] "*In Syria, the protracted conflict has left 91 per cent of the 438,000 Palestine refugees estimated to remain in the country in absolute poverty* (…). *As more than 91 per cent of the Palestine refugees in Syria live below the poverty line, the drastic loss of purchasing power during this economic crisis renewed fears about meeting basic needs in particular food.* (…) In this challenging context, the humanitarian assistance provided by UNRWA remains a lifeline for the overwhelming majority of Palestine refugees and reliance on the Agency is expected to increase"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, pp. 7, 11, 12. "(…) *an UNRWA survey conducted in 2017/18 found that 74 per cent of Palestine refugees live on less than US$ 2 per person per day, rising to 91 per cent without cash assistance provided by UNRWA. One in four families are female headed and one in five headed by an elderly person. These groups are largely dependent on humanitarian aid with no means to generate income. Among those employed, almost half do not have a fixed income, and rely on daily paid or casual labour in the informal economy*"; UNRWA, *Updated UNRWA Flash Appeal for the Covid-19 Response: March - July 2020*, 8 May 2020, https://bit.ly/30VPAsu, p. 7. See also, AGPS, *Palestinian Refugees in Northern Syria Displacement Camps Struggling for Survival*, 24 January 2021, http://bit.ly/3b9rUVW; AGPS, *AlSayeda Zeinab Camp for Palestinian Refugees Grappling with Dire Conditions*, 4 January 2021, http://bit.ly/3bTXRAN.

shortfall[440] is threatening the sustainability of its operations and constraining emergency activities in Syria, including the amount of cash assistance provided to its beneficiaries.[441] In 2020, deteriorating economic conditions[442] and the COVID-19 outbreak have aggravated the existing vulnerabilities of Palestinian refugees,[443] and UNRWA anticipates "*that families will increasingly turn to negative coping mechanisms, including early marriage and child labour*."[444] There are also concerns of increased school

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440 "*UNRWA is confronted with an increased demand for services resulting from a growth in the number of registered Palestine refugees, the extent of their vulnerability and their deepening poverty. UNRWA is funded almost entirely by voluntary contributions and financial support has been outpaced by the growth in needs. As a result, the UNRWA programme budget, which supports the delivery of core essential services, operates with a large shortfall*"; UNRWA, *UNRWA Issues Emergency Call for Humanitarian Assistance amid End-of-Year Shortfall; Salaries of 28,000 Staff at Risk, Hopes to Avoid Suspension of Essential Services*, 9 November 2020, http://bit.ly/3hjYWUX. See also, AP, *UNRWA Boss Warns of Financial Crisis Impacting Services*, 19 September 2020, http://bit.ly/3aAHRVk.

441 "*Due to limited funding, the Agency had to reduce the value of the cash transfer provided to Palestine refugees in Syria, with negative consequences on their ability to provide for their basic needs*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 9. "*Due to the Agency's unprecedented financial crisis, critical health-care services like those extended to the returned Palestine refugees in Yarmouk are now in jeopardy*"; UNRWA, *UNRWA Mobile Health Clinic Brings a Sign of Hope to the Devastated Yarmouk Camp*, 11 January 2021, https://bit.ly/3bh1lJh. *"During the reporting period* [first half of 2020]*, Palestine refugees falling within the most vulnerable categories received US$ 14 per person per month instead of the planned US$ 28, while the rest of the population eligible for assistance received an amount of US$ 11 per person per month instead of US$ 14*"; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, https://bit.ly/2LutDes, p. 10. "*Syria is experiencing the beginnings of an acute economic crisis underpinned by a currency in freefall, which has almost certainly made matters worse for hundreds of thousands of Palestinian refugees still residing in Syria*"; MEE, *'Poverty Everywhere': Palestinians in Syria Living in Desperate Conditions*, 20 February 2020, https://bit.ly/2TUZvdd. Funding for UNRWA's emergency activities in Syria remains precarious. As at 31 December 2020, only US$ 66.2 million had been pledged or received from donors and partners, representing 31.1% of the total requirements of US$ 212.8 million; UNRWA, *Syria: Humanitarian Snapshot, December 2020*, 1 February 2021, https://bit.ly/39KmBMi. UNRWA's funding requirements for 2021 amount to US$ 318 million, with no funding received as at the time of writing; UNRWA, *Syria Crisis: Funding Requirements*, accessed 1 March 2021, www.unrwa.org/syria-crisis.

442 "*Socio-economic conditions of Palestine refugees in Syria are deteriorating, due to the ongoing economic crisis and depreciation of the Syrian pound, combined with the impacts of the lockdown and other measures imposed to contain the spread of COVID-19*"; UNRWA, *UNRWA Flash Appeal for the COVID-19 Response Report*, 19 November 2020, https://bit.ly/3azd0sv, p. 9. See also, AGPS, *Palestinian Refugees Suffer Economic Hardship in Syria*, 21 January 2020, https://bit.ly/2YHamcw. Access for Palestinian refugees to income generating opportunities and employment inside Syria remains limited: "*Most refugees UNRWA serves live under the poverty line and lack the safety net needed to absorb the financial and medical shocks created by the COVID-19 pandemic. They are now facing devastating consequences to their physical, social and economic wellbeing*"; UNRWA, *UNRWA Launches New Coronavirus US$ 93.4 Million Emergency Appeal for Palestine Refugees*, 8 May 2020, https://bit.ly/2BTeqiq. See also Section II.F.1.

443 "*Lockdowns and other restrictive measures to contain the spread of COVID-19 have further constrained access to livelihoods and employment in particular for those reliant on informal labour.* (…) *The vulnerability of Palestine refugees in Syria is increasing. In July 2020 UNRWA assessed the socioeconomic impact of COVID-19 on Palestine refugees in Syria, and found that close to 80 per cent had reduced the number of meals or quantity of food consumed, and over 90 per cent were consuming food that was cheaper and/or less nutritious, since March 2020*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 7. "*Their* [Palestinian refugees'] *hardship has been exponentially exacerbated through the imposition of sanctions and the rapid spread of COVID-19 in refugee communities. Their resilience is at breaking point*"; UNRWA, *UNRWA Commissioner-General Makes Official Visit to Syria, Reviews Palestine Refugee Massive Humanitarian Needs*, 4 November 2020, https://bit.ly/2U82nU6. "*The vast majority of Palestine refugees live in overcrowded camps or are IDPs and are particularly vulnerable to the impacts of COVID-19*"; UNRWA, *UNRWA COVID-19 Appeal August - December 2020*, 2 September 2020, https://bit.ly/2SCZEkQ, p. 13. See also, AGPS, *Residents of AlHusaniya Camp for Palestinian Refugees Concerned over 2nd Coronavirus Wave*, 29 December 2020, http://bit.ly/3uODP3i; AGPS, *Fears Mount over Increasing Coronavirus Cases in Khan Eshieh Refugee Camp*, 24 December 2020, http://bit.ly/3q8wNTE; AGPS, *Situation of Palestinians of Syria Exacerbated by Coronavirus Outbreak, Medicine Dearth*, 29 August 2020, https://bit.ly/3c0rNej.

444 UNRWA, *COVID-19 Weekly Update 8 - 21 June 2020*, 29 July 2020, https://bit.ly/316Gfxr, p. 14. "*The adoption of negative coping strategies by Palestine refugees was already a cause for concern in 2020. It is anticipated that the vulnerabilities of Palestine refugee* [sic] *will further increase due to COVID-19 and the current economic situation. Female heads of households, unaccompanied and separated children, older persons and persons with disabilities are at particular risk of falling into further poverty and exploitation*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 22. "*Due to the serious protection gaps, children have been forced to drop out of school and join armed groups to help feed their starving families. Hundreds of families have had women as their sole breadwinners; and in several other cases boys and girls are spotted begging in the street for a few pounds*"; AGPS, *91% of Palestinian Refugee Families in Syria Suffer Extreme Poverty*, 19 February 2021, http://bit.ly/3dHhizz. Only limited GBV and child protection services are available in Syria. Survivors continue to face stigma and cases remain underreported. Furthermore, availability of legal aid services to Palestinian refugees inside Syria remains limited; UNRWA, December 2020. See also Sections III.A.9 and III.A.10.

drop-outs and violence within the home.[445] Access for Palestinian refugees to income generating opportunities and employment inside Syria remains limited, especially as a consequence of the COVID-19 outbreak and the current economic situation.[446]

### 3) Humanitarian Access

Despite improvements in humanitarian access in some areas of Syria,[447] insecurity due to ongoing hostilities and contamination with explosive hazards, administrative impediments, restrictions due to the COVID-19 pandemic, and resource shortfalls continue to pose challenges to sustainable aid delivery.[448] Humanitarian actors are also reported to face challenges in delivering aid in government-controlled

445 "*Refugees are reporting increased protection threats in Syria since the start of the COVID-19 pandemic. According to UNRWA's survey on the socio-economic impact of COVID-19 on Palestine refugees in Syria,* (…) *nearly 50 per cent of Palestine refugee households indicated an increasing level of Gender Based Violence (GBV). In GBV cases reported to UNRWA from quarter one to quarter three 2020, 87 per cent were women and girls with numbers rising in quarter two and quarter three as COVID-19 spread*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12. "*Extreme poverty, child labor, early marriage, and enforced disappearance are among the factors that have led to an increase in school dropouts among the camp residents* [in Jaramana in Rural Damascus]"; AGPS, *School Dropouts on the Rise among Palestinians in Syria Displacement Camp*, 6 February 2021, http://bit.ly/37LFMUw. See also, AGPS, *School Drop-Out Rates Getting Higher in AlNeirab Camp for Palestinian Refugees*, 23 July 2020, https://bit.ly/3kajPmK; and Section III.A.10.

446 "*Most refugees UNRWA serves live under the poverty line and lack the safety net needed to absorb the financial and medical shocks created by the COVID-19 pandemic. They are now facing devastating consequences to their physical, social and economic wellbeing*"; UNRWA, *UNRWA Launches New Coronavirus US$ 93.4 Million Emergency Appeal for Palestine Refugees*, 8 May 2020, https://bit.ly/2BTeqiq. See also Section II.F.1.

447 Despite continued challenges in some areas of Syria, humanitarian access and presence improved slightly in 2019. Areas under government control are normally accessible to humanitarian actors, except for several retaken areas such as in southern Syria and Eastern Ghouta, where administrative restrictions and ongoing insecurity hamper access. However, access remains restricted in the North-West due to insecurity and shifting frontlines. In the North-East, the main challenges to humanitarian access are access restrictions along parts of the Turkish border and reduced delivery capacity due to the closure of Al-Yaroubiyah border crossing in Hassakeh Governorate; OCHA, *2020 HNO*, July 2020, p. 33.

448 Save the Children *et al.*, *Reduced Humanitarian Access Impedes Response to Rising Cases of COVID-19 and the Harsh Effects of Winter in Northern Syria amid Aid Shortages*, 29 January 2021, https://bit.ly/3aJ25fw; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, paras 32-47; UN News, *'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed*, 25 November 2020, http://bit.ly/3r56orn; OCHA, *2020 HNO*, July 2020, pp. 42-43; ICRC, *Syria: As Economic Crisis Bites, Lack of Humanitarian Access Costs Lives Every Day*, 30 June 2020, https://bit.ly/2W4KpmO. "[T]*he impact of unilateral sanctions has further weakened the ability of humanitarian actors to deliver assistance, owing to increased prices and the reduction in the availability of crucial items in local markets and overcompliance*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 42. In the North-West, "[D]*aily hostilities and artillery shelling along the M4 road in Idleb and surrounding areas have led to the temporary suspension of several protection programs and the deepening of the dire situations in already underserved areas*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 8.

areas.[449] Security risks to humanitarian workers remain high, especially in the country's North-West, including as a result of hostilities, aerial bombing, IED attacks, arbitrary arrest and kidnapping.[450]

In July 2020, the UN Security Council passed a resolution extending cross-border humanitarian deliveries for one year, but reducing the access points from two to only one border crossing with Turkey.[451] This latest decision, combined with an earlier reduction from four to two border crossings in January 2020, affected the humanitarian response.[452]

449 "*In government-controlled areas, communities and enclaves that remained difficult to access, owing to administrative and security approvals, included Shaffuniyah, Mayda'a and Kafr Batna in Eastern Ghutah, and Bayt Jinn and Mazra'at Bayt Jinn in western Rif Dimashq. In the southern part of the country, insecurity and administrative restrictions continued to prevent sustained access to areas formerly controlled by non-State armed groups, particularly in Dar'a al-Balad neighbourhood in Dar'a city, in Karak al-Sharqi in Dar'a Governorate and in parts of western Dar'a and Qunaytirah*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 34. "*As the economy continues to collapse, the regime is manipulating scarce resources for political purposes, rewarding those deemed loyal. Those perceived as disloyal entered the economic crisis in a greater state of food insecurity and poverty*". Also: "*In regime-held areas, NGOs are forced to deal with regime corruption, wartime conditions, and nervous donors who do not want to be perceived as contributing to reconstruction projects carried out under the Assad regime*"; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, pp. 7-8. NRC and Oxfam have reported difficulties in getting government approvals for certain programs or projects in government-held areas, reaching specific marginalized communities, and performing certain services. They conclude that "*it is almost impossible to gain access for activities that are deemed of lesser strategic interest by its national partner, the Syria Trust*"; Oxfam / NRC, *Hard Lessons: Delivering Assistance in Government-Held Areas of Syria*, 15 July 2020, www.ecoi.net/en/document/2033934.html, p. 9. "[T]*he legal and political framework for humanitarian aid that Damascus has created ensures – in the areas it controls – that the regime has the last word on decisions about where international aid is deployed, by whom, and to whose benefit*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, p. 5.

450 "*The United Nations has documented at least 14 cases of humanitarian workers killed in northwest Syria in the last 14 months as a result of airstrikes, shelling, car-bombs and other improvised explosive devices. With an average of one humanitarian worker killed every 30 days, this makes northwest Syria one of the most dangerous places in the world for humanitarian workers*"; Office of the Deputy Regional Humanitarian Coordinator for the Syria Crisis, *Statement by Mark Cutts, Deputy Regional Humanitarian Coordinator for the Syria Crisis on the Killing of a Humanitarian Worker in Northwest Syria*, 17 February 2021, https://bit.ly/2ZDdqHE. See also, Humanitarian Data Exchange, *Aid Worker KKA (Killed, Kidnapped or Arrested)*, accessed 28 February 2021, https://bit.ly/2HbLeWd; Aid Worker Security, *Security Incident Data: Syria*, accessed 28 February 2021, https://bit.ly/3keNZoc; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, paras 50-52; The Guardian, *Syria Deadliest Place to Be an Aid Worker, Amid Global 30% Rise in Attacks – Report*, 19 August 2020, https://bit.ly/3ldWVLD; Al Jazeera, *British Aid Worker in Syria Held 'Incommunicado' after Abduction*, 8 July 2020, https://bit.ly/3iNkwBu; Washington Post, *As Civilians Suffer in Syria's Idlib Province, Death and Displacement Stalk Aid Workers, Too*, 19 February 2020, https://wapo.st/3edNSFN. On the targeting of humanitarian workers by parties to the conflict, see also Sections III.A.1, 4, 5, 6 and 12.

451 The Guardian, *UN Restarts Syria Cross-Border Aid but with Only One Access Point*, 12 July 2020, https://bit.ly/3gUflxQ; UN News, *Security Council Extends for One Year, Lifesaving Cross-Border Aid to Syria*, 11 July 2020, https://bit.ly/2OlTD9K.

452 In February 2021, 22 NGOs signed a joint letter stating that the Bab Al-Hawa crossing was "*under immense pressure*" and that the removal of the only crossing into the North-East had "*contributed to gaps in provision of aid, funding and access to supplies to populations in the North East, including basic medicines and COVID-19 testing kits. The situation is only set to worsen*"; Save the Children *et al.*, *Reduced Humanitarian Access Impedes Response to Rising Cases of COVID-19 and the Harsh Effects of Winter in Northern Syria amid Aid Shortages*, 29 January 2021, https://bit.ly/3aJ25fw. "*Non-governmental organizations (NGOs) operating cross-border also reported that the impact of the removal of the Bab al-Salam authorization was already apparent* [by August 2020]*, in terms of increased time, cost, complexity and the risks of providing assistance in parts of the north-west*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 8. See also, UNSC, *Limited Cross-Border Access into North-West Syria Placing Strain on Humanitarians to Reach Many in Need, Aid Worker Tells Security Council*, 29 July 2020, SC/14268, https://bit.ly/30y1acz; CARE International, *UN Security Council to Further Restrict Humanitarian Access to Northwest Syria*, 12 July 2020, https://bit.ly/3iV4fdT. The January 2020 reduction from four to two border crossings already had significant impacts upon humanitarian access and particularly affecting the health sector; Center for Strategic and International Studies, *The Possible End of Cross-Border Aid in Syria*, 6 July 2020, https://bit.ly/3gJeQXD.

# III. Assessment of International Protection Needs of Asylum-Seekers from Syria

## A. Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims

In view of the serious violations of international humanitarian law and violations and abuses of human rights law and ongoing armed conflict in Syria, **UNHCR continues to characterize the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention.** Likewise, Palestinians from Syria who are outside the UNRWA area of operations are likely to fulfil the requirements of Article 1D and would be *ipso facto* entitled to the benefits of the 1951 Convention.[453]

For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict. A particular feature of the conflict in Syria is that different parties to the conflict frequently impute a **political opinion** to larger groups of people, including families, tribes, religious or ethnic groups, or whole towns, villages or neighbourhoods, by association.[454] As such, members of a larger entity, without individually being singled out, may become the target of repercussions by different actors for reason of real or perceived support to another party to the conflict.[455] The perception of sharing a political opinion or affiliation in relation to the conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic or religious background. In those situations, the risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.

UNHCR maintains that Syrians and former habitual residents of Syria falling under the below mentioned risk profiles **are likely to be in need of international refugee protection**. Sub-categories of persons within risk profiles 3, 8 and 10 may be in need of international refugee protection depending on the individual circumstances of the case.

Depending on the specific circumstances of the case, family members or persons otherwise closely associated with persons of these profiles may also be in need of international protection on the basis of their association with individuals at risk (see in particular profiles 1, 2, 3, 4 and 6).

All claims lodged by asylum-seekers need to be considered on their merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information.

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453 For an analysis on the interpretation of Article 1D, see: UNHCR, *Note on UNHCR's Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection*, May 2013, www.refworld.org/docid/518cb8c84.html.

454 "*Both pro-government forces and non-State armed groups in the north-western, northern and eastern parts of the Syrian Arab Republic continued to target civilians, including those perceived as being affiliated with opposing forces, including through killings, the arbitrary deprivation of liberty, torture and other ill-treatment and kidnappings*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17.

455 In situations of armed conflict and violence, individuals or entire groups or populations may be at risk of being singled out or targeted for persecution for reasons of the 1951 Convention. In its Guidelines on claims for refugee status related to situations of armed conflict and violence, UNHCR noted that: "*Situations of armed conflict and violence may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct hereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links*"; UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, para. 33.

UNHCR considers that the current situation in Syria does not warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention. The status of recognized refugees should thus be reviewed only if there are indications, in an individual case, that there are grounds for:

i. Cancellation of refugee status which was wrongly granted in the first instance;

ii. Revocation of refugee status on the grounds of Article 1F of the 1951 Convention.

The risk profiles listed here are not necessarily exhaustive and may overlap. There is no hierarchy implied in the order in which the risk profiles are presented. The risk profiles are based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here.

### *1) Persons Opposing, or Perceived to Be Opposing, the Government*

#### a) Treatment of Persons Opposing, or Perceived to Be Opposing, the Government

The Syrian Government continues to violently suppress and punish any real or perceived dissent in areas under its control.[456] It employs very broad criteria when determining what constitutes political dissent: any criticism, opposition or insufficient loyalty to the government expressed in any way or form[457] regularly results in serious repercussions for the individual.[458]

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456 "*Authorities brutally suppressed every sign of re-emerging dissent, including through arbitrary arrests and torture*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "*Repression and secrecy have long been a hallmark of both Assad regimes: Bashar, since 2000, and his father Hafez before him, from 1971 to 2000. During this long period, the regimes have employed arbitrary detention, torture, summary executions, and enforced disappearance as tools of repression and control*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 1. "*Political rights and civil liberties in Syria are severely compromised by one of the world's most repressive regimes and by other belligerent forces in an ongoing civil war. The regime prohibits genuine political opposition and harshly suppresses freedoms of speech and assembly.* (…) *the government maintains a powerful intelligence and security apparatus to monitor and punish opposition movements that could emerge as serious challengers to Assad's rule.* (…) *The government engages in heavy surveillance of private and online discussion and harshly punishes dissent in areas it controls*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. See also, SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/2Y5Zu9p, p. 8.

457 "*Censorship of news sites and social media content in government-controlled areas remained severe and appeared to intensify during the coverage period.* (…) *Most users are careful to avoid dangerous topics and refrain from visiting blocked websites. Given the government's surveillance capabilities, there is a risk in accessing even unblocked sites that are associated with the opposition.* (…) *Sophisticated phishing and malicious-software attacks that target online activists for surveillance began to be reported in 2012.* (…) *Surveillance is rampant on domestic ISPs* [internet service providers]*, which are closely aligned with government security forces. Cybercafé owners are compelled to monitor and record their customers' activities*"; Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. For example, on 19 September 2020, government forces arbitrarily arrested a lawyer in Hama after he criticized the poor living conditions in Hama on his personal Facebook page; SNHR, *Syrian Regime Forces Arrested a Lawyer in Hama City on September 19*, 20 September 2020, https://bit.ly/3ky3Cab. On the reported monitoring of critics' online activities, including through a centralized surveillance system run by Syrian Telecom, see: "*The Syrian intelligence services, especially the military intelligence, have been collecting without cause information about political opponents, members of the opposition and human rights activists. Numerous reports from Syria indicate that the government of Bashar al-Assad uses the intercepted data in part to identify, arrest and interrogate critics*"; ECCHR, *Surveillance in Syria: European Firms May Be Aiding and Abetting Crimes Against Humanity*, accessed 28 February 2021, https://bit.ly/2xwGdD0. "*Arbitrary arrests raised fears that authorities could arrest internet users at any time for online activities perceived to threaten the regime's control, such as posting on a blog, tweeting, commenting on Facebook, sharing a photograph, or uploading a video*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, Snack Syria (pro-government news website), *Dr. Suleiman al-Awad Sent to Court for Criticizing Baath Official*, 25 February 2020, https://bit.ly/300h67w; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, https://bit.ly/3a7FTb5.

458 "*According to the SNHR's database, the vast majority of detainees were arrested in connection with their participation in activities opposed to the Syrian regime, no matter how innocuous, such as attending demonstrations, being involved in media or humanitarian relief activism, or even as a result of kinship with an activist; this means that the vast majority of detainees are arrested in connection with their political activism* (…)"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 16. "(…) *people of all ages and from all walks of life, both civilians and suspected insurgents, have been arrested and detained by the regime's security agencies. This includes doctors who treated demonstrators, anyone seeking to avoid military service, those who remained in areas where armed groups took control, and displaced persons seeking to return but who were deemed disloyal simply for fleeing the conflict. Also at high risk of arrest are relatives of individuals wanted by the authorities, including boys, who are frequently targeted for arrest and detained on suspicion of working with the opposition*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 11.

Amongst those regularly perceived to be holding an anti-government opinion are civilians (particularly men and boys of fighting-age[459]) from or in areas currently or formerly under opposition control;[460] draft evaders and deserters;[461] opposition local council members;[462] civil society and political activists;[463]

459 "*Since 2011, widespread arrests of men and boys as young as 15 were conducted by security forces or militia acting on behalf of the Government, during mass arrests, house searches or in hospitals. Boys and, on occasions, girls have been detained either unaccompanied or together with male relatives based on their perceived support of opposition groups at checkpoints in Aleppo, Damascus and Dar'a.*" And further: "*Through its widespread and systematic campaigns of arrests and detention targeting civilians broadly perceived to be supporting opposition groups, Government forces and associated militia detained children and subjected them to torture and ill-treatment, including rape and sexual violence*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 51, 82.

460 "*Individuals from territories re-captured by the Assad regime are under constant risk of detention and military conscription raids the regime launches in those areas*"; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, p. 34. "*Detention has been particularly widespread in 'reconciled' territories, where long-term residents and recent returnees have been arrested regardless of their compliance with reconciliation processes. This follows a pattern from the last eight years whereby the Syrian government, as well as nonstate actors, have been responsible for enforced disappearances and crimes committed at detention centers, including torture, sexual violence, and extra-judicial killings*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/2Y5Zu9p, p. 8. See also below Section III.A.1.d. SNHR further "*recorded arrests of civilians, including children, women, and elderly people by Syrian Regime forces as they were passing through regime checkpoints whilst moving between or traveling to areas outside the Syrian regime's control*"; SNHR, *The Most Notable Human Rights Violations in Syria in May 2020*, 3 June 2020, https://bit.ly/2U0QLT9, p. 6. According to Sara Kayyali of HRW, "(…) *individuals who were in areas previously held by the opposition that were retaken, and who were forcibly conscripted by the Syrian government are very likely to be considered as holding an anti-government opinion. Individuals returning from abroad are also likely to be seen as holding anti-government opinions. Individuals originally from areas now in anti-government control may also be perceived as such*"; E-mail communication with Sara Kayyali, Syria Researcher, Middle East and North Africa Division, HRW, 9 March 2020, 27 July 2020, and 5 January 2021 (e-mails on file with UNHCR). See also Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, https://bit.ly/3lA4bkE; and the situation in Al-Tal, as described in: UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (and sources included therein). See also below Section III.A.1.d.

461 The fact that a man of conscription age may have also evaded draft or deserted from the army would likely add to the perception of anti-government opinion and compound the risk of arrest, forced conscription, and serious ill-treatment. Syrian men of fighting age, including teenage boys, therefore avoid passing through government checkpoints for fear that they will be arrested, disappeared, or killed. See also Section III.A.2.

462 "(…) *other security campaigns have targeted workers who had participated and served in civil affairs in institutions that used to be active during the factions' control of the region*"; SOHR, *Eastern Ghouta: Chronic Crises… Lack of Basic Services… Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, https://bit.ly/37CtwVj. See also, SOHR, *Civilian from Al-Rastan North of Homs Dies under Torture in Regime Prisons*, 14 November 2020, https://bit.ly/35w2CP1; SOHR, *"Military Security" Arrests Five Young People for Unknown Reasons in Daraa*, 27 June 2020, https://bit.ly/3ibHH8b; SNHR, *Syrian Regime Arrested Engineer in Dael City in Daraa Suburbs on June 25*, 26 June 2020, https://bit.ly/32b9znE; STJ, *Syria: Thousands Forced to Flee Qunaitra and Daraa 'Silently'*, 27 August 2019, https://bit.ly/2VdqMIZ; Syria Direct, *A Year After "Reconciliation": Arrests and Disappearances Abound in Southern Syria*, 18 July 2019, https://bit.ly/2GiADW1; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 30, 31. Local council members were also among those regularly considered by the government as "irreconcilable"; see also below Section III.A.1.d.

463 "*In areas the regime brought back under its control, it has either displaced or arrested those who were activists before*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 11. "*Amnesty International has documented the arbitrary detention and enforced disappearance of scores of people targeted for their peaceful activism*"; Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. "*Independent civil society groups and media outlets are harshly suppressed* (…). *The regime generally denies registration to nongovernmental organizations with reformist or human rights missions, and regularly conducts raids and searches to detain civic and political activists*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Women have also been threatened by the State security apparatus to prevent them from taking part in other civil society initiatives*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 69. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 22. Activists were also among those regularly considered by the government as "irreconcilable"; see Section III.A.1.d.

protestors;[464] journalists and citizen journalists;[465] humanitarian workers and civil defence volunteers;[466] doctors and other medical personnel;[467] human rights defenders;[468] as well as teachers and academics.[469]

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464 "(…) *we recorded arrests and prosecutions against citizens, including activists, in connection with their participation in earlier anti-Syrian regime protests and activities in Suwayda governorate, with most of these arrests taking place while they were passing through regime checkpoints in Suwayda city*"; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, https://bit.ly/3nn9MLV, p. 5. For example, on 22 July 2020, SNHR reported the arrest of a poet from Salamiyah City (Hama Governorate) in connection with his participation in anti-government protests in Suweida; SNHR, *At least 157 Cases of Arbitrary Arrests/ Detention Documented in Syria in July 2020, Including 13 Children and Two Women*, 3 August 2020, https://bit.ly/2YdDIj8, p. 15. Many individuals who participated in the 2011 anti-government protests are reported to remain in detention, and former protestors remain at risk of arbitrary arrest. In government-held areas, new protests or other public expressions of anti-government sentiments have been relatively rare and small-scale, and if they occurred, they were violently suppressed, see e.g., SOHR, *Kanaker under Siege: Concerns Grow for the Lives of Hundreds of Residents over Looming Regime Security Campaign*, 26 September 2020, https://bit.ly/3cASert; SOHR, *Rif Dimashq: Unknown Individuals Set Tires on Fire and Block Side Streets in Saqba, Protesting Deteriorating Living Conditions*, 19 June 2020, https://bit.ly/3fK9hrj; SNHR, *Syrian Regime Forces Forcibly Disappear 10 Popular Uprising Activists in Suwayda and Use Repression to Confront Their Rightful Demands*, 18 June 2020, https://bit.ly/2CtHo8D; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; DEIR EZZOR 24 (pro-opposition online news portal), *Arrest Campaign Follows Protests in Deir ez-Zor*, 14 February 2020, https://bit.ly/3gPsut9.

465 "*Journalists and media workers, and their activities, were targeted, threatened, harassed, arrested and murdered by Government elements* (…)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 36. "*In regime-held areas, however, SOHR activists say that Al-Assad's regime has been clamping down on and arresting Syrian as well as foreign journalists who criticize the regime, oppose its policy or go into issues of corruption. Regime forces and their proxy militias have killed 541 Syrian journalists and eight foreign journalists.* (…) *Moreover, nearly 552 journalists have been arrested and forcibly disappeared in regime prisons*"; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, https://bit.ly/3ll2VB7. "*Since antigovernment protests broke out in 2011, the authorities have detained large numbers of internet users, including well-known bloggers and citizen journalists. While it is difficult to obtain information on recent arrests, some 28 professional and citizen journalists and media assistants, including bloggers and online activists, were imprisoned as of 2020, according to Reporters Without Borders.* (…) *Once in custody, citizen journalists, bloggers, and other detainees frequently endure beatings and torture at the hands of government authorities. Home raids and the seizure of property by authorities continued throughout the coverage period, as did harassment and torture of online activists held in Syrian prisons*"; Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. "*News and information are closely monitored and covering corruption or the economic crisis exposes journalists, even those regarded as government supporters, to reprisals. Critics have continued to be detained arbitrarily in 2020*"; Reporters Sans Frontières (RSF), *RSF Briefs Human Rights Council about Violations of Journalists' Rights in Syria*, 4 September 2020, www.ecoi.net/en/document/2038109.html. See also, SNHR, *Syrian Regime Forces Arrested a Reporter in Aleppo City on January 9*, 17 January 2021, http://bit.ly/3si5Y0S; RSF, *Journalist Arrested in City Controlled by Syrian Government*, 4 June 2020, www.ecoi.net/en/document/2030924.html; SNHR, *The Death of a Media Activist Due to Torture in Syrian Regime Detention Center, April 13*, 14 April 2020, https://bit.ly/3dpxth0; Syria Direct, *Assad Regime, HTS, and ISIS Attempt to Silence Female Journalists in Idlib*, 30 March 2020, https://bit.ly/38k1nlW. Journalists working for pro-government media have reportedly also been arrested on account of their work if it was seen to be critical of the government. This included criticizing the deteriorating living conditions in government-held areas; SNHR, *Media Worker Halah al Jarf, Arrested by the Syrian Regime about 20 Days Ago for Expressing Her Opinion, Is still Being Detained*, 13 February 2021, http://bit.ly/3qN5E9R; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 5; Zaman Al Wasl, *Arrests in Latakia Signal Discontent among pro-Assad Communities*, 4 February 2021, http://bit.ly/3q8xE6Z; SOHR, *Syrian Regime Continues to Arrest Loyal Media and Activists, amid Calls for the Return of Refugees*, 2 February 2021, http://bit.ly/2NOfry1; SOHR, *Pro-Regime Media Activists Criticize Corruption of Syrian Regime*, 22 January 2021, http://bit.ly/3dB3dn2.

466 "(…) *former NGO/CBO* [Community-Based Organization] *staff members in the south face far more accentuated risks by virtue of their former affiliation and participation in now outlawed organizations; this is especially true for upper management as opposed to lower level employees*"; COAR, *What Remains?: A Postmortem Analysis of the Cross-Border Response in Dar'a*, 27 February 2020, https://bit.ly/31UqpXe. "(…) *the Commission received accounts of enforced disappearances throughout Dar'a Governorate, with the majority of victims being humanitarian workers deemed to have 'betrayed the country' for documenting attacks by the Government*"; UN Human Rights Council, *Report of the Independent International Commission" of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 69. On the targeting of rescue workers, including members of the White Helmets (Syria Civil Defense), by government forces, see e.g., SOHR, *Two Ex-Members of "Civil Defence" among Ten Persons Arrested in Eastern Ghouta*, 8 May 2020, https://bit.ly/37Q5CFr; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 11. Relief workers were also among those regularly considered by the government as "irreconcilable"; see Section III.A.1.d.

467 According to SNHR, the government pursues a policy of "*methodical harassment and persecution of medical sector workers and volunteers.*" Since 2011, SNHR recorded the arbitrary arrest and enforced disappearance of over 3,320 medical personnel, including 282 women. It further documented the death of 84 medical personnel who died under torture; SNHR, *857 Medical*

The government's security agencies[470] are reported to employ informers to identify perceived government opponents.[471] People in government-held areas are reportedly also targeted for arrest on the basis of false accusations of opposition activities submitted to the security forces by individuals who seek to settle personal scores or prove their loyalty to the government.[472]

*Personnel Killed and 3,353 Others Arrested and Disappeared since March 2011, nearly 85% by the Syrian Regime*, 17 September 2020, https://bit.ly/3mATZt6, pp. 2, 7, 13. "*Medical personnel are often arrested and sentenced to years in prison for carrying out their professional and ethical duties – equipping hospitals, treating patients, and conducting first-aid training in besieged areas. Arrested medical personnel have been tried in military field courts, secret courts that do not announce a ruling or allow defendants to have an attorney.*" According to PHR, at least 167 health professionals have been executed or tortured to death by government forces since 2011; PHR, *Physicians for Human Rights' Findings of Attacks on Health Care in Syria*, as at February 2020, https://bit.ly/32sI2NT. See also, SOHR, *Security Services Arrest Doctor and Several Young People in Eastern Ghouta*, 16 December 2020, http://bit.ly/2WndGc5; SOHR, *Doctor from Al-Qusayr Dies Due to Deliberate Medical Neglect in Adra Prison*, 6 December 2020, https://bit.ly/3ovDCyk; SNHR, *At least 146 Cases of Arbitrary Arrests/ Detention Documented in Syria in August 2020, including Four Children*, 2 September 2020, https://bit.ly/3jLSpT3, pp. 5, 9; SOHR, *Skirmishes Erupt Between Ex-Fighters and the 4th Division, while Regime Intelligence Arrests Ten Persons*, 26 June 2020, https://bit.ly/2YEW7pJ; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, https://bit.ly/3afJ3JU, p. 3; Carter Center, *Weekly Conflict Summary: 9-15 March 2020*, 15 March 2020, https://bit.ly/2XM1tyV, p. 3; Syria Call, *The Assad Militias Arrest Former Medical Activists in "Zamalka," East of Damascus*, 23 February 2020, https://bit.ly/2HWEig0. On the reported arrest of doctors expressing concern over the government's handling of the COVID-19 pandemic, see PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 21. See also, Alsouria.Net (pro-opposition website), *Assad Forces Arrest Daraa Medical Workers for Diagnosing Coronavirus Cases*, 18 December 2020, http://bit.ly/3ncXVza.

468 "*Under laws that criminalize membership and activity in illegal organizations as determined by the regime, security forces detained hundreds of persons linked to local human rights groups and prodemocracy student groups.* (…) *There were numerous reports the regime harassed domestic human rights activists by subjecting them to regular surveillance and travel bans, property seizure, detention, torture, forcible disappearance, and extrajudicial killings*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, Frontline Defenders, *#Syria*, accessed 28 February 2021, https://bit.ly/3oDTajh; Cairo Institute for Human Rights Studies *et al.*, *Syria: Fears of a COVID-19 Pandemic in Detention Centers*, 26 March 2020, https://bit.ly/35MW8tH; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html.

469 "(…) *among those arrested during this period have been lawyers and teachers who were detained by Syrian Regime forces in raids on their homes and workplaces*"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, https://bit.ly/2HTosD1, p. 5. "*Academic freedom is heavily restricted. University professors in government-held areas have been dismissed or imprisoned for expressing dissent, and some have been killed for supporting regime opponents*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Over the years, teachers have been also abducted, detained and dismissed from their positions in Dar'a and Suwaydah governorates for perceived affiliation with armed groups. As Government forces re-took areas previously under the control of armed groups in 2018, numerous teachers fled fearing reprisals*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 45. See also, US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

470 "*The estimated number of members in the Syrian security apparatuses is around 100,000 agents and officers.* (…) *Syria is one of the countries that has highest share of secret police per capita, precisely, 1 secret police officer for every 129 citizens.*" And further: "*After 2011, regime security forces relied increasingly on internal and external informant networks by recruiting informants in all areas and across social classes. This allowed them to monitoring returnees in areas over which the regime regained control*"; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, pp. 34, 92.

471 US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*Endowed with extensive extralegal power, the dreaded mukhabarat surveil* [sic]*, and suppress, possible threats from external enemies, the domestic opposition, the army, the bureaucracy, and each other.* (…) *They control large parts of society via networks of informers and the dispensing of semi-illicit privileges*"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, https://bit.ly/2SC7omR, pp. 12-13.

472 "*Others were detained by security forces because they are relatives of wanted people who fled the country, or after being reported by informers on false accusations*"; Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. "*Regime informers are another source of uncertainty. Writing a taqrir (a 'report', meaning reporting people to the security agencies) has been a feature of life in Baathist Syria for decades, and it persists among refugees in Lebanon. Many do it for personal gain or to settle scores.* (…) *Others write reports to avoid being targeted themselves. Even regime officials admit that detentions occur as a result of unfounded denunciations*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 16. "*The use of 'security reports' allegedly submitted by civilians as the basis of detention by the security apparatus was a concerning trend. People in eastern Ghutah, as well as other areas under Government control, reported living in constant fear of arrest due to denouncements through reports by other members of the community. Interviewees reported that denouncements were often used to settle unsubstantiated and unrelated interpersonal grievances*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 70.

Persons of this profile are routinely subjected to arbitrary arrest[473] and enforced disappearance,[474] detention in life-threatening conditions,[475] systematic and widespread torture and other forms of ill-treatment,[476] including sexual violence,[477] prosecution under the overly broad 2012 counterterrorism

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473 "*Most of those languishing in Syria's prisons are not armed rebels and violent criminals. They are political prisoners. They include peaceful demonstrators, political opponents, human rights activists, doctors who have treated demonstrators, objectors who sought to avoid compulsory military service, returning displaced persons deemed disloyal by the very act of having fled the conflict, and family members – including women and children – of wanted individuals*"; Center on International Cooperation / New York University, *Do or Die: COVID-19 and Imprisonment in Syria*, June 2020, https://bit.ly/2IuTu4J, p. 1. (…) *laws in Syria mean that huge numbers of detainees are nonviolent and have been detained merely because they were seen as being opposed to the Syrian government (or being married or otherwise related to someone who is) – or for protesting, assembling, or providing care to others. In Syria, even the most mundane and ordinary activities can lead to arrest under ambiguous and broadly interpreted laws that criminalize any conduct of an inherently political nature*"; ICTJ, *As Pandemic Looms, Action Is Needed to Protect Syria's Vulnerable Prison Population*, 22 April 2020, https://bit.ly/3fDJx0r. See also, HRW, *Syria's Detainees Left Even More Vulnerable to Coronavirus*, 16 March 2020, https://bit.ly/3bnbgyY. Arbitrary arrests are reported to most commonly occur at fixed and mobile government checkpoints, during raids and house searches, at border crossings, as well as in government offices (e.g. passport office, civil registry office) and public hospitals: "*While security personnel at checkpoints frequently run residents' names through their databases of wanted individuals, these checks are carried out elsewhere as well. Any time residents go to a government office or even a hospital, for instance, their name is referenced against wanted lists, leading many to refuse to visit such institutions altogether*." Furthermore, "[D]*octors cannot provide any form of treatment to patients without first informing regime intelligence forces, who may decide to investigate. As such, many of those with long-standing injuries sustained in the 2018 regime operation to retake the region* [East Ghouta] *or those wanted by intelligence forces often go without essential treatment*"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 13. On reported arrests from government offices, see for example, SNHR, *At least 157 Cases of Arbitrary Arrests/ Detention Documented in Syria in July 2020, Including 13 Children and Two Women*, 3 August 2020, https://bit.ly/2YdDlj8, p. 16; SNHR, *125 Civilians Documented Killed in Syria in May 2020, Including Eight who Died Due to Torture, and One Massacre*, 1 June 2020, https://bit.ly/2Veb2W1, p. 12; SNHR, *The Death of a College Student Due to Torture in Syrian Regime Detention Center, Febr 19*, 20 February 2020, https://bit.ly/2NwMWBf. See also Section II.B.1.a.

474 "*Syrian regime forces have used enforced disappearance in a widespread manner against all groups of society, particularly against activists involved in the popular uprising, media workers, human rights activists, and political dissidents, as well as against individual and multiple members of these individuals' families* (…). *Enforced disappearance is employed as a tool to terrorize the people, crush and silence dissent, dispose of dissidents, and take revenge against them for their participation in the popular uprising, their support for freedom and human rights, their influence in society, and their opposition to the authorities*"; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 13. See also Section II.E.1.

475 "*Prison conditions for political or national security prisoners, especially accused opposition members, reportedly continued to be much worse than those for common criminals. According to local NGOs, authorities deliberately placed political prisoners in crowded cells with convicted and alleged felons and subjected them to verbal and physical threats and abuse. Political prisoners also reported they often slept on the ground due to lack of beds and faced frequent searches. According to reports from families, particularly the Families for Freedom collective, authorities refused many political prisoners' access to family and counsel*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also Section II.E.1.

476 "(…) *torture in the regime's detention centers is practiced as a tool of vengeance against detainees opposing the Syrian regime* (…). *In many cases, these torture acts have assumed a sectarian and regional character*"; SNHR, *SNHR Submits a Report to the UN Human Rights Committee on the Most Notable Violations Committed by the Syrian Regime During the Past Four Years*, 27 August 2020, https://bit.ly/3b9fKe6, p. 5. "*Torture is used as a tool to intimidate, impose power, crush opponents and to terrorize and destroy society and force citizens into submission, silence and surrender* (…)"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 9. "*Human rights activists, the COI* [IICISyria]*, and local NGOs, however, reported thousands of credible cases of regime authorities engaging in frequent torture, abuse, and inhuman treatment* ***to punish perceived opponents****, including during interrogations*; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also Section II.E.1.

477 "*Government forces and associated militias perpetrated rape and sexual abuse against women and girls, and occasionally men, during ground operations aimed at arresting opposition activists and house raids to arrest protestors and perceived opposition supporters and at checkpoints. In detention, women and girls were subjected to invasive and humiliating searches and raped, sometimes gang raped, whereas male detainees were most commonly raped with objects and frequently subjected to genital mutilation and sexualized torture*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 50. According to SNHR, sexual violence has been used by government forces "*as an effective tool in order to extract confessions in connection with crimes not committed by the female detainee, or to obtain information or as a form of punishment, as well as to spread fear and humiliation among both female and male detainees.* (…) *By inflicting sexual violence in a planned, systematic and widespread manner, the Syrian regime aims to force the population to flee their areas, and to break the people's will in order to force them to abandon their demands for freedom and democracy, and force them into submission; in a society that is generally conservative, such as Syria's, this is a particularly cruel form of revenge, with the aim of destroying the social fabric*"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, pp. 14-15. "*Sexual and gender-based crimes in Syrian detention facilities – including also castration or forced nudity – were and are a part of the widespread and systematic attack on the civilian population.* (…) *The aim is to weaken the political opposition and those directly affected, but also their families and Syrian society as a whole*"; ECCHR, *Survivors: Sexual Violence by Syrian Intelligence Services Are Crimes Against Humanity*, 20 June 2020, https://bit.ly/3hkrkVE. See also Section II.E.1.

law and without due regard for defendants' right to a fair trial in counter-terrorism and military field courts,[478] as well as summary and extra-judicial execution.[479] The IICISyria has since 2011 documented

> "(…) *how the Syrian Government perpetrated the crimes of extermination, murder, rape or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions of dissidents, as well as those perceived to be sympathetic to armed groups.*"[480]

The freeze of assets and confiscation of property of those perceived to be opposing the government,[481] and in some cases their families and acquaintances,[482] have also been reported.[483] The IICISyria said

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478 "(…) *the vast majority of detainees involved in the popular uprising for democracy in Syria, including political and human rights activists, media workers, and relief activists, and similar prisoners of conscience, have been accused by the security branches of several charges based on testimonies taken from detainees by the regime under coercion, intimidation and torture. The most prominent of these charges are: provoking sectarian strife, threatening the system of governance, weakening national sentiment, collusion with external agents and the enemy, supporting and financing terrorism, and weakening the nation's morale, all of which are broad and wide-ranging charges* (…)"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, pp. 14-15. "*The government has used the* [2012 Counter-Terrorism] *law to target anyone perceived to stand in opposition to it, such as peaceful demonstrators, political opponents, and human rights activists. Many have been detained on the merest suspicion of disloyalty. Activities such as demonstrating and filming protests were characterized as providing 'verbal support' to terrorist groups, while providing medical and humanitarian relief was considered as providing them with "material support*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 11. "*Sentences for persons accused of antigovernment activity tended to be harsh, if they reached trial, with violent and nonviolent offenders receiving similar punishments.* (…) *NGOs continued to report the regime used the counterterrorism law to arrest and convict nonviolent activists on charges of aiding terrorists in trials that violated basic due process rights. Although authorities reportedly brought charges under the guise of countering violent militancy, allegations included peaceful acts such as distributing humanitarian aid, participating in protests, and documenting human rights abuses*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, The Tahrir Institute for Middle East Policy (TIMEP), *TIMEP Brief: Law No.19 of 2012: Counter-Terrorism Law,* 1 July 2019, https://bit.ly/2n9Nzre.

479 See Section II.E.1.

480 IICISyria, *Detention in the Syrian Arab Republic*, 8 March 2018, https://bit.ly/2QjeqK0, para. 12.

481 These actions are reported to be based on the 2012 Counter-Terrorism Law (Law No. 19 of 2012) and Legislative Decree No. 63 of 2012, which empowered the Finance Ministry to seize or freeze the assets and property of people who fall under the Counterterrorism Law of 2012; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 80. "*The* [Counter-Terrorism] *court is politically biased and directed at retribution towards opponents of the regime, generalising them as 'terrorists,' which allows it to confiscate their properties.* (…) *Article 12 of Anti-Terrorism Law No. 19 of 2012 explicitly states that in all crimes stipulated in the law, the court shall rule to confiscate movable and immovable property. In this way, the law generalised these crimes – the penalty issued against those convicted in alleged terrorism cases would be the confiscation of their properties. And before the verdict is issued, court authorities freeze the accused party's assets. Consequently, if an acquittal ruling is issued, then the freeze is meant to be cancelled.* (…) *After Law No. 19 was released, confiscations expanded to an unprecedented scope, prompting the Ministry of Finance to create a Directorate for Confiscated Assets.*" For more information on the process of confiscation of property under Law No. 19 of 2012, see Syria Report, *Explained: What Happens to Assets Confiscated from Syrians Convicted of "Terrorism"?*, 25 November 2020, http://bit.ly/37Vm2Oc.

482 See Section III.A.1.b.

483 "*The Counterterrorism Court has issued orders to seize the property of medical workers, journalists, and members of the Syrian Civil Defense*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 11. "(…) *the Assad regime has built up an intricate legal framework that allows it to expropriate anyone it considers a threat or an inconvenience: those accused of 'terrorism,' a catchall term used for any political opposition or civic action; political detainees and their family members; and the internally displaced and refugees.* (…) *Anyone charged before the notorious anti-terror court or military or field courts, even if tried in absentia or not convicted, is liable to have their properties confiscated by the state as well as being stripped of their civil rights. The security apparatus also places a security 'mark' against the names of these individuals, signalling that they may not exercise their civil rights and preventing them from carrying out any property transactions in future without security approval, and allowing the authorities to expropriate them. The security mark is also applied to those who were arrested and interrogated by security branches, even if not charged with any crime*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, pp. 2, 5-6. "*The Ministry of Finance has seized the properties of hundreds of activists who participated in or supported the political uprising under the pretext of their having 'supported terrorism', transferring ownership of these properties to the government, with many of these properties then seized by individuals and militias within the Syrian regime, especially within the security services*"; SNHR, *Widespread Looting by Syrian and Iranian Regime Forces in and Around Idlib Threatens the Return of the Displaced People and Sows Religious Hatred*, 31 March 2020, https://bit.ly/2K6BlYb, p. 8. "*Property confiscations in Syria have also specifically targeted political activists, journalists, and intellectuals (partly using broadly formulated counter-terrorism legislation)*"; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, https://bit.ly/3a7FTb5, p. 23. See also, US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020,

that some 70,000 Syrians had received asset freeze decisions by the Ministry of Finance between 2016 and 2018, while the practice is reported to continue.[484]

The issuance of time-limited partial amnesty laws since 2011[485] is reported to have had a limited impact on the release of real and perceived government opponents, many of whom are held under the Counter-Terrorism Law.[486]

### b) Treatment of Family Members

An individual's real or perceived opposition to the government is frequently attributed also to those around him/her, including family members. Family members are at risk of threats, harassment, arbitrary arrest, torture and enforced disappearance for the purpose of retaliation and/or in order to force real or perceived government critics to surrender.[487] In the case of government critics living in opposition-held

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www.ecoi.net/en/document/2026345.html. For example: "*The Farmers' Office of Hama's Baath Party branch decided in June* [2020] *to confiscate thousands of hectares of pistachio fields in rural Hama and Idlib, referring to owners of the properties as 'terrorists.' The office publicly released lists of the names of those whose lands were being confiscated, most of whom were farmers who had been forcibly displaced to Idlib. The lists were posted on the Hama Baath Party's notice board. It is not yet clear on what basis officials were describing former owners of the confiscated fields as 'terrorists,' though usage of the term allows judiciary police to carry out precautionary seizures of properties in accordance with Legislative Decree No. 63 for 2012*"; Syria Report, *Northern Hama's Pistachio Farmers Restricted from Their Lands During Latest Harvest*, 26 August 2020, http://bit.ly/3uGCZWo. According to SNHR, following the confiscation of farmlands, public auction announcements were made, covering agricultural lands in hundreds of retaken villages and towns (over 130 in Hama Governorate and 88 in Idlib Governorate); SNHR, *Public Auctions of Forcibly Displaced People's Lands Are Another Syrian Regime Method to Seize Its Opponents' Property in a Widespread and Deliberate Manner*, 14 February 2021, https://bit.ly/3q0eEr2, p. 11. See also, SACD, *Hama Confiscations of Property Confirm Syrian Regime's Intent to Cement Displacement*, 16 November 2020, http://bit.ly/2IOnIQm.

484 "(…) *the Commission notes that previously in the conflict, as well as during the past two years, thousands of properties belonging to private persons have been seized and their assets frozen, including under the State's counter-terrorism legislation*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 32. See also, SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, https://bit.ly/3fKU5tX; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 80.

485 See above Section II.E.1.

486 "(…) *these decrees have mostly not applied to prisoners of conscience, political detainees, aid workers or public figures, including humanitarian workers*;" SNHR, *Civil Society Organizations Deal Anxiously the Lebanese Government's Policy Towards Syrian Refugees and So-Called Safe Return*, 23 July 2020, https://bit.ly/2P2QUIT. "*The amnesty* [of March 2020] *is likely to exclude detainees held under 'anti-terror' laws. Moreover, there is little precedent for the release of detainees on a large scale, despite the existence of numerous legal pathways to do so*"; COAR, *Beyond the Health Sector: COVID-19's Impact on Syria's Economy and Detainees*, 30 March 2020, https://bit.ly/34ISoZW. According to an analysis by the SNHR, "(…) *the Syrian regime* [is] *restricting* [the amnesty laws'] *their application to individuals and groups that it wishes to pardon, who are predominantly criminal offenders, and perpetrators of misdemeanors and offenses, while* ***not including any dissidents, political prisoners and activists in the popular uprising or those arrested in connection with it***." (emphasis added). SNHR also noted that the security branches, which are holding the majority of detainees, do not implement the amnesty decrees; SNHR, *It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues*, 24 March 2020, https://bit.ly/2z6lAy8, pp. 1, 2, 3. "*Despite the many decrees issued since 2011, only* ***a limited number of opinion and political detainees*** *had benefited from them.* (…) *The decrees make sure that the traditional list of charges issued by the terrorism court and other courts specialized in trying political and opinion detainees are not included*" (emphasis added); Syrian Center for Media and Freedom of Expression (SCM), *Assad Issues a New Pardon Decree, that Keeps Most Prisoners of Conscience and Political Detainees Absent in His Prisons*, March 2020, https://bit.ly/3aguKEY. See also, US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 71. See also footnote 478.

487 According to SNHR, "*at least 20,842 of the individuals arrested by the Syrian regime since March 2011, including 13 children and 27 women, are still detained or forcibly disappeared in regime detention centers over their kinship with participants in the popular uprising against the Syrian regime, as of December 21, 2020. These constitute approximately 15% of the total documented number of those detained or forcibly disappeared by Syrian Regime forces.*" Arrests of family members have been documented by SNHR in all governorates of Syria with the highest numbers reported in Aleppo, Homs and Damascus Governorates. SNHR found than half of these arrests targeted family members of civil activists, and 44% targeted family members of deserters from government forces; SNHR, *SNHR Condemns Syrian Regime's Arrest of Activist Abdul Rahman al Saleh's Relatives Solely for Expressing His Opinion on Al Jazeera's 'Opposite Direction' Programme*, 24 December 2020, https://bit.ly/3q07OT0, pp. 4, 6. Enforced disappearances have been used "(…) *particularly against activists involved in the popular uprising, media workers, human rights activists, and political dissidents,* ***as well as against individual and multiple members of these individuals'***

areas or abroad, family members and sometimes acquaintances are reported to be at risk of being subjected to such treatment as a form of retribution, or in order to force the wanted individuals to halt their activities, or return to Syria.[488] Furthermore, family members of political detainees are at risk of extortion and intimidation,[489] and, in some cases, the unlawful freeze of assets and confiscation of property as a form of "collective punishment".[490]

***families, such as parents, spouses, siblings or children*** (…)" (emphasis added); SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 13. "*Typically, female relatives of perceived male dissidents or suspected members of armed groups are targeted* [for arrest and detention]. *Women and girls related to defectors, protestors, and medical care and food providers to the opposition are also the subject of arrests.* (…) *These arrests take place at demonstrations, during home raids, checkpoints, administrative offices, and on the streets*"; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 31. "*Officials reportedly targeted and tortured children because of their familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups.* (…) *According to reliable witnesses, authorities continued to hold a number of children to compel parents and other relatives associated with opposition fighters to surrender to authorities*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 12; Lawyers & Doctors for Human Rights (LDHR), *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, https://bit.ly/36rFyP9, p. 5. For example, relatives of individuals involved in the political process are reported to have been arrested, threatened and interrogated on the sole basis of their family links to persons opposing or perceived to be opposing the government: "*The Government has also used the arrest and detention of family members to exert pressure during negotiations or to supress political participation. Relatives of members of the Constitution Committee were detained and interrogated. In the lead up to the convening of the forum at the end of October* [2019]*, security services implied that the treatment of relatives in the Syrian Arab Republic was contingent upon conduct during discussions*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 69.

488 SNHR noted that government forces would habitually arrest relatives of government opponents, including women, children and elderly persons, during raids on their homes. In some cases, individuals are reportedly arrested at checkpoints if their name or other personal details links them to a wanted person. According to SNHR, "*such arrests are not conducted to extract information but simply to retaliate and put additional pressure on the wanted individuals to force them to surrender.*" SNHR reported that vulnerable family members were singled out for arrest in order to "*inflict the greatest possible harm.*" According to SNHR, in most cases, the family members would not be released from detention even after the wanted individual's surrender and many remain forcibly disappeared. In some cases, SNHR documented the use of family members in prisoner exchanges; SNHR, *SNHR Condemns Syrian Regime's Arrest of Activist Abdul Rahman al Saleh's Relatives Solely for Expressing His Opinion on Al Jazeera's 'Opposite Direction' Programme*, 24 December 2020, https://bit.ly/3q07OT0, pp. 3-4, 6. "*While attempting to silence, sanction, or retaliate against dissidents living abroad, regime authorities often target relatives still living in the country. These threats can start with 'friendly talks over tea' and escalate into interrogations, imprisonment, and even torture or assassination. In Syria's context of high repression, just a short visit from regime agents will send a strong signal that authorities are taking note of what the activist is doing outside the country and that they are willing to use relatives as 'hostages.' A Syrian journalist in an exiled media organization reported that his brother and a colleague were arrested 'to get me back into the country.' Two years later, the families were informed that both had died in prison.* (…) *Respondents from Egypt, Syria, and Iran all feared for their relatives back home*"; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, https://bit.ly/3a7FTb5, pp. 21, 22. See also, Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. On the use of women in prisoner exchanges, see also Section III.A.9.

489 Relatives are regularly forced to pay large sums of money to intermediaries and state officials for information on the whereabouts of disappeared persons, or to secure their release. *"The lack of official acknowledgment of detentions in combination with incommunicado detention creates an environment where torture and other forms of ill-treatment can occur unchecked.* (…) *Such secrecy facilitates abuse against not only the detained but also their family members, who are forced to seek meetings with prison authorities behind closed doors and without any outside independent or judicial oversight when seeking answers about their relatives. In such situations, family members, too, may be subjected to harassment, threats, acts of violence (including sexual violence), and threats of detention. The desperation to find their loved ones has also made families vulnerable to financial crimes, such as blackmail and extortion*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 18. See also, AGPS, *Family Appeals for Information over Palestinian Refugee in Syria*, 23 February 2021, http://bit.ly/37UMsj8; SOHR, *After Paying Large Sums of Money: Nearly 70 Detainees from Daraa Released by Regime Authorities*, 9 February 2021, https://bit.ly/2NQcInt; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, https://bit.ly/3e60jH4, p. 4; STJ, *"My Mother still Hopes He's Alive": Dozens of Syrian Families Told Their Detained Loved Ones Are Dead*, 1 February 2021, https://bit.ly/3sTHcEH, p. 5.

490 HRW, *Syria: Suspects' Families Assets Seized*, 16 July 2019, https://bit.ly/2Y5MyAB. "*In some cases, decisions by the counter-terrorism court to seize property have been amended to include wives and children, including minor, of males convicted of terrorist acts. It remains unclear whether family members are also being convicted of terrorist offences or simply barred from exercising any claim on the .properties seized. In other cases, friends of the individual convicted were also included on amended decisions*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 81. See also Section III.A.1.a.

### c) Particular Concerns for Persons Opposing, or Perceived to Be Opposing, the Government in Areas Outside of Government Control

In the opposition-held enclave of Idlib, civilians continue to be subjected to a variety of broad punitive measures such as artillery shelling, aerial bombardment and ground offensives,[491] as well as the deliberate deprivation of humanitarian assistance[492] on account of their perceived opposition to the government and/or their support to anti-government armed groups.[493] The systematic bombardment and attacks on civilians and civilian targets such as hospitals, schools and markets in areas held by anti-government armed groups have been described by the UN and other observers as "scorched earth" tactics[494] and "collective punishment" of civilians in these areas,[495] aimed at forcing civilians into displacement,[496] eroding the armed opposition's popular base and, eventually, forcing the armed opposition to surrender.[497] According to the Syrian Network for Human Rights (SNHR), the deliberate and widespread destruction of opposition-held areas and the displacement of civilians "*is a goal in itself* (…) *in order to inflict the most severe types of punishment possible on anyone who seeks political*

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491 See Section II.B.3.

492 "*Residents of contested regions or territory held by nonstate actors are subject to additional abuses* [by the government]*, including intense and indiscriminate combat, sieges and* ***interruptions of humanitarian aid****, and mass displacement*" (emphasis added); Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. See also, HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html.

493 "*The regime perceives residents of Idlib in general, and those who flee its forces in particular, as disloyal*"; PRI, *Analysis: The Walls Are Closing in on Idlib. We Cannot Ignore the Humanitarian Crisis*, 20 February 2020, https://bit.ly/2JYrELe. "*Those trapped within Idlib have few places to go, as the border to Turkey is closed. With nowhere to flee, the population is at grave risk of mass killings by pro-Assad forces* ***who perceive them as sympathetic to the rebels***" (emphasis added); United States Holocaust Memorial Museum, *Syria*, last updated July 2019, https://bit.ly/2yPLLZE.

494 VOA, *Medical Workers Increasingly at Risk in Syria's Idlib*, 21 September 2019, https://bit.ly/2pl33t5; DW, *Interview with Middle East Expert Andre Bank: Syria: "Iran is not Fighting in Idlib"*, 7 August 2019, https://bit.ly/33PC2wE; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 30 July 2019, https://bit.ly/2MsABim, p. 3.

495 "*They* [direct attacks against civilians and civilian objects] *are also part of a well-established pattern of Syrian government forces targeting civilians, medical facilities, schools, homes and other civilian infrastructure in areas controlled by opposition forces. These prohibited acts have been systematically carried out by the government in Idlib, Aleppo and other governorates in Syria, including Damascus Countryside, Daraa and Homs, in furtherance of the state's policy to punish civilians in opposition-held areas*"; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 13. See also, PHR, *Destroying Hospitals to Win the War*, 21 May 2019, https://bit.ly/3a7d0Mq; Global Public Policy Institute (GPPi), *Nowhere to Hide: The Logic of Chemical Weapons Use in Syria*, February 2019, www.ecoi.net/en/document/1458718.html, p. 3.

496 For example, "[T]*he widespread and indiscriminate bombardment carried out by pro-government forces on Ma'arrat al-Nu'man and Ariha (Idlib governorate) as well as Atarib and Darat Azza (western Aleppo) beginning in the second half of December and mid-February* [2020]*, foreseeably led to mass displacement, as civilians had no choice but to flee, and may amount to the crimes against humanity of forcible transfer, murder and other inhumane acts*"; UN Human Rights Council, *Rampant Human Rights Violations and War Crimes as War-Torn Idlib Faces the Pandemic UN Syria Commission of Inquiry Report*, 7 July 2020, https://bit.ly/329lORv. See also, FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 20, 21.

497 "*Amnesty International's documentation indicates that the mass displacement was the direct outcome of unlawful practices* (…) *by Syrian and allied Russian government forces. Furthermore, these same forces failed to prevent displacement by carrying out indiscriminate attacks that terrorized the population*"; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, pp. 23-24. "*Syrian-Russian forces have indiscriminately bombed areas to force civilians to flee en masse* (…)"; HRW, *Syria: Government Forces Apparently Abuse Civilians*, 16 March 2020, www.ecoi.net/en/document/2026509.html. "*These attacks appeared intended to terrorize civilians in an apparent effort to depopulate parts of Idlib and accelerate its capture*"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, https://bit.ly/37U4alM. "*The humanitarian catastrophe* [in Idlb] *is the regime's strategy.* (…) *The regime has had a civilian-centric military strategy,* ***aimed at de-populating entire areas*** *through the overwhelming use of air power, barrel bombs, chemical weapons, essentially anything that kills and maims. Along with the Russians, Syrian forces have targeted health facilities, schools, water pumps, basically anything that made life viable for civilians, so that they would move away, leaving rebel fighters to defend essentially ruins* (…)*. In short, the humanitarian catastrophe is exactly what the Assad regime wants. It shifts the burden of dealing with the population that Assad sees as disloyal onto rebel groups, international organisations and neighbouring countries*" (emphasis added); International Institute for Strategic Studies (IISS), *The Battle for Idlib: Q&A with Emile Hokayem*, 5 March 2020, https://bit.ly/2Xx95FO. "*The regime has made regular use of sieges and aerial bombardment. These collective-punishment tactics serve dual purposes, analysts say: they raise the costs of resistance to civilians so that they will pressure rebels to acquiesce, and they prevent local committees from offering a viable alternative to the regime's governance*"; Council on Foreign Relations, *Syria's Civil War: The Descent into Horror*, 19 February 2020, http://on.cfr.org/3an5Xmj. "(…) *repeated attacks* [against civilian infrastructure in Idlib] *further rendered the area completely uninhabitable, eroding the military and fragile political control of Hay'at Tahrir al-Sham.*" And further: "*there are reasonable grounds to believe that pro-government forces intended to terrorize civilians, in an effort to depopulate the zone and accelerate its capture*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 30, 31.

*change.*"[498] The IICISyria concluded that during military offensives in Idlib in 2019 and 2020, government forces "*may have perpetrated the crimes against humanity of forcible transfer, murder and other inhumane acts.*"[499]

With the advance of government forces, civilians fled in large numbers for fear of government violence and arrest.[500] According to observers, government forces have arrested, tortured and killed civilians who either chose to stay behind in areas retaken in Idlib and surrounding areas, or returned following the retaking of these areas.[501]

#### d) Particular Concerns for Persons Opposing, or Perceived to Be Opposing, the Government in Retaken Areas

*"Reconciliation" Process*

After areas previously outside government control were retaken by the government, members of anti-government armed groups and certain categories of civilians were forced to either evacuate the area,[502] or undergo a "reconciliation" process as a condition to remain.[503] Although "reconciliation" agreements

498 SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, https://bit.ly/3fKU5tX, p. 15.

499 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 82.

500 "*Many said they fled because of repeated attacks in populated areas, or feared ill-treatment if Syrian forces were to retake the area*"; HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 5, see also p. 39. "*Many of the province's residents fear the return of Assad's authoritarian rule and its associated repression. Regime opponents have been arrested and even tortured to death in previously rebel-held areas which have signed 'reconciliation agreements' with the regime. Russia announced on Monday that it had opened three 'humanitarian corridors' to allow Idlib civilians to flee to regime-held areas but activists reported that no one had used them*"; The New Arab, *Russian Aircraft Violate Ceasefire in Syria's Idlib as Turkey Reinforces Observation Posts*, 15 January 2020, https://bit.ly/3clvWsm. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 66. On displacement in Idlib, see Section II.D.1.

501 "*Following the re-taking of specific areas, government ground forces* (…) *retaliated against civilians who chose not to leave the towns of Idlib and Aleppo governorates, shooting at them and despoiling the bodies of the dead. In February* [2020]*, disturbing video footage surfaced of government forces firing at older women in west Aleppo as civilians were packing their belongings to leave the area*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "(…) *following Government forces' re-taking of areas previously controlled by armed groups and terrorist organisations elsewhere in Syria, the Commission has documented their extensive use of arbitrary detention, torture and enforced disappearance, as well as unlawful property confiscation*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 89, see also para. 99. "*Civilians have also been fearful of returning to towns and villages that have been retaken or are at risk of being retaken by the government. There is a well-documented record of Syrian government forces arbitrarily arresting, torturing and forcibly disappearing civilians from opposition-held territories. During the latest escalation, too, there were credible reports of Syrian government forces unlawfully killing civilians and mutilating their bodies in towns they have retaken*"; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 6. "*We also documented arrests which took place in areas that the Syrian regime forces had recently taken control of in the suburbs of Aleppo and Idlib governorates, targeting civilians who had remained in their homes and refused to be displaced*"; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, https://bit.ly/3afJ3JU, p. 5. See also, SOHR, *Inhumane Retaliatory and Vengeful Practices of Regime Soldiers Expose Their "State of Mind" and Sick Behaviors*, 12 March 2020, https://bit.ly/2Bb4jF1.

502 "*Pursuant to such 'evacuation' or 'reconciliation' agreements between 2016 and 2018, nearly 100,000 individuals were forcibly displaced, essentially from Aleppo, eastern Ghouta, rural northern Homs and Yarmouk camp in Damascus to Idlib – which became perceived as their last place of refuge*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 7, see also paras 9-10. "*At least 200,000 people were forcibly transferred, with the real figure estimated to be even higher*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 4. The IICISyria repeatedly qualified these organized evacuations of fighters and civilians from formerly opposition-held areas as "*forced displacements*", a war crime under international humanitarian law. It further considered that the evacuation of civilians perceived to be sympathetic to the opposition as serving "a *Government strategy of punishing those individuals*"; IICISyria, *Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate*, 29 May 2018, https://bit.ly/2NJ1mg6, para. 12. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47.

503 "*Under the* [reconciliation] *agreements, opposition fighters and local residents were required to either evacuate to opposition-held Idlib, or accept government control and submit to a vetting process by state security agencies*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, pp. 9-10. "*Since 2016, the Syrian regime has been negotiating local surrender accords (which it terms 'reconciliation agreements') across the country. Those deals have allowed it to reestablish its authority over the majority of opposition-held areas and forcibly displace those who continue to resist Assad's rule to the last remaining rebel-held pocket in northwestern Syria*"; Carnegie MEC, *Reintegrating Syrian Militias: Mechanisms, Actors, and Shortfalls*, 12 December 2018, https://bit.ly/2WrkC7e.

varied from area to area,[504] they commonly provided for the return of government security and administration, the laying down of arms, an amnesty for those wanted by the government as well as a six-month grace period for conscription.[505] Under such agreements, fighters and others perceived to be opposing the government and who wanted to remain in the retaken area had to undergo a vetting process by the security agencies (in Arabic "*taswiyat al-wada*" or "settling one's status").[506] For those who opted to and were allowed to "reconcile",[507] the vetting process included a review of the individuals' previous opposition activities such as participation in anti-government protests, humanitarian activities, fighting with anti-government armed groups, or other activities considered by the government as "terrorism".[508] Moreover, the individuals had to pledge to abstain from any such activities in the future.[509]

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504 The content of "reconciliation" agreements, and in particular the extent to which former anti-government armed groups were able to retain a level of autonomy, reportedly depended, *inter alia*, on the actors involved, e.g. if they were concluded under the auspices of a third state, and the circumstances under which they were concluded (as a result of negotiation ahead of a military offensive or as a result of a military surrender). For provisions included in the reconciliation agreements for Busra Al-Sham (Dera'a Governorate), Eastern Ghouta and northern Homs, see ISW, *Russia's Dead-End Diplomacy*, November 2019, https://bit.ly/356TfCR, p. 23; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 28, 32.

505 See Section III.A.2.

506 "Taswiyat al-wada" has been described as "*the government's term for a quid pro quo process that involves being amnestied for political crimes (defined by the government as both armed violence and peaceful expressions of dissent), in return for registering with authorities and forswearing any involvement in the opposition*"; The New Humanitarian, *Trapped Between Rebels and Air Raids, Civilians in Eastern Ghouta Face Chaos*, 30 March 2018, www.refworld.org/docid/5b7400fda.html. According to reports, reconciliation agreements varied with regards to the profiles of persons who had to undergo the reconciliation process: "*Settlement comes after an extensive investigation by more than one security branch, including scrutinising any actions that the person in question took while living under opposition control. The settlement process is compulsory for all men, although it sometimes includes women as well*"; Syria Report, *Northern Daraa Countryside: Destruction Hinders Return*, 6 January 2021, http://bit.ly/37UFxGS. "*Individuals who had previously demonstrated their disloyalty to Syrian authorities in ways such as attending demonstrations, evading military service, defecting, or joining a rebel group were given an opportunity to 'reconcile their status'* "; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, https://bit.ly/3lnM2qu, p. 13. "*Some sources reported that all individuals, males and females, between the age of 18 and 55 should fill the required forms, while others stated that the applications are limited to those who were affiliated with anti-regime groups or their international supporters, such as civil society, armed groups, media or the political opposition*"; Chatham House, *The Details of 'Reconciliation Deals' Expose how They Are Anything But*, August 2018, https://bit.ly/2MS5fRU. In northern Homs, army officers and state employees who had been displaced to government-held areas were not required to undergo "reconciliation"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 35.

507 Under some of the reconciliation agreements, certain profiles of persons were not allowed to remain as they were deemed "*irreconcilable*": "*Often, no reconciliation possibility was offered to health-care personnel or activists*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47. "*One method for restoring government control in opposition areas forced 'irreconcilable' elements of the population to flee to northwest Syria (a fate that was often met by more civil society actors than hard-boiled fighters)*"; COAR, *Syria Update: 26 October 2020*, 26 October 2020, https://bit.ly/3p916u3. For example: "*In Northern Homs, the government gave local negotiators a list of around 1,000 people it deemed to be 'irreconcilable', effectively suggesting that they had a choice between forced displacement and prison without the opportunity to reconcile their affairs with the state*"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 12. See also, UN Human Rights Council, *The Siege and Recapture of Eastern Ghouta*, 20 June 2018, A/HRC/38/CRP.3, www.ecoi.net/en/document/1438560.html, para. 70.

508 The vetting process has variably been described as involving an interrogation, or, in other cases, the filling in of so-called reconciliation forms with detailed questions. "*The formal process known as 'resolving status' typically involves interrogation about previous opposition activities (such as participating in protests, relief work in rebel-held areas or fighting with rebels), many of which fall under the regime's expansive definition of "terrorism", and a pledge to abstain from these in the future. Thereafter, the individual receives a clearance paper and the security agencies supposedly remove him/her from their lists of wanted persons*"; ICG, *Lessons from the Syrian State's Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2. "*The individuals required to undergo the surrender process are instructed to go to the designated offices to fill and sign a number of documents, which usually takes between 10 and 45 minutes.* (…) *The collected surrender forms are sent to the security branch in charge of the area to crosscheck the data against the files they have on the respective individuals.* (…) *The second layer of verification is usually carried out by the respective branch through networks of local informants based in former rebel areas.* (…) *A third layer might be done through crosschecking information with other branches, but that rarely happens in practice due to the rivalry and completion between the different security agencies*"; Chatham House, *The Details of 'Reconciliation Deals' Expose how They Are Anything But*, August 2018, https://bit.ly/2MS5fRU. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 21-22.

509 SJAC assessed that "reconciliation" agreements "*fail to meet minimum standards of fairness expected in an amnesty. The documents do not explicitly state the crimes and circumstances for which a signatory will not be prosecuted, nor do they provide*

The IICISyria described the "reconciliation" conditions as infringing on individuals' "*key human rights, including the right to peaceful assembly*."[510] Furthermore, the individuals concerned were obliged to reveal information on family members and activists who were forcibly displaced to other parts of the country.[511] According to reports, not all reconciliation applications are accepted, putting those affected at risk of arbitrary arrest.[512] Those who settled their status are reported to obtain a "settlement card", which should protect them from arrest and allow them to pass checkpoints.[513] However, having "settled one's status" does not guarantee that the individual is safe from arbitrary arrest,[514] and arrests are

*provisions that would be binding on the government. Instead, participants are forced to sign away their basic rights, including freedom of speech and right to peaceful assembly*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. "(…) *all civilians were required to sign an oath of loyalty* (…)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68. See also, ISW, *Russia's Dead-End Diplomacy*, November 2019, https://bit.ly/356TfCR, p. 23; HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, https://bit.ly/3lnM2qu, p. 13; ICG, *Lessons from the Syrian State's Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2.

510 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68.

511 *Ibid*; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 22; Chatham House, *The Details of 'Reconciliation Deals' Expose how They Are Anything But*, August 2018, https://bit.ly/2MS5fRU.

512 Chatham House, *The Details of 'Reconciliation Deals' Expose how They Are Anything But*, August 2018, https://bit.ly/2MS5fRU. "*IDPs returning to newly government-controlled areas from areas under opposition control, such as those returning from Idlib to Hama, or from Idlib to Eastern Ghouta, are particularly vulnerable to arrest. Those returning without undergoing the formal government reconciliation process are especially vulnerable to arrest*"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 23. See also, SOHR, *After Recruiting Hundreds and Arresting more than 700 of the Returnees to Its Controlled Areas, Regime's Intelligence Arrests a Family from Ghouta and Prevents Its Students from Reaching Their Universities*, 19 November 2019, https://bit.ly/35Ow406; SOHR, *The Regime's Intelligence Arrests Citizen Women and a Child Coming Back from the Syrian North Months after They Have Been Displaces from the Area According to Deals Reached with the Factions Operating in It and the Dignitaries*, 21 October 2018, https://bit.ly/322CW7Z.

513 "*The form was to indicate that one's name had been removed from an official state list of wanted people and allow the bearer to move through checkpoints without being harassed or arrested*"; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, https://bit.ly/3lnM2qu, p. 13. A template of the document is available here: https://bit.ly/3euAyO5.

514 In January 2021, SNHR recorded the "*arrest of individuals who had concluded settlements of their security status with the regime* (…)*; these arrests have been concentrated in Damascus Suburbs governorate, with most occurring during campaigns of mass raids and arrests and at checkpoints*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 5 (and earlier reports). "*In Southern Syria, particularly in Quneitra and Daraa provinces, the Russia-guaranteed settlement/reconciliation agreement signed with the Syrian government in August 2018 did not deter the Syrian security services from detaining the provinces' residents, many of whom subsequently died. At least 34 detainees were declared dead between January and October 2020. Of these, 19 were former armed opposition groups fighters who signed a settlement agreement. Other 15 were civilians, and mostly signatories to the agreement* (…)"; STJ, *"My Mother still Hopes He's Alive": Dozens of Syrian Families Told Their Detained Loved Ones Are Dead*, 1 February 2021, https://bit.ly/3sTHcEH, p. 16. "*Since the beginning of 2020, we have documented an increasing rate of hunt-and-arrest operations carried by out by the Syrian Regime forces against individuals who had settled their security situation in areas that have signed settlement and 'reconciliation' agreements with the regime after it retook these areas; these arrests have been concentrated in the governorates of Aleppo, Damascus Suburbs and Daraa, with some targeting former workers in humanitarian organization, medical personnel and relief workers*"; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, p. 11. "*In areas recently retaken from the anti-government groups, Syrian security forces have arrested hundreds of activists, former opposition leaders, and their family members, although they had all signed reconciliation agreements with the authorities guaranteeing that they would not be arrested*"; HRW, *Germany: Syria Torture Trial Opens*, 23 April 2020, https://bit.ly/2NrBtTQ. "*Detention has been particularly widespread in 'reconciled' territories, where long-term residents and recent returnees have been arrested regardless of their compliance with reconciliation processes*"; SJAC, *The State of Justice Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 8. See also below "*Treatment of Persons Opposing, or Perceived to Be Opposing the Government*".

reported to have taken place despite individuals holding a "settlement card",[515] or because the authorities later revoked their settlement status.[516]

Persons seeking to return from areas outside of government control to retaken areas are reported having to undergo a similar vetting process as those who had remained in their areas and may be at risk of a wide range of human rights violations, including, but not limited to, arbitrary arrest and forced conscription.[517]

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515 "*Young men may be apprehended at a checkpoint because their 'reconciliation card' may not be accepted, they are wanted by the government for opposition involvement, or they have not completed the compulsory military service*"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 6. "(…) *amnesty is not a guaranteed* [sic] *to those who present themselves for the reconciliation process. The government has arbitrarily detained and disappeared thousands of former fighters and opposition activists in reconciled areas. In Daraa, a local documentation center estimates that around 650-1000 people were arrested by progovernment forces in the 12 months following the July 2018 reconciliation agreement. Some of those arrested had obtained clearance papers through the reconciliation process prior to their arrest*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. See also, SOHR, *Regime Security Services Arrest Civilian Holds Settled-Status Card in Daraa Countryside*, 28 October 2020, https://bit.ly/3oCmsyO; SOHR, *"Military Intelligence" Arrests Civilian in Daraa City for Unknown Reasons*, 5 July 2020, https://bit.ly/3703kVB; Syria Direct, *Daraa Residents Face Arrest, Disappearance at Local Government Offices*, 27 September 2019, https://bit.ly/3hQSnJk.

516 According to SOHR, "reconciliation agreements" have also been revoked by the authorities. For example, in October 2019, some 3,000 men from Eastern Ghouta, who had entered a "reconciliation agreement" with the authorities following the retaking of the areas in 2018, received a notification from the local *mukhtar*, informing them that their "reconciliation" had been "*rejected*". They were requested to approach the security services within 10 days of receiving the notification, while failure to do so made them liable for arrest. SOHR reported subsequent arrest campaigns in Eastern Ghouta; SOHR, *Regime's Intelligence Raids Zamalka and Hazza in the Eastern Ghouta and Arrest 16 people Whose "Settlements" Were Rejected*, 15 November 2019, https://bit.ly/3evSub9. A similar development was reported from the area of Wadi Barada (Rural Damascus), in June 2019 and again in February 2020. According to local sources, the government's revocation of the settlements was related to violations of the agreement by these individuals as well as accusations and lawsuits against former members of the opposition; SOHR, *Regime Forces Revoke "Settled-Status" of 300 Young Men in Wadi Barada amid Fears of Imminent Arrests*, 19 February 2020, https://bit.ly/3fWlxF0; SOHR, *The Regime Forces Refuse to Struck Settlement Deals with about 250 Persons from Wadi Barada in Rif Dimashq about 2 Years after They Imposed Their Control over the Area*, 24 June 2019, https://bit.ly/2NpY5nt. See also, SOHR, *The Regime's Security Services Refuse to Struck Settlement Deals with 150 Persons in Harasta for Killing Officers and Members of the Regime Forces*, 9 December 2019, https://bit.ly/3hZc5mc; SOHR, *After Rejecting Their Settlements, Regime's Security Services Arrest about 40 People from Douma and Mesraba in the Eastern Ghouta*, 2 December 2019, https://bit.ly/2B5dGGC.

517 "*Regime security forces are requesting all individuals to attain security permits prior to returning. Many returnees were reportedly arrested because they did not possess the new documents requested*"; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, p. 69. For example, following their evacuation from the Rukban Camp in southern Syria, individuals "*have been interned and processed through security screening at so-called 'collective shelters' in Homs governorate*"; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 41st Session of the UN Human Rights Council*, 2 July 2019, https://bit.ly/2nmKynr. A group of 329 individuals left Rukban in September 2019 with the support from the UN and the Syrian Arab Red Crescent. They were transferred to "*reception centres*" in Homs and the IICISyria "*received reports that at least 100 individuals who were evacuated from Rukban had been detained by government forces after arrival in Homs. The decision to leave appears to be motivated by the deteriorating camp conditions, further amplified by a harsh winter and scarcity of resources. Others who remain in Rukban cited fears of forced conscription or arbitrary arrest. Ongoing violations throughout government-held areas, including arbitrary detention and forced conscription, impede the right of civilians to voluntary return, in safety and dignity, to their original or another destination of their choice*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 86-87. "*SJAC found that many of the returnees were first sent to shelter centers, then to security branches (including the Military Police Branch in the Qaboun quarter of Damascus), and then either to the Syrian Counter-Terrorism Court or to Sednaya prison. Some civilians were sent to the Adra Central Prison outside of Damascus to serve a sentence of one-to-two years. SJAC obtained information detailing that 133 civilians from Rukban have been arrested since returning to government-controlled territory. Some returnees were also sent to complete their compulsory military service*"; SJAC, *Residents of Rukban Camp Face Siege, Limited Aid, and Dangers in Reconciled Areas*, 11 July 2020, https://bit.ly/31h0mI7. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 34; PBS, *Most Aid to Syria's Rukban Camp Has Been Blocked for more than a Year. Here's Why*, 14 March 2020, https://to.pbs.org/38hG8Bf; HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html. On the vetting process for persons seeking to return to Syria from abroad, see Section III.A.1.e.

*Treatment of Persons Opposing, or Perceived to Be Opposing the Government*

In areas retaken by the government, including in Aleppo,[518] Dera'a and Quneitra,[519] Deir Ez-Zour,[520] Damascus,[521] Rural Damascus,[522] and Homs Governorates,[523] previous patterns of human rights

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518 "(…) *Syrian regime forces in November* [2020] *continued to persecute and arrest Syrian citizens in connection with their political dissent and expression of opinions* (…)*. We have recorded multiple arrests and acts of persecution of citizens in connection with reserve conscription, as well as individuals who have concluded settlements of their security status with the Syrian regime. These arrests have been concentrated in* ***Aleppo****, Dera'a and Damascus suburbs governorates*" (emphasis added); SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, https://bit.ly/3mZNCzv, p. 4. See also, SOHR, *Regime Police Arrest Young Man in Aleppo*, 19 November 2020, http://bit.ly/2O7C7t4; SNHR, *Syrian Regime Forces Arrested Several Civilians in Aleppo City on August 28*, 30 August 2020, https://bit.ly/39WpmdW; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, https://bit.ly/3djRzt1, p. 5; SNHR, *Syrian Regime Arrested Civilians in Aleppo City, on January 25*, 25 January 2020, https://bit.ly/2V0hYWs.

519 See for example, SOHR, *Large-Scale Campaign of Arrests: Regime Security Services Arrest Several Settled-Status Members in Northern Daraa Countryside*, 28 February 2021, http://bit.ly/2O46GQq; SNHR, *Syrian Regime Forces Arrested a Civilian in Dael City in Daraa Suburbs on February 25*, 26 February 2021, https://bit.ly/3kDfYiE; SNHR, *Syrian Regime Forces Arrested a Civilian in Da'el City in Daraa Suburbs on January 8*, 9 January 2021, http://bit.ly/3pVgw4o; SNHR, *Syrian Regime Forces Arrested Two Civilians in Jdayya Village in Daraa Suburbs on December 19*, 24 December 2020, http://bit.ly/3b0TdSr; SNHR, *Syrian Regime Arrested a Civilian in Dael City in Daraa Suburbs on December 16*, 16 December 2020, http://bit.ly/3szhC7I; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, https://bit.ly/3mZNCzv, p. 4; SOHR, *Military Security Service Arrests Two Young Men from Eastern Daraa, Taking Them to Al-Suwaidaa*, 2 December 2020, https://bit.ly/33WdIvv; SNHR, *Syrian Regime Arrests a Wounded Civilian as He's Being Treated in Daraa City Hospital on November 30*, 1 December 2020, http://bit.ly/3dUb5QP; SOHR, *Residents Stage Sit-In, Protesting Indiscriminate Arrests*, 26 October 2020, https://bit.ly/3n2Qlb9; SOHR, *"Air-Force Intelligence" Service Arrests Woman in Daraa City*, 18 October 2020, https://bit.ly/2VTLUn5; SOHR, *Military Security Storms al-Manshiyeh Neighbourhood in Daraa City, Arresting Two Young Men*, 30 September 2020, https://bit.ly/3n0K1RF. See also, STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi.

520 See for example, SNHR, *Syrian Regime Forces Arrested a Civilian in Deir Ez-Zour City on January 21*, 24 January 2021, http://bit.ly/37FKLpL; SNHR, *Syrian Regime Arrested Civilians in al Tebni Town in Deir Ez-Zour on November 26*, 29 November 2020, https://bit.ly/33UBg3S; SNHR, *Syrian Regime Arrested a Civilian in Deir Ez-Zour City on November 8*, 20 November 2020, https://bit.ly/3gs8Jbf; SNHR, *Syrian Regime Arrested Civilians in al Mayadeen City in Deir Ez-Zour on June 24*, 29 June 2020, https://bit.ly/38LsFC3; SNHR, *Syrian Regime Forces Arrested a Civilian in Deir Ez-Zour City on June 20*, 29 June 2020, https://bit.ly/304JG6f; SNHR, *The Death of a Civilian Due to Torture in Syrian Regime Forces' Detention Center, June 5*, 7 June 2020, https://bit.ly/3efcvC0; SNHR, *Syrian Regime Forces Arrested Civilians in Hatla Village in Deir Ez-Zour Suburbs, on April 21*, 24 April 2020, https://bit.ly/37Q6NFe; SNHR, *Syrian Regime Arrested Tens of Civilians in Deir Ez-Zour City During Five Days*, 24 February 2020, https://bit.ly/310Zxoj; SNHR, *Syrian Regime Forces Arrested a Number of Civilians in Sbaikhan City in Deir Ez-Zour Suburbs, on January 9*, 10 January 2020, https://bit.ly/2V5zcld.

521 For reported arrests of persons from formerly opposition-held areas who have been arrested at checkpoints in Damascus, see for example, SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on October 24*, 28 October 2020, https://bit.ly/3m1gUfu; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on October 26*, 26 October 2020, https://bit.ly/37IsGqc; SOHR, *Security Services in Damascus Arrest Woman for Unknown Reasons*, 6 September 2020, https://bit.ly/2K6iTIA; SNHR, *Syrian Regime Forces Arrested a Woman in Damascus City on August 29*, 4 September 2020, https://bit.ly/3i4qkWD; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on September 2*, 3 September 2020, https://bit.ly/36XO4bG; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on August 26*, 28 August 2020, https://bit.ly/3qIlaV2; SOHR, *Security Services in Damascus Arrest Two Persons from Daraa for Unknown Reasons*, 26 July 2020, https://bit.ly/3gtTgqV; SNHR, *Syrian Regime Arrested a Civilian in Damascus City on June 18*, 27 June 2020, https://bit.ly/2VU3oQf; SNHR, *Syrian Regime Arrested a Civilian in Damascus City on June 16*, 17 June 2020, https://bit.ly/2VXPmNC. On the arbitrary arrest of Palestinian refugees from formerly opposition-held areas in southern Damascus neighbourhoods, see Section III.A.12.

522 "*Regime's tight security grip is continuously felt in the towns and cities of eastern Ghouta through the ongoing inspection at checkpoints of everybody, men and women, traveling in or out of eastern Ghouta*"; SOHR, *Eastern Ghouta: Chronic Crises…Lack of Basic Services…Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, https://bit.ly/37CtwVj. "*Enab Baladi's correspondent in Eastern Ghouta has monitored, since the beginning of this year* [2020]*, that the Syrian regime forces have intensified their security campaigns to include tens of young men, mostly in the cities of Douma, Arabin and Ayn Tarma. Besides, the state security forces have swept homes, shops, and warehouses, and set up temporary 'flying' checkpoints within the neighborhood to be able to search all passers-by*"; Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta… Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, https://bit.ly/3h5ltEx. "*In Eastern Ghouta, GoS conducted multiple arrest operations against civilians living in the former opposition enclave. Tens of people were arrested in Duma, Ein Terma, Zamalka, Jisreen, Hezzeh, and Arbin towns, including 9 former health workers who had worked when Eastern Ghouta was controlled by Jaish al Islam and Faylaq al Rahman*"; Carter Center, *Weekly Conflict Summary: 9-15 March 2020*, 15 March 2020, https://bit.ly/2XM1tyV, p. 3. See for example, SOHR, *Syrian Regime Forces Arrested a Civilian in Sahnaya Town in Damascus Suburbs on February 16*, 21 February 2021, http://bit.ly/2ZXgjmF; SOHR, *Air-Force Intelligence Arrests Two Women and Young Man from Douma City*, 15 February 2021, http://bit.ly/3dO2r6q; SOHR, *Man and His Son among Four Civilians Arrested by Regime Security Services in Western Rif Dimashq*, 25 January 2021, https://bit.ly/3dSSx3n; SOHR, *Security Services Arrest Three Settled-Status Persons in Rif Dimashq, while the Russians Meet with Residents*, 24 January 2021,

violations have re-emerged[524] and the government is reported to use various means to "*punish and ensure obedience*."[525]

Real or perceived opponents[526] are singled out by the government for arbitrary arrest, incommunicado detention, forced conscription, torture and other forms of ill-treatment.[527] According to some reports, formerly opposition-held areas are deliberately deprived of access to basic services and humanitarian assistance as a form of collective punishment for their perceived disloyalty.[528]

In violation of stipulations in reconciliation agreements providing for the return of government employees to their jobs, hundreds of teachers, medical staff and civil servants in formerly opposition-held areas are reported to have been dismissed or suspended from their jobs as a form of punishment for their

http://bit.ly/2NwIxC1; SOHR, *Security Services Launch New Campaign in Rif Dimashq, after Arresting Man and His Wife*, 17 January 2021, http://bit.ly/3sDgqjp; SNHR, *Syrian Regime Arrested a Child in Jdaidet Artouz Town in Damascus Suburbs on December 29*, 2 January 2021, http://bit.ly/3qWS2Jj; SOHR, *Security Services Arrest Number of Young People in Eastern Ghouta and Southern Damascus*, 25 November 2020, https://bit.ly/3qDeaZs; Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, https://bit.ly/3lA4bkE; SNHR, *Syrian Regime Arrested Civilians Including a Child in the Vicinity of Kanaker Village in Damascus Suburbs on Sept. 28*, 3 October 2020, https://bit.ly/2JFsnEM. See also, UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (and sources therein).

523 "*Since the withdrawal of the Russian army in late 2018, however, the regime has again cracked down brutally on the opposition. People are arbitrarily arrested and simply disappear*"; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 4. See also, SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, http://bit.ly/2ZX4flh; SOHR, *Six People Killed or Arrested while Attempting to Flee Al-Rukban Camp*, 8 July 2020, https://bit.ly/3qE6o1n; SOHR, *Arrest of Member in "Tiger Forces" Militia Triggers Security Tension*, 25 June 2020, https://bit.ly/386ux7U; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY; SOHR, *Regime Security Forces Raid a Town Northern Rural Homs and Arrest 12 Civilians*, 8 January 2020, https://bit.ly/2VPUxQc.

524 In retaken areas, "(…) *widespread arrests, disappearances, and killings have perpetrated what locals describe as a 'pervasive' sense of fear across government-held areas*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. "*In formerly besieged towns and villages where 'reconciliation' agreements have been imposed, ubiquitous checkpoints created fear among the civilian population and restricted freedom of movement and access to basic services.* (…) *Civilians in areas retaken by the Government suffered from a general absence of the rule of law. Arbitrary arrests, enforced disappearances and detentions continued to be commonplace throughout areas such as Dar'a, Duma and eastern Ghutah. During the period under review, large numbers of adult men were also detained purportedly for conscription*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, p. 2, para. 68.

525 "*Arbitrary arrests and cumbersome administrative procedures, in addition to the combination of complex changes to property legislation and myriad movement restrictions, have been used to punish and ensure obedience*"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, https://bit.ly/37U4alM. "(…) *across reconciled areas, widespread reports of abuses and violations have emerged, suggesting that Damascus intends to use the framework of reconstruction and reconciliation to punish opponents and stifle dissent*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 9.

526 According to Syria expert Emma Beals, persons from formerly opposition-held areas "*are treated with suspicion or discriminated against as a result*"; The New Arab, *Denmark's Dangerous Plan to Deport Syrian Refugees to Assad-Controlled Damascus*, 30 June 2020, https://bit.ly/2YNiU2v.

527 See Section III.A.1.a.

528 For example, "[I]*n Homs city, the regime is continuing to deprive former opposition-held quarters, including Bayyada, Waer, and Karam al-Zeitoun, of basic infrastructure, development funding, and services*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY. "*There is no clear intention to reconcile and former areas of resistance or rebellion continue to be punished by the regime, including through the withholding of medical services*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 9. "(…) *reports in 2019 have provided new evidence of the government's efforts to co-opt reconstruction efforts to serve its political objectives, by diverting international funds and restricting access to humanitarian actors. Such actions by the state indicate that reconciled areas may suffer political and economic collective punishment for years to come*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. "*Even basic state services and humanitarian aid are reportedly extended or withheld based on recipients' demonstrated political loyalty to the Assad regime*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. See also, PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 4; SOHR, *Eastern Ghouta: Chronic Crises…Lack of Basic Services…Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, https://bit.ly/37CtwVj; SOHR, *Regime Checkpoints Prevent Construction Materials from Entering Areas in Wadi Barada in Rural Damascus*, 11 January 2020, https://bit.ly/36ObhdQ; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 17.

perceived disloyalty.[529] In retaken areas, individuals found to be communicating with relatives abroad or in areas held by anti-government armed groups are reported to have been subjected to monitoring and arbitrary arrest by government security services.[530] Multiple reports describe the widespread looting and destruction of homes, shops and agricultural fields of those displaced by government forces following the end of military offensives.[531] Freedom of movement to, within, and out of some of the formerly opposition-held areas is reported to remain heavily restricted.[532] The IICISyria said that such

529 "*Individual health care workers were technically allowed to return to work after undergoing these individual reconciliation agreements and being 'cleared' by the security forces. In practice,* ***many were reportedly denied clearance****. Despite the clear need for health care workers, many of those granted authorization reported difficulty finding public sector employment* (emphasis added); PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, pp. 15-16. "*While some teachers and employees in the telecommunication and mail sectors in the eastern region of Daraa have been able to return to work following the Russian mediation, the vast majority of Daraa's employees are still waiting for their hearings at a disciplinary court which looks into each situation on a case by case basis. The court has so far ruled on the return to work of a few teachers, engineers and other government employees and revoked the removal of their names from the relevant syndicate lists. In some other cases, the court has ruled in favour of the reinstatement of employees but with imposition of a two- to four-year suspension as punishment for collaborating with the opposition during the rebellion*"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, https://bit.ly/39yuxhX. "(…) *the regime is using other punitive tactics to punish civilians who are, or were at some point, considered 'out of order'. Among those are hundreds of public servants in former rebel-held areas now retaken by the regime, who are not allowed to get their jobs back. They have been fired for reasons ranging from 'insufficient loyalty' to a simple 'failure to report for work'* "; MEE, *Punishing Syrian Public Servants in Former Rebel Areas Will only Bring more Division*, 24 October 2019, https://bit.ly/3bgqPdr. See also, Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, https://bit.ly/2X4TJr7.

530 "*We have also documented the arrest of a number of people for making phone calls to areas outside the Syrian regime's control, communicating with people wanted by the regime and those under the control of the other parties to the conflict, with those detained including elderly people, women and children*"; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, p. 11. "*The Syrian government, which owns the telecommunications infrastructure in East Ghouta, can intercept phone calls and SMS messages. Although third-party messaging applications, such as Telegram and WhatsApp, are often more secure, the regime has co-opted local phone dealers to install monitoring and tracking apps on phones and computers. A lack of awareness and technical savvy on the part of residents places them – along with those they communicate with locally and abroad – at risk of being compromised by the regime*"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 15. See for example, Voice of the Capital (pro-opposition website), *Arrests in Harasta over Communication with Northern Syria*, 23 December 2020, http://bit.ly/3pSqzYt; SOHR, *Intelligence Services Clamp Down on Homs Residents for "Communicating with Relatives in Northern Syria",* 16 June 2020, https://bit.ly/3hzItvF; Voice of the Capital, *Harasta: Woman Gets Arrested over Suspicious Phone Call to Northern Syria*, 14 April 2020, https://bit.ly/3doIrnJ; Syria Call, *Assad Regime Arrests Woman Due to a Phone Call She Made Years Ago in "Harasta" East of Damascus*, 11 April 2020, https://bit.ly/3mNcb26; Zaman Al Wasl, *Regime Arrests Mother and Her Four Daughters over Phone Call with Rebel Relative*, 4 April 2020, https://bit.ly/36O20mW; SOHR, *Regime Political Intelligence Arrests Several Civilians from Al-Tal City in Western Rif-Dimashq*, 23 February 2020, https://bit.ly/2XYbXvB.

531 The Syria Report documented that even two years following the retaking of Dera'a Governorate by government forces, these forces continue to demolish and burn down properties of real or perceived government opponents. "*Regime forces continued burning and destroying homes in rural Daraa even after they regained control of the governorate in mid-2018, pushing many residents to flee and barring others from returning home to their villages following reconciliation agreements*"; Syria Report, *More Than Two Years After Recapture, Regime Forces Still Burn, Damage Homes in Daraa*, 7 October 2020, https://bit.ly/2TquSvS. The looting, commonly known as "*ta'feesh*", has been described by sources as both a means of rewarding those loyal to the government and punishing those perceived to be affiliated with the opposition. "*These looting operations, which are sometimes accompanied by the burning of the ransacked homes, show a strong desire on the regime's part for revenge against all those who demanded political change and the removal of the regime and the government* (…)"; SNHR, *Widespread Looting by Syrian and Iranian Regime Forces in and Around Idlib Threatens the Return of the Displaced People and Sows Religious Hatred*, 31 March 2020, https://bit.ly/2K6BlYb, p. 7. See also, SNHR, *Syrian Regime Forces Loot the Cladding Material of a School in Saraqeb City in Idlib Suburbs*, 23 February 2021, https://bit.ly/3kkWY8m; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 84; SOHR, *Regime-Backed Militias and Lebanese Hezbollah Continue Looting Civilians' Properties in Saraqeb*, 11 August 2020, https://bit.ly/3115O2X; The National, *Syrian Forces Use Scorched Earth Policy in Newly Recaptured Idlib*, 27 July 2021, http://bit.ly/3swGFbk; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 97-98; SOHR, *Forces Loot Villages in Rural al-Raqqah and Al-Hasakeh, and Internal Security Forces Confiscate Stolen Goods*, 31 May 2020, https://bit.ly/30tGfHT; SNHR, *Cladding Materials Were Looted by Syrian Regime from Civilians' Houses in Anadan City in Aleppo after They Seized Control over the City*, 30 March 2020, https://bit.ly/2zPl2xe; Enab Baladi, *Stolen Furniture of Rural Idlib Is Sold at Loot Markets of Homs*, 15 February 2020, https://bit.ly/2UwobsW.

532 These movement restrictions, *inter alia*, impact people's ability to access services (e.g. government offices, hospitals) and their ability to return. "*The Government's security apparatus continue* [sic] *to violate residents' civil, economic, political and social rights, particularly in areas previously held by non-state armed and terrorist groups. Checkpoints block residents from making a living by selling goods or crops elsewhere, and even from seeking health care*"; UN Human Rights Council, *Statement by Mr.*

arbitrary restrictions on movements, including in Eastern Ghouta, may constitute the war crime of collective punishment.[533]

According to observers, the government has also used property laws, such as Decree No. 66 of 2012 and Law No. 10 of 2018, to expropriate property from individuals in areas it deems disloyal or from individuals "*broadly perceived to be associated with opposition groups*".[534] Pro-government armed groups are also reported to have acquired properties in retaken areas by way of threats against the owners, or by simply confiscating them.[535] Furthermore, the government is reported to have selectively demolished buildings belonging to perceived opponents, ostensibly because they had not been constructed according to applicable building regulations.[536]

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*Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council Session*, 22 September 2020, https://shar.es/abI9Fy. "*In areas such as Qadam, as well as in parts of Qabun, Damascus, displaced residents were prevented by government officials from returning to their properties and visiting their houses to inspect damages. If they were allowed, it was only for a few hours. Other residents were informed by government officials that any permanent return to their homes, or reconstruction of privately owned houses, was prohibited*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 79. See also, Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta… Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, https://bit.ly/3h5ltEx; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 13.

533 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 80.

534 "*Housing land and property frameworks were used to punish individuals broadly perceived to be associated with opposition groups, including activists, who documented violations by government forces.*" And further: "*In areas such as Qusayr* [Homs Governorate]*, Dar'a and Darayya* [Rural Damascus Governorate]*, certain segments of the civilian population were compelled by pro-government forces to sell their property at greatly reduced prices. Moreover, interviewees described that notices were put on houses stating that within a month of the notice the claimant must appear before the cadastral office to file a claim. However, the owners of the properties were often barred from entering the city within the time period. In areas such as Qusayr, displaced persons returned to their homes and found their houses being occupied by relatives of members of the security forces or armed groups.*" According to the IICISyria, the unlawful deprivation of individuals of their property in previously besieged areas may constitute the war crime of collective punishment; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 75, 78, 80. "*Since 2011 the regime has issued more than sixty laws and decrees regulating housing, land and property rights (HLP), urban planning, and investment issues. Together they form the legal framework for reconstruction and grant the government powers, such as the authority to designate development zones where private property can be expropriated. Damascus has used these powers not only to seize land and buildings on a large scale without adequate transparency or compensation (and as such prevented IDPs and refugees returning to strategic locales), but also demolished whole neighbourhoods, above all in the Damascus suburbs, in Homs and in East Aleppo. Rather than repairing war damage, such state development projects are designed to alter the composition of the population, generally to the detriment of groups perceived as poorer and less loyal*"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, https://bit.ly/3f3P7Yo, pp. 8-9. See also, AFP, *Syria's Regime Auctions Off Land of the Displaced*, 31 December 2020, http://bit.ly/3naImZ9; SACD, *Hama Confiscations of Property Confirm Syrian Regime's Intent to Cement Displacement*, 16 November 2020, https://bit.ly/2lOnIQm; SOHR, *Officers and Soldiers Take Over Houses of Expatriates and Displaced People in Eastern Ghouta, Lodging Their Families in Them*, 4 September 2020, https://bit.ly/3bu5uxq; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, pp. 4-5; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, https://bit.ly/3a7FTb5, p. 23. See also Section II.D.3 and III.A.1.a.

535 "(…) *testimonies suggest that militias used a variety of methods to force owners to sell their properties, including threatening them with arrest and accusing them of terrorism and supporting the opposition. Victims included people who were displaced to other neighbourhoods of Aleppo, and who were persuaded by militias to sell after receiving hostile visits at their new homes. Meanwhile, militias have been communicating with displaced people – most of whom are opponents of the regime – living outside Aleppo through their relatives, in an attempt to convince them that their homes have been classified as informal building code violations slated for demolition, and that it is therefore preferable to sell before the city's new zoning plan is issued*"; Syria Report, *East Aleppo: Katerji Buys Properties of Displaced Residents*, 13 January 2021, http://bit.ly/3sIAy3X. See also, SOHR, *Cities and Towns of Eastern Ghouta: Iranians Expand Their Influence Purchasing Real Estate, and Regime Confiscates Hundreds of Properties by "Provisional Seizure" Decision*, 18 February 2021, http://bit.ly/3b4MdDY; SOHR, *Pro-Iranian Foreign Militias Expand Their Presence at Syrian-Lebanese Border, Confiscating Dozens of Luxury Apartments and Purchasing Hundreds of Agricultural Land Plots*, 16 February 2021, http://bit.ly/2PnKgdD; Syria Report, *Southern Aleppo Countryside: Public Auction to Invest in Displaced People's Lands*, 6 January 2021, http://bit.ly/37ZQ4jP; Syria Report, *Residents Displaced from Mayadeen's Al-Tamo Neighbourhood: "Like Refugees in Our own City"*, 6 January 2021, https://bit.ly/3r2CVy3.

536 "*Since January 2021, the municipality of Al-Zerbeh, a town located south of Aleppo city, has demolished dozens of properties belonging to allegedly pro-opposition residents displaced from the town as well as to opposition sympathisers who had been*

### e) Particular Concerns for Persons Opposing, or Perceived to Be Opposing, the Government Who Are Returning from Abroad

Syrian authorities employ a vetting mechanism for those seeking to "settle their status" prior to returning to Syria from abroad.[537] The criteria on which security clearance is granted are not known, nor is there information available as to how many persons have had their return request approved or denied by the Syrian authorities.[538] According to reports, the Syrian authorities have rejected a substantial proportion by Syrians wishing to return, resulting in the separation of families.[539] Contrary to official statements welcoming refugees' return, government officials are reported to have made public threats against refugees, indicating that those perceived to have been disloyal to the government are not welcome.[540]

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*displaced from nearby villages. Municipal officials say the buildings were in violation of the construction code. The demolitions also targeted properties in neighbouring villages, as well as areas surrounding the nearby strategic M5 Highway that connects Aleppo and Damascus and passes near Al-Zerbeh.* (…) *The demolitions in Al-Zerbeh come amid a broader demolitions campaign in Aleppo city's largely destroyed eastern neighbourhoods*"; Syria Report, *Building Demolition Campaign Against Opposition Sympathisers Continues in Aleppo Area*, 24 February 2021, http://bit.ly/2NOcmhy. Among the buildings targeted for demolition in eastern Aleppo were some whose owners had refused to sell their property to pro-government armed groups: "*They* [these armed groups] *have an interest in demolishing some of these buildings after their owners refused to sell them, or because the process of seizing the buildings was difficult as residents refused to leave them, among other reasons. Demolition of these buildings has placed pressure on others who refuse to sell their properties in the area or reduce their prices*"; Syria Report, *Demolishing 'Building Violations' in Aleppo: Beyond the Implementation of Decree No. 40 of 2012*, 10 February 2021, http://bit.ly/2ZZ8jBL. The demolitions were conducted with reference to Legislative Decree No. 40 of 2012 on informal housing and building violations: "*Implementation [of the law] is often strict in neighbourhoods considered to be anti-regime, including Al-Ramal Al-Janoubi in Latakia*." And further: "*Syrian security forces view Al-Ramal Al-Janoubi as an anti-government hotspot, after residents joined early demonstrations against the government in 2011. At the end of 2019, the Lattakia governorate authorities launched a sudden campaign to demolish a number of homes in the district*"; Syria Report, *Demolitions Target Palestinian Refugee Camp in Lattakia*, 8 July 2020, http://bit.ly/3sDClau. Legislative Decree No. 40 of 2012 is available at: www.syria-report.com/informal-housing-law.

537 "*Some investigative reports have shown that adjustment papers involve a significant trap for signatories, forcing any person to provide information they know about the opposition, activists, or any military information related to the opposition upon signature. Some answers alone constitute a sufficient reason for arrest. It was later discovered that the adjustment papers provided by the Assad regime embassies in Europe, included notes determining some of those willing to return had taken up arms against the state*"; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, https://bit.ly/3asi7uk, p. 69. "*Syrians need to apply for return and receive a security clearance from GoS authorities before being able to return to their neighbourhood, and a significant number of these return applicants are refused or never receive an answer to their request*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 13. "*People who wish to return to Assad-held areas must now sign a 'reconciliation document' in order to return – particularly those returning from opposition or former opposition areas, or who left the country without official documents or permission, as is the case for many refugees. The content of the document, which must be lodged with the Syrian embassy in the host country before being allowed to return, speaks of 'addressing the situation of Syrians who left the country illegally, due to the current circumstances and (…) settling their military conscription and other security issues, regardless of the circumstances that compelled them to leave'. Signing the document amounts to a confession of having committed a legal violation by leaving the country*"; SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, https://bit.ly/2WtVwFy, p. 25. See also, EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 4, 5; Carnegie MEC, *Into the Fire*, 11 September 2019, https://bit.ly/2p6vNWH.

538 SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html, p. 22. See also, Washington Post, *Assad Urged Syrian Refugees to Come Home. Many are Being Welcomed with Arrest and Interrogation*, 2 June 2019, https://wapo.st/31XSYAG.

539 "*While hundreds have applied, only a fraction have been allowed back*"; Carnegie MEC, *Into the Fire*, 11 September 2019, https://bit.ly/2p6vNWH. "(…) *we have recorded cases in which the request for a security settlement has been denied, mainly to military defectors from Syrian regime forces*"; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, https://bit.ly/2NkueOw, p. 5. "(…) *only those who believe themselves to be without issues with the state and free of security threats are currently choosing to return. Even within this group, some are denied permission to return*"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 22. "*The returns of refugees are prohibited without Syrian government's prior-approval. According to General Security, the Syrian government rejected the return of some refugees who are wanted for security reasons*"; Amnesty International, *Q&A: Why Are Returns of Refugees from Lebanon to Syria Premature?*, 12 June 2019, https://bit.ly/35q0kin, p. 3. See also, SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html, p. 22.

540 "*Syrian President Bashar Al-Assad has been unambiguous that the conflict will lead to 'a healthier and more homogeneous society in the real sense.' Syrians who fled the country are viewed with suspicion, particularly if they had ties to armed or civil opposition movements, or have been denounced by former neighbors, distant relatives, or paid informants, as many have*"; COAR, *Syria Update: 2 November 2020*, 2 November 2020, https://bit.ly/3kbG5uU. "*Jamil Hassan, head of air-force intelligence, is reported to have said that it is better to have 10 million obedient Syrians than 30 million vandals, and the deceased Major General Issam Zahreddine repeatedly stated that those who fled Syria should not dare to return. These sentiments are reflected*

Across government-held areas, returnees are reported to be among those subjected to harassment, arbitrary arrest,[541] enforced disappearance, torture and other forms of ill-treatment, as well as property confiscation, including on account of individuals' perceived anti-government opinion.[542] Men of military age are also at risk of being arrested for the purpose of forced conscription upon return.[543] According to the International Crisis Group (ICG), there is no certainty about who is safe from arrest upon return

*in Assad's own comment that the demographic engineering of the war can help to create a 'healthier, more homogeneous society'* "; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 13. "(…) *public threats against refugees by Syrian officials indicated that the regime would continue to seek ways to indefinitely keep what it sees as troublemaker communities out of the country*"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, https://bit.ly/2SC7omR, p. 15. See also, SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou, p. 16; Clingendael Institute, *A Big Idea for a Better Response to Syrian Displacement*, 26 March 2019, https://bit.ly/2LAH3WI. "*Displaced Syrians are forced to 'settle' their status with the government before returning to their homes. The settlement processes require Syrians to not only prove that they have not engaged in any subversive activity against the state, but to also sign a pledge never to do so. The regime's vision of post-conflict Syria is simply an extension of wartime order in which recalcitrant populations were acted on with the full violence of the state and its battlefield allies. The violent bifurcation of Syrian society* [into the loyal and disloyal] *is being extended through the law and new forms of state power that ensure that all Syrians deemed disloyal or 'terrorist' are unable to live their lives inside of the country*"; The Project on Middle East Political Science (POMEPS), Syria, *Crisis Ecologies, and Enduring Insecurities in the MENA*, 27 October 2020, https://bit.ly/3a1aESS.

541 "*Examples were cited of family members that had returned and been arbitrarily detained simply for their family name or place of origin*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 11. "*Ongoing violations throughout government-held areas, including arbitrary detention and forced conscription, impede the right of civilians to voluntary return, in safety and dignity, to their original or another destination of their choice*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 87. "*OHCHR has continued to receive reports of arbitrary arrests and enforced disappearances. Reported cases include those of returnees in areas controlled by the Government through various government security forces. Relatives of those persons were not informed or were denied information about the circumstances, outcome and location of their family members*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018) and 2449 (2018): Report of the Secretary-General*, 16 December 2019, S/2019/949, www.ecoi.net/en/document/2022113.html, para. 17. SNHR repeatedly reported the arrest of individuals who returned in an illegal manner from Lebanon and "*have been charged with wide-ranging and false charges related to terrorism*"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, https://bit.ly/34lgZoI, p. 5 (and earlier reports). Similarly, STJ reported: "*Mayors (mukhtars) and popular committees in Hama have received circulars from the criminal security and military security branches, stipulating that those who returned from Lebanon through illegal (smuggling) routes must be reported.* (…) *The criminal security and military security arrested 16 young men who had entered Syria illegally from Lebanon. Agents who made the arrests told the families of some those arrested that entering the country illegally was not the only reason for their arrest, but also contacting smugglers who are wanted for security branches. Some of those arrested were transferred to the Anti-Terrorism Court in Damascus, while others were released after they bribed personnel at the criminal security branch in Hama*"; STJ, *Arrests Against Syrians Returning from Lebanon Illegally*, 23 May 2020, https://bit.ly/3meH7HF. See also, HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html.

542 "(…) *the ongoing daily violations the Assad regime commits against returnees have proven that safe environments do not yet exist. These violations are life threatening and include arbitrary arrests and torture to death*"; Omran Center for Strategic Studies, *Safe Environment as a Precondition for the Return of Refugees and the Internally Displaced*, 17 December 2020, https://bit.ly/2LUSVCz, pp. 10-11. "*Syrians who fled the country are viewed with suspicion, particularly if they had ties to armed or civil opposition movements, or have been denounced by former neighbors, distant relatives, or paid informants, as many have*"; COAR, *Syria Update: 2 November 2020*, 2 November 2020, https://bit.ly/3kbG5uU. "(…) *returnees to government held areas are at risk of arbitrary detention, disappearances, assassinations, forced conscription, and deprivation of their livelihoods and basic needs*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/2Y5Zu9p, p. 12. "(…) *Assad regime seems determined to punish returnees whom it perceives as disloyal or threats to its survival*"; SWP, *Repatriation to Turkey's "Safe Zone" in Northeast Syria*, SWP Comment No. 1, January 2020, https://bit.ly/3eZJBHo, p. 4. "*Returnees are reported to be among those subjected to harassment, arbitrary arrest, detention, torture, enforced disappearance and forced conscription*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 8. See also, SOHR, *Arrested after Returning from Lebanon to Syria: Young Man from Deir ez-Zor Dies under Torture in Syrian Regime Prisons*, 15 February 2021, https://bit.ly/2Nqo3Li; SNHR, *A Civilian Died Due to Torture in a Syrian Regime's Detention Center, August 29*, 30 August 2020, https://bit.ly/32AIR6m; The New Arab, *Fears for Syrian Opposition Activist after 'Detention' on Return to Damascus 'Under Mysterious Circumstances'*, 24 February 2020, https://bit.ly/2SILxk5; HRW, *Syrians Deported by Lebanon Arrested at Home*, 2 September 2019, www.ecoi.net/en/document/2015682.html.

543 See Section III.A.2.

because "*the regime's concept of who is an opponent is not always clear or – more dangerously – can change over time*."[544]

SNHR recorded the arrest of close to 2,000 returnees from abroad, including women and children, between 2017 and August 2019.[545] Additional arrests of returnees from Lebanon were documented by SNHR between January and September 2020.[546] Arrests have been reported to occur immediately upon entry, at land borders with Lebanon, Jordan and Turkey and at Damascus airport, or within days or months following return.[547] Arrests are also reported to have occurred despite the individual having obtained security approval from the Syrian Government prior to returning.[548] The Office of the High Commissioner for Human Rights (OHCHR) received reports of returnees having been detained following their return to Syria in response to the amnesty decree issued in September 2019.[549] Deaths

544 "*While before the 2011 uprising the 'red lines' of the politically permissible were knowable for most Syrians, eight years into the conflict very little can be taken for granted.* (…) *Administrative chaos and resulting confusion about a person's identity in particular creates additional risk for people who would otherwise think themselves safe from retribution*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 16. "*The fear of conscription, arrest, and torture hangs over all potential returnees*"; ECFR, *What Assad's 'Victory' Could Mean for Syrians in Germany*, 15 June 2020, https://bit.ly/3bdrPPO.

545 Of those arrested, "[T]*he Syrian regime released 1,132 individuals who returned, while 784 others remained in detention, of whom 638 were forcibly disappeared.*" The report further noted that among those released from detention, the authorities "*detained a number of them again, forcing them to join the military forces via enforced conscription*"; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, https://bit.ly/2NkueOw, p. 5.

546 SNHR recorded the arrest of at least 62 returnees from Lebanon, of which, at the time of the SNHR's report, 25 had been released while 37 remained in detention or forcibly disappeared. Some were reportedly re-arrested following their release for the purpose of conscription; SNHR notes that these numbers represent "*the bare minimum*" with real numbers likely being "*far greater*"; SNHR, *The Syrian Regime Prevents Hundreds of Syrians from Returning from Lebanon to Their Homeland*, 9 September 2020, https://bit.ly/3atjkBN, pp. 2, 3, 9.

547 "*Detention of returnees has been concentrated directly at the border crossings, after returnees' names and passports have been examined by regime personnel at these crossing points. Upon discovering that a returning individual is wanted by one of the security services, the security forces will arrest him/her immediately. This is particularly the case at the Masna' border crossing with Lebanon, the Kasab border crossing with Turkey, and the Nasib border crossing with Jordan. These returnees may not have been living exclusively in a neighboring country, with some of the returnees' families informing us that some of these individuals returned from different countries worldwide to neighboring countries before returning to Syria*"; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, https://bit.ly/2NkueOw, p. 6. "*Recent detainees gave information about being arrested and brutally tortured in government custody within months of their return to the country*"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 23. See also, SOHR, *Arrested after Returning from Lebanon to Syria: Young Man from Deir ez-Zor Dies under Torture in Syrian Regime Prisons*, 15 February 2021, https://bit.ly/2Nqo3Li; SNHR, *A Civilian Died Due to Torture in a Syrian Regime's Detention Center, August 29*, 30 August 2020, https://bit.ly/32AIR6m; SNHR, *Image of a Detainee Has Been Recently Released by Syrian Regime Show the Negligence of Health & Medical Care which Threaten 130,000 Remaining Detainees*, 26 April 2020, https://bit.ly/3hNYNbO; Syrian Human Rights Committee, *Re-Arrest of Former Detainee Mazen al-Hamada*, 24 February 2020, www.ecoi.net/en/document/2025234.html; Syrian Human Rights Committee, *The 18th Annual Report on Human Rights Situation in Syria 2019*, January 2020, www.ecoi.net/en/document/2022245.html, p. 71.

548 According to Syria expert Emma Beals, "[C]*hecking names with security services or receiving 'guarantee' of safety does not equate safe return, with cases reported of people facing arrest of harassment after receiving approval to return*"; The New Arab, *Denmark's Dangerous Plan to Deport Syrian Refugees to Assad-Controlled Damascus*, 30 June 2020, https://bit.ly/2YNiU2v. "*Displaced Syrians point to examples of refugees being arrested and detained on return to Syria despite amnesties for military deserters or local reconciliation agreements*"; Joint Agency NGO Report, *Into the Unknown*, June 2020, https://bit.ly/32COLW3, p. 16. "*Numerous other NGOs reported cases of Syrians throughout the year, including returning refugees, being arbitrarily detained and forcibly disappeared despite having signed 'reconciliation agreements,' in which the government agreed to grant them clemency*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*Detention has been particularly widespread in 'reconciled' territories, where long-term residents* ***and recent returnees*** *have been arrested regardless of their compliance with reconciliation processes*" (emphasis added); SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 8. "*We recorded regular arrests of refugees and IDPs returnees who had made official settlements of their security status with the regime through committees and consulates, and had received promises in return that they would not be arrested on their return; in spite of these promises they were arrested, disappeared, tortured and/or forced to join compulsory and reserve military service without the regime committing to the time limit granted to them upon settlement, which is between 3-6 months from their return*"; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, https://bit.ly/3eaD77i, pp. 42-43. See also, Syrian Human Rights Committee, *Re-Arrest of Former Detainee Mazen al-Hamada*, 24 February 2020, www.ecoi.net/en/document/2025234.html. On the authorities' security vetting prior to return, see above Section III.A.1.d.

549 UN Geneva, *Press Briefing by the Information Service*, 8 November 2019, https://bit.ly/2r2gK0K.

in custody have also been reported.[550] Palestinians who previously resided in Syria are reported to be among those who have been arrested upon return to Syria.[551]

Some returnees may also face movement restrictions, including the need to obtain security approval to return to their area of origin,[552] while others are prevented altogether from returning to their areas of origin.[553]

Based on a clear pattern of targeting those opposing or perceived to be opposing the government, UNHCR considers that persons of this profile, including civilians originating from, or residing in, areas currently or formerly held by anti-government armed groups, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

550 "(…) *the report records the deaths of 15 of these detainees as a result of torture, with 11 of those killed under torture having returned from Lebanon* (…)"; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, https://bit.ly/2NkueOw, p. 5.

551 See Section III.A.12.

552 "*Displaced people from Hujeira, a town south of Damascus* [in Babila District of Rural Damascus Governorate]*, are required to obtain prior security approval from the General Intelligence Directorate before returning to their homes, years after most of them fled battles in the area. Those hoping to return must present documents proving property ownership in Hujeira, and pay outstanding electricity and water bills owed during the years they were living outside the town. Whoever does not abide by these conditions is subject to arrest. At the same time, an easier return process was granted to some families whose sons had performed mandatory military service or volunteered to join pro-regime militias*"; Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, http://bit.ly/2NEWwWM. "*The regime is also putting up barriers to the return of the displaced. The relatively small numbers allowed back* [to Homs] *require time-consuming security clearances and permits to rebuild their homes, with no guarantees these will be granted*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY. "*Security clearances and vetting mechanisms have been employed by the security agencies to block return*"; Carnegie MEC, *Into the Fire*, 11 September 2019, https://bit.ly/2p6vNWH. For the need to obtain a security approval to return to Yarmouk Camp, see footnote 208.

553 "(…) *Syrians are routinely denied return to their places of origin, notably due to restrictions on access placed by the Government and fear of arrest in retaken and formerly besieged areas, in particular in Rif Damashq, Daraa, Quneitra, Homs, Hama and Aleppo* (…)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 43. According to the Syria Report, Palestinian refugees displaced from Neirab Camp in Aleppo Governorate, who symphatized with or supported the Syrian uprising, were told by pro-government militia Liwa Al-Quds that "*they would be barred from returning to the camp. The militia later seized homes and shops belonging to several Palestinian expatriates* (…)"; Syria Report, *Neirab Camp: Liwa Al-Quds Seizes Properties of Pro-Opposition Palestinians*, 20 January 2021, http://bit.ly/3r2Z8vH. "*Residents of the three neighbourhoods* [Barzeh, Qaboun and Jobar in Damascus city] *are still prohibited from returning to their homes, which are now under the control of various regime military units*"; Syria Report, *Imminent Return? What Barzeh, Qaboun and Jobar May Have in Common*, 28 October 2020, https://bit.ly/35AlY5F. "(…) *the Government continued to prevent thousands of individuals from returning to their homes in areas that had been retaken in the preceding five years.*" And further: "*Civilians reported that they were still being prevented from returning to their often-habitable houses in Qaboun, Jawbar* [Jobar]*, Yarmouk camp and parts of Darayya*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 13, 31. "*Some previously opposition-held areas are practically sealed off to anyone wishing to return to their original homes. In others, the regime seeks to limit the return of the original population to avoid a reconstitution of social environments that supported the uprising*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 22. See also, Syria Report, *Pro-Iran Militias Take over Farms near Mayadeen, Bar Entry for Owners*, 27 January 2021, http://bit.ly/3uEorXo*; ibid.*, *Residents Displaced from Mayadeen's Al-Tamo Neighbourhood: "Like Refugees in Our own City"*, 6 January 2021, http://bit.ly/3r2CVy3; *ibid.*, *Could Displaced Residents soon Return to Ayn Al-Fijeh?*, 6 January 2021, http://bit.ly/37Vqs7B; Zaman Al Wasl, *Russia Blocks Displaced Return to Western Harasta*, 9 December 2020, https://bit.ly/37MmgX4; The Syria Report, *Many Residents Still Banned from Returning to Strategic Yarmouk Basin Area*, 1 July 2020, https://bit.ly/2ZLvrUK.

### 2) Draft Evaders and Deserters from the Syrian Armed Forces[554]

#### a) Draft evaders

*Mandatory and reservist military service*

Military service is mandatory for all Syrian men between the ages of 18 to 42 (unless they have been granted an exemption or deferral – *see below*),[555] including those who reach the age of service while living abroad.[556] Descendants of Palestinian refugees who arrived in Syria between 1948 and 1956 and are registered with the General Administration for Palestine Arab Refugees (GAPAR) are equally obligated to undertake mandatory military service.[557] By law, mandatory military service lasts 18 or 21 months, depending on the educational level.[558] However, since 2011, many conscripts have been forced to serve for extended periods of time, beyond the period of compulsory military service stipulated

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554 According to Article 10 of the Military Service Law (Legislative Decree 18 of 2003), the Syrian Armed Forces consist of the following forces:
*A. The primary force is the Syrian Arab Army, which includes:*
*1. The Infantry*
*2. Air Forces and Air Defence*
*3. The Navy*
*B. Subsidiary forces include:*
*1. Internal security forces within their own regulations.*
*C. Additional forces include:*
*1. Reserve Forces*
*2. The Popular Army*
*3. Other forces to be established as necessary.*
See: The Syria Report, *Military Service Law*, 21 July 2017, www.syria-report.com/military-service-law.
Compulsory military service can also be performed with departments and agencies of the Ministry of Interior, including, among others, the police and security/intelligence agencies. Although there is limited information available in respect to draft evaders or deserters from these services, UNHCR considers that the information included in this chapter also applies to them; see in particular footnote 609.

555 Men are required to report for registration for compulsory military service at the local military recruitment office (*Maktab Al-Tajnid*) when reaching conscription age; Article 4(2) of the Conscription Law (Legislative Decree No. 30 of 2007, as amended), available at: The Syria Report, www.syria-report.com/conscription-law. In some cases, men above the age of 42 have reportedly been conscripted or kept in service beyond the maximum age; DIS, *Syria: Issues Regarding Military Service*, October 2019, www.ecoi.net/en/document/2018870.html, p. 11; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw.

556 Men of conscription age who are living abroad are required to either return to Syria in order to perform mandatory military service, or apply for a deferral or exemption (*see below*).

557 Under Law No. 260 of 1956, Palestinian refugees who arrived in Syria between 1948 and 1956 (and are registered with GAPAR, a department of the Ministry of Labour and Social Affairs) are considered on a par with Syrian nationals (except for nationality and the right to vote) and are obligated to undertake mandatory military service. Since the mid-1960s, Palestine refugees have generally performed their compulsory military service in the Palestinian Liberation Army (PLA), which is part of the Syrian Army; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 222-224; Sherifa Shafie, *Palestinian Refugees in Syria*, Forced Migration Review, August 2013, http://bit.ly/2kxeaqt, p. 4; Arab Center for Research & Policy Studies, *Palestinians in Syria and the Syrian Uprising*, October 2012, p. 2, http://bit.ly/2yO8vaS. See also Section III.A.12.

558 The duration of military service is 18 months with the exception of those who did not complete 5th grade, for whom mandatory service is 21 months; Article 3 of the Conscription Law, as amended by Legislative Decree No. 35/2011. See Syria Report, *Syrian President Reduces Military Service Period*, 22 March 2011, https://bit.ly/3lMeMcP.

by law.[559] Following their discharge, former soldiers are automatically considered reservists and may be called up for reserve duty.[560]

The right to conscientious objection is not legally recognized and there are no provisions for substitute or alternative service.[561]

Some prospective conscripts, reservists and draft evaders, or their families, are reported to pay bribes to avoid military service, e.g. by obtaining a deferral, by obtaining assurances of being waived through checkpoints, or by temporarily having their name removed from call-up lists.[562] Members of security and intelligence agencies are reported to arrest men wanted for military service for the purposes of

559 "*Since the start of the war, Syrian men remain in the reserve ranks after they finish their official 1.5 year service, meaning they can be serving for an unknown period of time*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 31. "*Since 2011, the Syrian regime has kept thousands of Syrian men in its military service as emergency forces – serving for an unspecified period – and refusing to discharge successive batches of army conscripts; some of whom have served for eight years in compulsory service*"; Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, https://bit.ly/2KBAsXA. See also, TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw. AGPS, *Palestine Liberation Army Refuses to Lay Off Conscripts after End of Military Service*, 15 February 2019, https://bit.ly/34yO4OE; Arab Reform Initiative*, Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, https://bit.ly/2TZym9d, p. 6. Limited demobilization campaigns of conscripts and reservists have been reported since 2018: In late March 2020, two administrative orders were issued by the General Command of the Army and Armed Forces, terminating the service of certain categories of "kept-in-service" conscripts and "called up" reservists as of 7 April 2020; SANA (in Arabic), 29 March 2020, https://bit.ly/3faW4sd. See also, Enab Baladi, *Syrian Soldiers Desperate for Demobilization after Retention in Regime's Armed Forces*, 16 April 2020, https://bit.ly/2VX9Jey. Two additional administrative orders were reportedly issued in November 2020 terminating the service and recall of certain reservist categories; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, https://bit.ly/3gJY3F7, p. 5; SOHR, *Regime Forces Issue Administrative Orders to End Retention and Recall Period for Reservists*, 18 November 2020, https://bit.ly/373xveq. See also, AFP, *Syrian Army Allows more Pre-2011 Conscripts Home*, 2 January 2019, https://bit.ly/2Sa8TsA; Reuters, *Syrian Army Demobilises Some Conscripted, Reservist Officers*, 10 December 2018, https://reut.rs/35dJqnm; Syrian Arab News Agency (SANA), *Army's General Command Issues Order on Demobilizing Conscripted Officers of Batch No. 103*, 31 December 2018, https://bit.ly/3cSUOI7; Asharq Al-Awsat, *Deserters Wary of Syrian Regime's Pledge of Pardon*, 14 November 2018, https://bit.ly/3cYzCAv.

560 After completion of the mandatory military service, "*they may still be called up for reserve duty up to the age of anywhere from 48 to 62, depending on rank*." In October 2018, media reported that some 800,000 men were no longer required for reserve duty. However, "*at least some of those who returned* [to Syria] *found themselves in the army a few weeks later, after the defence ministry published new callup lists for reserve duty in December 2018, rescinding its earlier decision*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, pp. 20-21. See also, The Defense Post, *Fearing Conscription into Assad's Army, Syrian Kurds Flee to Iraq*, 12 December 2019, https://bit.ly/3aR5tTT; SOHR, *Reserve Lists Continue to Arrive in the Syrian South, as more Former Defected Members Are Re-Enrolled in Their Barracks in Various Areas Raising People's Resentment*, 11 February 2019, https://bit.ly/2YAlB7k; Syrian Law Journal, *Legal Briefing: October 2018*, 9 December 2018, https://bit.ly/2Qq5wN1.

561 Only Christian and Muslim religious leaders are exempt from military service based on conscientious objection, although Muslim religious leaders are required to pay an exemption fee; US Department of State, *2019 Report on International Religious Freedom: Syria*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Syria has acceded to the International Covenant on Civil and Political Rights, which protects the right to freedom of thought, conscience, and religion, from which conscientious objection has been argued to be a derivative right. A compulsory military conscription scheme in which individuals may find themselves forced to serve without an alternative, and in egregious extension of even the domestically established maximum time period for compulsory conscription, likely occurs in violation of this right*"; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw. On the right to conscientious objection against compulsory military service, see also, UNHCR, *Guidelines on International Protection No. 10: Claims to Refugee Status Related to Military Service within the Context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 12 November 2014, HCR/GIP/13/10/Corr. 1, www.refworld.org/docid/529ee33b4.html (hereafter: UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html), paras 8-11.

562 A 2019 report by the Ministry of Foreign Affairs of the Netherlands assessed based on information from a confidential source that "*Syrians sometimes pay a bribe in order to obtain a deferral of compulsory military service, but are subsequently called up*"; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 64. For example, SOHR reported in early 2019 that in Eastern Ghouta, it cost up to US$ 6,000 in order to remove once's name from the wanted lists; SOHR, *Tens of Thousands of Regime's Supporters Take Refuge in Europe Fleeing the Specter of Conscription and Reserve Services which Roams the Syrian Areas and Takes the Young Men to Them*, 31 January 2019, https://bit.ly/2ENcEAH. See also, Al-Monitor, *Syrians Suffer as Crossings Remain Closed, and Smuggling Operations Become Pricey*, 11 December 2020, https://bit.ly/3oNN3Jn; Kristin V. Monroe, *Masculinity, Migration, and Forced Conscription in the Syrian War, in Cultural Anthropology*, Vol. 35 (2), 29 May 2020, https://bit.ly/2Qr9a9C; Syria Untold, *The Month when Time Stood Still*, 13 August 2019, https://bit.ly/3b3CMD7; SOHR, *The Military Police Blackmail Young Men in Douma, Paying in Exchange of not Taking Them to the Compulsory and Reserve Services*, 9 July 2019, https://bit.ly/32tF8aC.

extracting bribes from relatives to secure the men's release.[563] Conscripts are also reported to pay bribes in order to serve in a safe location, while there are reports of officers using conscripts to perform non-military tasks at their private properties.[564]

*Mandatory military service for individuals who "settled their status" following "reconciliation agreements"*

In retaken areas, men of military age are also required to perform mandatory military service. Although "reconciliation" agreements commonly provided them with a six-months "grace period" once they settled their situation ("taswiyat al-wada") with the security forces,[565] reports document the arrest and forced conscription of individuals prior to the lapse of this grace period.[566] Men in these areas have at times joined local or foreign pro-government forces in lieu of undertaking their mandatory or reserve military

563 STJ "(…) *has monitored several cases of blackmail and violations committed by these checkpoints against the area's locals, where the officials running these checkpoints demanded that the locals pay certain amounts of money in return for the release of those who have security reports filed against them* ***and those supposed to perform the reserve military service*** (…)" (emphasis added); STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi. "*The military police often arrests men wanted for military service for the purpose of extracting bribes from their relatives in exchange for their release*"; MEI, *"People Can't even Afford to Buy Bulgur": Discontent Is on the Rise as Syria's Economic Crisis Worsens*, 28 February 2020, https://bit.ly/3lrLPTx.

564 "*The issue of 'Al-Tafyeesh' bribe is old and well-known in the army of the Syrian regime, and it has been practiced for decades and continued even during the military operations in various Syrian territories during the years of war. 'Al-Tafyeesh' is a colloquial term used in the army, which means a deal between a soldier and his commander, where the soldier pays a regular financial bribe to the officer in return for an open and long-term leave, or for daily or weekly emergency leave. With ISIS' rapid resurgence in Syria, through intensive and escalating operations in the Syrian desert, reliable sources have informed the Syrian Observatory that the prices of monthly or weekly leave of the regime soldiers deployed throughout the desert, rose dramatically in light of the escalation of military operations in the region, for fear of ISIS' ambushes, especially with the great human losses caused by ISIS attacks*"; SOHR, *Fleeing ISIS' Inferno in the Desert: Regime Soldiers Pay Nearly $100 to Their Commanders for Monthly Leave*, 14 January 2021, http://bit.ly/3aGMBIC. "*Bribes paid to avoid reserve service are also a source of income for proregime officials*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, footnote 123. "(…) *the people of the wanted young men for compulsory service and the 5th Corps are trying to pay bribes and large sums in order to stop the search for their sons,* ***and to keep their place of service in relatively safe places*** (…)" (emphasis added); SOHR, *Regime's Security Forces Raid Areas in the Eastern Qalamoun in Rif Dimashq Searching for Wanted and Deserters from the Conscription*, 31 August 2019, https://bit.ly/2ESr7Lq. "(…) *Alawis – who cannot afford to emigrate, enroll in university to defer their service,* ***or bribe their way out of military service (or into noncombat posts*** *– reside entirely in regime-held territory, where the draft is imposed and enforced through routine raids and at checkpoints*" (emphasis added); New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze. Omran Center for Strategic Studies described the payment of "*tafyeesh*", a payment "*that a conscript makes to his superior officer in order to avoid actually reporting* [for] *his mandatory military service. Some officers have dozens of recruits who pay them tens of thousands of Syrian pounds every month in exchange for the officer turning a blind eye to their absence from their military units. Conscripts are also used to carry out different jobs at officers' homes, farms, and other personal properties*"; Omran Center for Strategic Studies, *Transformations of the Syrian Military: The Challenge of Change and Restructuring*, 31 December 2018, https://bit.ly/34u7sfU, p. 25.

565 "(…) *most of these agreements include commitments made by the regime to suspend the military draft for these individuals for up to six months* (…)"; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 3. At the time of writing, the "grace period" has expired across retaken areas. Fear of conscription was among the reasons for men of military age to leave their areas as part of the "reconciliation" agreements and be evacuated to areas under opposition control in northern and north-western Syria. On "reconciliation agreements" and the government vetting process to "settle one's status", see Section III.A.1.d.

566 "*As reported by the COI* [IICISyria] *and other human rights groups, the state has often gone back on its commitments, and those who have turned themselves in, including former combatants as well as local council members and civil society activists, have been arrested* ***or forcibly conscripted and sent to the frontlines***" (emphasis added); ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 23-24. "*Men are being rounded up despite Russian assurances that signing a Personal Status Settlement with the regime would have afforded them an interregnum of at least six months before conscription. Last summer some were sent to the front lines in northern Hama as cannon fodder*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/2BjhQdY. "*There are a number of cases of men from 'reconciliation areas' who refused to join the military service – relying on the Russian guarantees that they will not be forced to Assad's army for at least six months after the agreements were signed – being arrested, disappeared and killed by the regime's security forces*"; SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html, pp. 4-5 (with examples). In Eastern Ghouta, "[O]*nce the 'reconciliation' procedures with the Syrian authorities were concluded, the towns witnessed a massive campaign of arrests that were intended to support conscription efforts*"; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, https://bit.ly/3jipsOt, p. 5. "*The* [reconciliation] *process theoretically provided general amnesties, which were supposed to exempt signatories for six months from obligatory military conscription. Yet, despite those guarantees, the regime has continued to arrest local residents – both civilians and former rebel fighters – even as they were in the process of turning themselves in. Men have also been called up for enlistment before the six-month grace period expired*"; MEE, *Syria War: Who Is Behind the Anti-Regime Attacks in Daraa?*, 5 August 2019, https://bit.ly/2lVnPh8. See also, Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from "Reconciled" Areas to the Front*, 4 March 2020, https://bit.ly/3fP9xWt. See also, UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html, p. 17 (and sources quoted therein).

service in the regular army.[567] According to OHCHR, men were pressured to join these pro-government groups in order to avoid being perceived as opposing the government.[568]

While decisions relating to the deployment of conscripts depend on a number of factors, including military needs and individuals' professional background and expertise, and is also marked by a level of arbitrariness, all conscripts are potentially at risk of being deployed to a frontline fighting position.[569] However, reports indicate that conscripts from "reconciled" areas are at a particular risk of being deployed to a frontline fighting position within days or weeks of their arrest and with minimal training,[570]

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567 Many "reconciled" men, including deserters and draft evaders, are reported to have joined pro-government entities such as the Russian-led Fifth Corps or the National Defence Forces (NDF), or elite units such as the Fourth Armoured Division, either for prospects of better pay or a guarantee to serve in their home locations. "*The tightening security measures pushed lots of young men in the northern countryside of Homs to join the Syrian regime forces voluntarily, hoping that they will not be sent to the frontlines*"; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, https://bit.ly/2Yu1xU6. "*For other ex-rebels and male civilians whose names were on a government-issued 'wanted list', joining the 5th Corps became widespread: performing their mandatory or reserve military service would allow them to avoid security prosecutions and arrests. In Daraa, the 5th Corps competed with the SAA 4th Division to attract defeated rebels. A 5th Corps fighter receives between $150 and $250 as a monthly salary as well as a label that shields him from government detention*"; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, https://bit.ly/3lnM2qu, footnote 42. According to SOHR, among those recruited for the Fifth Corps are those "*wanted for passing their date of joining the mandatory service in the ranks of regime army or those who have settled their security situations with the regime's security services*"; SOHR, *Russian-Backed 5th Corps Starts Admitting New Recruits in Deir Ezzor*, 31 August 2020, https://bit.ly/3jqxzbu. See also, OHCHR, *The "Unreconciled" Concerns of Civilians in Dar'a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, p. 5. Men serving in pro-government forces have reportedly been promised that they would be exempted from compulsory military service; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, https://bit.ly/3jipsOt, p. 7; Diyaruna, *IRGC Entices Deir Ezzor Youth to Join Its Ranks*, 25 July 2019, https://bit.ly/356y4Uc. However, Deir Ezzor 24 reported that men serving with the NDF in Deir Ez-Zour were not safe from mandatory conscription, as several of them were arrested during a conscription campaign in March 2020; Deir Ezzor 24, *The Forced Conscription Campaigns Continue in Deir Ezzor… Affecting the National Defence Elements*, March 2020, https://bit.ly/3jxb4Sr. Similarly, in June 2019, "(…) *the Government of Syria State Security Branch in Inkhil* [Dera'a Governorate] *circulated a new list of those wanted for military service. Notably, the list included the names of reconciled former combatants in Shabab Al-Sunna, who are already enrolled in the Government of Syria's 5th Corps* (…)"; COAR, *Syria Update: 20 June to 29 June, 2019*, 26 June 2019, https://bit.ly/2QMfVTg. See also, Diyaruna, *IRGC-Affiliated Militia Dominates East Aleppo*, 16 December 2019 https://bit.ly/3jMWVAM.

568 OHCHR reported that in Dera'a Governorate, "*a few hundred 'reconciled' former fighters and civilians of military age had to join Government affiliated forces, particularly the 4th division, in order to avoid being perceived as opposition affiliates or 'terrorists' and putting themselves and their families at risk of arrest and detention or retaliation by the authorities*"; OHCHR, *The "Unreconciled" Concerns of Civilians in Dar'a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, p. 5.

569 According to SNHR, government security forces "*are severely pursuing all Syrians of military recruitment age for conscription to send them to the frontlines of fighting against Syrian Armed Opposition factions no north-west Syria* (…)"; SNHR, *Brief Report: Security Forces in Suwayda Are Responsible for the Abduction and Enforced Disappearance of Political Activist Mohannad Shehab al Din*, 24 June 2019, https://bit.ly/354hBjB, p. 2.

570 "*KIs* [key informants] *confirmed that once conscripted, draft evaders are often sent to training for only a short while – if at all – before being sent to battle, putting them in more danger due to the lack of preparedness. Training in the SAA in general was considered inadequate by the majority of respondents, and is not considered to provide conscripts with the necessary skills and preparation to deal with the situation on the frontline*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 31. "*Rural Damascus and Daraa in particular suffered continuous forms of repression and harsh control with constant arrests of young men for their past affiliation with former opposition groups* ***and/or with the aim of forcing them to join the military and go to battle often without training***" (emphasis added); EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/31nZNxA, p. 11. According to conscript from Dera'a Governorate, those who "*tried to get more time to enroll were caught at checkpoints and sent directly to the frontlines*." Another source similarly said that his relative was caught and then deployed to Idlib; Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from "Reconciled" Areas to the Front*, 4 March 2020, https://bit.ly/3fP9xWt. "*Many locals are troubled that former opposition fighters – who had agreed to surrender as part of a reconciliation deal and serve as local security – were instead being conscripted into the army or detained. Conscripts endure terrible conditions while serving in the army and have been essentially used as cannon fodder in regime offensives*"; The New Arab, *Syria Weekly: Idlib under Attack*, 11 March 2019, https://bit.ly/3bLqfUM. See also, Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face 'Deferred Execution'*, 9 February 2021, http://bit.ly/3uKsPUA; SOHR, *The Regime Forces Put Tens of Members of the "Settlements and Reconciliations" South of Damascus in Fronts of Latakia Mountains*, 8 November 2019, https://bit.ly/2R8nGVe; SOHR, *The Regime Forces Push Young Men from Daraa of Those who Were Drafted to Reserve Service, to the Fronts of Hama Countryside*, 27 May 2019, https://bit.ly/3jcGvBp; Voice of the Capital, *Damascus Countryside Mourns the Death of Sons from Settlement Groups*, 17 February 2020, https://bit.ly/351XQsZ. On the deployment of military-aged men from Al-Tal (Rural Damascus) to the frontlines, see also UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (and sources quoted therein).

including as a form of punishment for their perceived disloyalty.[571] One source described the conscription of youth from formerly opposition-held areas as a way "*to remove youths from the towns in which they live and thus diminish the number of individuals who constitute a threat to the stability of the Syrian regime in the short term*."[572]

*Treatment of Draft Evaders*

The Military Penal Code stipulates that draft evasion[573] is punished by imprisonment.[574] Those who have exceeded the military service age (42 years) without having completed their mandatory military service are subject to financial sanctions, and possible confiscation of their movable and immovable assets and imprisonment.[575] Many draft evaders who remain in government-controlled areas of Syria

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571 According to Prof. Dr. Ugur Umit Üngör "[M]*ost recent research demonstrates that the category of individuals considered to be opposing the government (e.g. persons from retaken areas, former opposition fighters, opposition activists) are especially under deadly threat. There are forced disappearances, formal arrests, and summary executions being reported*. ***These men are sent to the front as a form of punishment indeed****, which can only be understood by looking at the deep resentment that the pro-regime milieu feels at the 'disloyalty' of those men. Regime officials and sympathizers feel that for years, their sons have sacrificed themselves for the 'homeland' and the 'nation', and that these draft dodgers are getting off easily, and now must be taught a lesson*" (emphasis added); Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (e-mails on file with UNHCR). "*The GoS also handed over the death certificates of a group of young people* [from Dera'a Governorate] *returning from military service, namely, A.H., A.G., M.A. and A.A., who made settlements with the GoS after its entry to the area.* ***They died of military field execution****, or during battles*" (emphasis added); SCP, *Daraa Province Following Control by the Government of Syria: Eighth Monitoring Report*, 15 October 2019, https://bit.ly/3jgnf5N, p. 5. "*In the absence of any ability to conscientiously object from conscription and with the legal scheme being applied in a discretionary manner,* ***the regime has used conscription as a tool of punishment*** *and power consolidation, rather than to establish a culture of service to protect the nation*" (emphasis added); TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw. "*Numerous reports and testimonies speak of the widespread practice in which the people who have entered 'reconciliation agreements' and their families, are at the same time wanted by the security branches for being 'connected to anti-regime elements' and by the military for deployment to the most dangerous frontlines in Idlib and Hama regions.* ***Once they are recruited, they are immediately shipped to these frontlines where they often die at the hands of their former comrades or in murky circumstances away from the frontline itself.*** (…) *The testimonies of their relatives and close friends, and the profile of the victims and their trajectory during the last few years, clearly show that some of them used to fight with the armed opposition, while others just returned to regime-held areas lured by regime propaganda and Russian promises of safety, unfortunately sometimes amplified in the narratives of some international organisations working on Syria*" (emphasis added); SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html (with examples of possible frontline executions of recruits from 'reconciled' areas). On the deployment of former opposition fighters, a source quoted by MEI stated that ***"it's very suspicious that these guys*** [reconciled rebels] ***get sent out in the desert with little support and they seldom return, and if they return, they get sent out again. Tactic seems to get rid of many of these reconciled rebels in this area"*** (emphasis added); MEI, *The Lion and The Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, https://bit.ly/2VCIOVi.

572 EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, https://bit.ly/3jipsOt, p. 6. Similarly, SACD described forced conscription as "(…) *a way for the regime to obliterate what it sees as anti-regime elements standing in the way of its vision of demographically engineering a loyal and obedient population. Examples testifying to this method of retaliation against the people who 'reconciled' are numerous*"; SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html.

573 "*Draft evasion occurs when a person does not register for, or does not respond to, a call up or recruitment for compulsory military service. The evasive action may be as a result of the evader fleeing abroad, or may involve, inter alia, returning call up papers to the military authorities. In the latter case, the person may sometimes be described as a draft resister rather than a draft evader* (…)*. Draft evasion may also be pre-emptive in the sense that action may be taken in anticipation of the actual demand to register or report for duty.* (…) *Draft evasion may be for reasons of conscience or for other reasons*"; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, pp. 1-2. In light of repressive conscription practices and the lack of provisions for alternative or substitute service, UNHCR considers that it would be unreasonable to expect prospective conscripts to inform the military authorities of their objections to performing military service before fleeing Syria.

574 During peacetime, draft evaders who do not present themselves for military service within the prescribed notice period are subject to imprisonment ranging from one to six months, in addition to having to serve the mandatory military service. In wartime, the punishment for draft evasion is imprisonment for up to five years, depending on the circumstances. After having served the sentence, the draft evader has to serve the mandatory military service; *Syria: Excerpts of Law No. 61 of 1950, as amended (Military Penal Code)* [unofficial translation provided by UNHCR], 16 February 2017, www.refworld.org/docid/58a5e1b34.html, articles 98 and 99. For the full text of Law No. 61 of 1950 (in Arabic), see: https://bit.ly/2H3t1ul.

575 A 2014 amendment to article 97 of the Conscription Law (Legislative Decree 33/2014) foresees the payment of a waiver fee of US$ 8,000 (or its equivalent in Syrian pounds as set by the Central Bank of Syria) by men who have not been exempted from military service and reach age 43 without having completed military service. The fee has to be paid within three months of reaching the age of 42; failure to do so may lead to imprisonment of one year, as well as an obligation to pay an additional US$ 200 for every year exceeding the deadline up to a total amount of US$ 2,000. A further amendment of November 2017 (Law 35/2017)

are hiding and live in constant fear of being arrested and conscripted.[576] They are also unable to engage in any legal or administrative actions such as renting, buying or selling property,[577] getting married, or applying for (the renewal of) ID cards and passports.[578] Men between the ages of 17 to 42 further require permission from the recruitment office to leave the country legally.[579] According to reports, government employees have been dismissed from their jobs for evading reserve military service.[580]

stipulated that in case of non-payment, their movable and immovable assets can be frozen until payments are made in full. A 17 December 2019 amendment (Law No. 39/2019) stipulated that the assets of those who do not pay the fee will not only be temporarily frozen by the judiciary but subjected to executive seizure (asset forfeiture) by the Ministry of Finance without warning when the person in question reaches 43 years of age. It further permits the provisional seizure of assets belonging to his wife/wives and children until it has been determined that they do not come from the person in question; Syrian Parliament (in Arabic), مجلس الشعب يقر تعديلاً على إحدى مواد قانون خدمة العلم, December 2019, https://bit.ly/32lzszp. In February 2021, Brigadier General Elias Bitar, head of the army's Exemptions and Reserves Branch, announced that "*the military judiciary will prepare notification notes to seize money and property from citizens over 43-years old who have not paid the exemption fee*"; MEE, *Damascus Threatens to Seize Property from Displaced Syrians over Conscription Fees,* 12 February 2021, http://bit.ly/3uD8Ffv. "(…) *the amendment now empowers the Ministry of Finance to immediately confiscate and sell an individual's property without providing notice or giving the individual an opportunity to challenge the decision.*" HRW described the amendement as "*the latest in a series of laws and policies designed to punish perceived political dissidents and Syrians who fled, but which also serve to enrich a flailing government with money from the pockets of disillusioned Syrians already facing a barrage of crises*"; HRW, *Syrian 'Military Evaders' Face Unlawful Seizure of Property, Assets*, 9 February 2021, www.ecoi.net/en/document/2045174.html. According to lawyer Hussam Sarhan, a member of the Board of Directors of the Syrian Lawyers Association, "*the seized properties will be sold* [in a public auction] *without regard to their real value, because what is important for the regime is to collect the amount of 8,000 dollars, and transfer it to the treasury or the budget of the Ministry of Defense regardless of whether the person is inside or outside Syria*"; Enab Baladi, *New Procedures to Raise Money from Draft Dodgers*, 26 December 2019, https://bit.ly/3j8i1ZV. See also, Syrian Law Journal, *Military Service Law: Law 35/2017*, accessed 28 February 2021, https://bit.ly/3o3w0n9. "*Any Syrian man eligible for military service, whether an expatriate or a refugee, has four options once he has regularized his status at a Syrian embassy. He can, first, return to Syria and complete his compulsory service; second, pay the sum of $8,000 before reaching 43 years old, as outlined in Article 13 of the military service law; third, pay the same sum in lieu of service, after turning 43; or fourth, face executive confiscation of his assets and provisional confiscation of his wife's, or wives', and children's assets, without warning.* (…) *This was a preemptive step against Syrians living outside the country, creating a mechanism by which the state could ultimately seize the assets of those concerned (known to the regime by name), constituting the vast majority of such cases in the coming years*"; Carnegie MEC, *Drain Society, Feed the Military*, 20 February 2020, https://bit.ly/2QoNQkN. See also, Syria Report, *Amendment to Military Service Law Raises Serious Concerns over Syrians' Real Estate Rights*, 17 February 2021, http://bit.ly/3rc5ZmY; World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 67.

576 "(…) *men and boys were often unable to move freely in areas controlled by government forces (…), fearing forced conscription or arrest*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 49. "*Young men in Syria face the prospect of mandatory military conscription, which if avoided, can affect their ability to move freely in the country*"; NRC, *Nine Challenges Facing Young People in Syria*, 22 August 2020, https://bit.ly/3j3VYn8. See also, Daraj, *Military Service... Every Young Syrian's Nightmare*, 24 June 2020, https://bit.ly/32e5YmU; Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from "Reconciled" Areas to the Front*, 4 March 2020, https://bit.ly/3fP9xWt; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, https://bit.ly/2Yu1xU6; Syria Untold, *Men Evading Military Service in Southern Syria's Suwayda Feel 'Trapped'*, 9 January 2020, https://bit.ly/2QhBF9A.

577 Real estate transactions require a security clearance; see Section III.C.6.c.

578 "*He has not been able to get any governmental transaction done or get married, all of which require a paper from the Recruitment Division*"; Daraj, *Military Service... Every Young Syrian's Nightmare*, 24 June 2020, https://bit.ly/32e5YmU. For men between the ages of 18 and 42, the military booklet, or a status report issued by the relevant recruitment office in case the military booklet is not available, is a requirement in order to issue or replace an ID card. To obtain a passport, unless they are exempted from military service, men of military age must provide an approval of the Military Division of the Ministry of Defence. To register a marriage with the courts, a marriage license from the Military Service Department has to be submitted. According to sources consulted by Landinfo, "(…) *it has become more difficult to obtain permission* [to register a marriage] *from the military authorities since the outbreak of civil war* (…). *In order to register such a marriage retrospectively without the permission of the military authorities, it is necessary for the women to be pregnant or to have already given birth*"; Landinfo, *Syria: Marriage Legislation and Traditions*, 22 August 2018, www.ecoi.net/de/dokument/1454015.html, pp. 23-24. See also, UNHCR, *Booklet on Civil Documentation and Registration in the Syrian Arab Republic*, 25 April 2020, https://bit.ly/34fbEjc, pp. 16-17.

579 Article 48 of the Conscription Law of 2007, as amended. Legislative Decree 14/2018 stipulated that men between the ages of 17 and 42 years, who are not legally exempt from military service and who seek to travel outside Syria, require a travel clearance and have to deposit 50,000 Syrian pounds in a public bank as a guarantee. The travel clearance is valid for three months; Syrian Law Journal, *Military Service Law: Legislative Decree 14/2018*, accessed 28 February 2021, https://bit.ly/3o3w0n9. See also, Rozana Radio, *Irregular Ways of the Military Recruitment Divisions... Mandatory Gates to Leave Syria*, 22 January 2019, https://bit.ly/2FVnJjE.

580 SY 24 (opposition website), *Teachers Fired. Leaked Document Reveals Why*, 14 October 2020, https://bit.ly/3oof7Um; Syria Call, *The Assad Regime Dismisses 21 Teachers for Refusing to Join the Army*, 13 October 2020, https://bit.ly/2HYr822; STJ, *Al-Hasakah: Arbitrary Dismissal of at Least 80 Teachers after Years of Service*, 18 December 2018, https://bit.ly/2EOkIGS; STJ, *Mass Dismissals, Fines & Prison Sentences for over 400 Employees in al-Qunaitra*, 17 December 2018, https://bit.ly/3jxFNP7.

Using wanted lists, the army and security agencies are reported to continue their efforts to identify and forcibly conscript draft evaders, primarily at mobile and fixed checkpoints,[581] but also in government institutions such as universities and hospitals,[582] at government reception centres,[583] and during house searches.[584] Returnees from abroad are reported to be among those arrested for the purpose of

[581] For example, in Eastern Ghouta, in February 2021, the "*military police arrested more than 300 young people over the last days, after the police set up temporary checkpoints on a daily basis, and stormed the homes of wanted men, for compulsory and reserve military service*"; SOHR, *While Waiting Outside Bread Bakeries: Regime Security Services Arrest 57 Young Men in Eastern Ghouta for Mandatory Conscription*, 20 February 2021, https://bit.ly/2M9PRmu. Deir Ezzor 24 reported that government forces employed "*checkpoints*" and "*mobile patrols*" in the "*streets, public departments, bus stations, schools and universities*" of Deir Ez-Zour city in search for those wanted for compulsory military service; Deir Ezzor 24, *Assad's Forces Conduct a Massive Recruitment Campaign in Deir Ezzor City*, July 2020, https://bit.ly/3lLxZLV. "*Arrests for the purpose of recruitment for compulsory military service did not stop for a single day over the past years. This was conducted through fixed and temporary checkpoints that are placed suddenly with unexpected checkpoints to inspect those who have not fulfilled their compulsory military service, and tension and military inspection increases if recruitment dates are approaching*"; Syrian Civic Platform (SCP), *Arrests in Damascus*, 25 February 2020, https://bit.ly/34x4G9I. See also, SOHR, *Regime Forces Step Up Arrests of Young Recruits*, 6 August 2020, https://bit.ly/32oo6L9; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, https://bit.ly/2Yu1xU6; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 8. Officers at checkpoints and border crossings have access to a centralized database that holds information about one's military status; see footnote 49.

[582] "*At Daraa National Hospital, detentions have been reported. For example, a male patient without proof of military service may have a credible fear of being arrested – while an inpatient – for having avoided conscription*"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 26. MEI, with reference to a report from the news outlet Voice of the Capital, said that the government had a "*practice of arresting men wanted for military service in hospitals*"; MEI, *Ravaged by War, Syria's Health Care System is Utterly Unprepared for a Pandemic*, 23 April 2020, https://bit.ly/2EOJbGC. See also, SOHR, *In Order to Drive Them to Conscription Service... the "Military Police" Pursue University Students in Aleppo*, 15 November 2019, https://bit.ly/32qw5qO. Others were reportedly sent to perform their military service following release from prison; PHR, *"My only Crime Was Being a Doctor": How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture*, December 2019, https://bit.ly/3b3dVj1, p. 33; STJ, *Syrian Authorities Release Seven of Hama Central Prison Inmates*, 17 January 2019, https://bit.ly/2ELdiij. SOHR reported in July 2020 that from among protestors arrested in Suweida in June 2020, one was taken to military service while others were released; SOHR, *Regime Security Services Release All Young People Arrested in June Demonstrations, only One Driven to Mandatory Service*, 10 July 2020, https://bit.ly/2EuDe1k.

[583] Men displaced in the wake of the government retaking the Eastern Ghouta as well as returnees from Rukban Camp have reportedly been conscripted from government reception shelters: "*For many of Rukban's residents, to go back into Syrian government territory, where their homes and farms now sit abandoned, is to risk military conscription or potential detainment. It would mean being processed through one of the government's so-called 'reception centers' that have been set up in former school buildings in Homs for security forces to vet returnees. Dozens have reportedly been arrested in the centers, or held for weeks on end, family members say*"; Mada Masr, *A Remote Displacement Camp in the Syrian Desert, now more Isolated than Ever*, 30 April 2020, https://bit.ly/3bg8XPV. "*When the regime consolidated the shelters* [for those displaced from Eastern Ghouta] *into one location several months ago, every male between 18 and 60 was investigated by regime intelligence, mainly by the infamous Palestine Branch. Many were placed in reserve service, while others volunteered to serve in the National Defense Forces militia. More than 500 men were arrested and their whereabouts remain unknown*"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 10. "*In Eastern Ghouta, thousands of people were offered shelter and aid within IDP shelters during the military campaign* (…). *There, men were separated from women and children and the process of reconciliation and release began.* (…) *men were detained and conscripted while the so-called reconciliation forms were completed. This process is currently being repeated in Homs, where evacuees from Rukban IDP camp are being detained, ill treated, and forced to undergo interrogation and reconciliation*"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 5. On conscription of returnees from Rukban camp, see also footnote 517.

[584] For example, "[O]*n September 10* [2020]*, reliable sources informed the Syrian Observatory that the regime's military police launched a security campaign Deir Ezzor city where they stormed civilian houses in Al-Jourah and Al-Qusur neighbourhoods. The military police arrested several young people for 'evading to perform mandatory service in regime army*' "; SOHR, *Military Conscription: Regime Forces Storm Deir ez-Zor Neighbourhoods, Stepping Up Arrests of Young Recruits*, 14 September 2020, https://bit.ly/3kgOwWr. "(…) *raids by the authorities on neighbourhoods and homes in search of wanted conscripts and reservists have become common*"; Julia Morris, *The Politics of Return from Jordan to Syria*, in Forced Migration Review, *Return Voluntary, Safe, Dignified and Durable?*, Issue 62, October 2019, https://bit.ly/3jaogMR, p. 32. See also, Voice of the Capital, *Thirteen Arrested in Eastern Ghouta*, 19 August 2020, https://bit.ly/34tNNMD; Voice of the Capital, *State Security Services Arrest Dozens in Douma for Forced Military Recruitment*, 16 July 2020, https://bit.ly/37IAHgf; Syria Call, *The Assad Regime Arrests 112 Guys from Douma in Eastern Ghouta in 3 Weeks*, 24 June 2020, https://bit.ly/2JmdZR1.

conscription upon return.[585] Such campaigns are reported from all areas under government control,[586] particularly from retaken areas,[587] although local agreements[588] or limited presence limits the government's ability to forcibly conscript draft evaders from certain areas.[589]

In practice, rather than facing criminal sanctions and imprisonment under the Military Penal Code,[590] draft evaders are more likely to be arrested and at times detained for a short period, before being

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585 The Ministry of Interior on 22 December 2018 issued a circular (No. 28293) to the Department of Migration and Passports, which provides that returnees of military age must approach the recruitment centre within 15 days upon return to complete their compulsory, or within seven days in relation to reserve military service; SANA, *Immigration Issues Instructions not to Detain Citizens Overdue to Join Military Service at Border Crossings*, 24 December 2018, https://bit.ly/32FO3G6; Russia Today (in Arabic), 24 December 2018, https://bit.ly/351Qd5V. Reports suggest that returnees have been arrested and forcibly conscripted upon return, even if they held an exemption: "*Several KIs* [key informants] *reported that – even after paying their exemption fees and fines – any people who returned were arrested for previous actions of political dissent, or have been conscripted again*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, p. 6. "*For those that arrive* [in Syria]*, anecdotal evidence suggests some returnees have been arrested, detained, or conscripted upon reaching their place of origin*"; COAR, *Syria Update: 14 March to 20 March, 2019*, 20 March 2020, https://bit.ly/3hUD3v3. In 2019, SNHR recorded the arrest of at least 256 returnees for the purpose of forced conscription into mandatory military service; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, https://bit.ly/3eaD77i, p. 22, see also pp. 42-43. "*Returnees are reported to be among those subjected to harassment, arbitrary arrest, detention, torture, enforced disappearance* ***and forced conscription***" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 8. See also Section III.A.1.e.

586 In November 2020, *"we have recorded multiple arrests and acts of persecution of citizens in connection with reserve conscription* (…)*; these reserve conscripts, whose ages range between 30 to 36 years, are primarily concentrated in the governorates of Aleppo and Damascus*"; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, https://bit.ly/3gJY3F7, p. 5.

587 In February 2021, SOHR reported that "(…) *regime members have targeted queues outside bread bakeries in the areas of Saqba, Jisrin, Hamouria, Kafr Batna and Hazza* [Eastern Ghouta]*, arresting 57 young men wanted for mandatory and reserve conscription, while waiting in bread lines.*" According to activists, "*the cities and towns of eastern Ghouta in Damascus countryside, witnessed large-scale arrests of young people for their compulsory and reserve military service since regime forces took control of the area* [in 2018]"; SOHR, *While Waiting Outside Bread Bakeries: Regime Security Services Arrest 57 Young Men in Eastern Ghouta for Mandatory Conscription*, 20 February 2021, https://bit.ly/2M9PRmu. "*SOHR activists say that regime forces have launched a campaign of arrests in the neighbourhoods of Deir ez-Zor city, arresting a number of young men for military conscription. Regime forces carried out campaigns of arrests in a number of Syrian provinces over the past month in Aleppo, Hama and rural Damascus, as well as arrests in Daraa countryside, which led to arrests among young men for military conscription*"; SOHR, *Regime Forces Step Up Arrests of Young Recruits*, 6 August 2020, https://bit.ly/32oo6L9. In northern Homs Governorate, "[T]*he Syrian army forcibly recruits men it considers to be draft dodgers, in order to deploy them at the front in northern Syria*"; KAS, *De-Escalation Zones in Syria*, June 2020, https://bit.ly/37X1pAt, p. 5, see also p. 6. For reported arrest and forced conscription campaigns, see for example, SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, http://bit.ly/2ZX4flh; SOHR, *Regime Forces Search for Suspects and Military Deserters in Village near Border with Occupied Golan*, 18 January 2021, http://bit.ly/2ZJVkU5; SOHR*, Regime Forces Arrest Tens of Young Males in Al-Mayadeen and Deir Ezzor Cities, Driving Them to Mandatory Service*, 30 December 2020, http://bit.ly/2LgPWUN; SOHR, *Regime Security Services Arrest Nearly 15 Youths on Khirbet Ghazala-Daraa Road*, 22 December 2020, http://bit.ly/3oeg7Kq; SOHR, *Deir Ezzor: Regime Forces Launch Security Campaign in Al-Mayadeen, Searching for Military Service "Deserters"*, 3 November 2020, https://bit.ly/3elEHoi; Voice of the Capital, *At Least Eleven Young People Arrested in al-Hamah, Qudsaya*, 14 October 2020, https://bit.ly/3ky4nAC; Syria Call, *The Assad Regime Arrests 54 Young Men in Rural Damascus*, 7 October 2020, https://bit.ly/35zNYFf; SOHR, *Military Conscription: Regime Forces Storm Deir ez-Zor Neighbourhoods, Stepping Up Arrests of Young Recruits*, 14 September 2020, https://bit.ly/3kgOwWr; Syria Call, *Dozens of Young Men Been Arrested in Douma, Southern Syria, Taken to the Assad Army and Detention Centers*, 16 July 2020, https://bit.ly/2TQrTwK. On the arrest of Palestinian refugees for the purpose of forced conscription, see also Section III.A.12.

588 "*For example, the Druze community* [in Suweida Governorate] *has been largely exempt from military conscription, a tacit concession by the regime in exchange for the community's support*"; USIP, *How Will New U.S. Sanctions Impact Syria's Conflict?*, 17 June 2020, https://bit.ly/31mTAC4. However, this understanding with the government does not protect Druze men beyond Suweida and they "*are also unable to leave Sweida* (…) *out of fear of being otherwise forcibly conscripted*"; Amnesty International, *Syria: Peaceful Protesters Detained in Sweida Must Be Released Immediately*, 24 June 2020, www.ecoi.net/en/document/2032026.html. See also, Syria Untold, *Men Evading Military Service in Southern Syria's Suwayda Feel 'Trapped'*, 9 January 2020, https://bit.ly/2QhBF9A. Since 2018, as a result of the government regaining a firmer grip on power and being less dependent on support from the Druze community, pressure on Druze military-age men to serve in the army has reportedly increased. In May 2019, it was estimated that some 50,000 Druze men were wanted for mandatory and reserve service in Suweida Governorate; EUI, *The Druze of Sweida: The Return of the Regime Hinges on Regional and Local Conflicts*, 28 August 2019, https://bit.ly/2EpqEAx, pp. 2, 9, 15. See also, SOHR, *Efforts to Persuade Young People to Return and Serve in the Regime's Army: Russian and Regime Officers Meet with Local Leaders and Elders from al-Sweida*, 15 December 2020, http://bit.ly/3af6V4k; SOHR, *Regime Security Services Release All Young People Arrested in June Demonstrations, only One*

conscripted.[591] Draft evaders perceived to be opposing the government are reportedly at risk of particularly harsh treatment during arrest, interrogation, detention and, once deployed, during military service.[592] Families of draft evaders have in some cases also been threatened and abused.[593]

### b) Exemptions and Deferrals from Military Service[594]

The Conscription Law permits certain categories of men to be exempted from military service,[595] including, among others, men who are the only male child of their parents,[596] those who are deemed unfit for medical reasons,[597] and those who legally reside abroad for at least one year and have paid

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*Driven to Mandatory Service*, 10 July 2020, https://bit.ly/2EuDe1k; L'Orient Le Jour, *Suwayda: Fire under the Ashes*, 7 April 2020, https://bit.ly/3IDs2AA.

589 For example, in SDF-held areas, the government's ability to recruit has been limited since 2012 in light of its large-scale withdrawal from the area. However, according to the US Defense Intelligence Agency (DIA), following the redeployment of government forces to areas in north-eastern Syria in the wake of Turkish "Operation Peace Spring", the government "*has stepped up efforts to recruit from the local populations to increase its force numbers*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 51. In late December 2020, SOHR reported tensions between government forces and the *Asayish*, including over the arrest and detention of men based on "*accusations of* (…) *defaulting the compulsory service in regime army*"; SOHR, *After Russia's Mediation: Tension Between Asayish and Regime Forces in Al-Qamishli Defused, after Releasing Detainees*, 27 December 2020, http://bit.ly/3hDxOjN. On areas with no government security presence in parts of Dera'a Governorate, see Section II.B.1.b.

590 According to Prof. Dr. Ugur Umit Üngör "[I]*n some cases, it does lead to a 'field court' ('mahkama maydaniya') in which severe punishments are meted out. Anybody who is unlucky enough to actually get convicted and end up in prison, suffers the same treatment as all the other miserable victims in Syria's Gulag*"; Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (e-mails on file with UNHCR).

591 According to Prof. Dr. Ugur Umit Üngör "[O]*fficially, you're supposed to be tried and convicted of failing to comply with military law, and if you are found guilty, it is a felony offense. In practice, from what we know from interviews with young Syrian men, the regime is struggling with a shortage of manpower and chooses pragmatically to send draft dodgers to the army directly, to complete the most deadly tasks (right at the frontline)*"; Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (e-mails on file with UNHCR). According to a pro-opposition website, "[Y]oung *men are usually detained for between seven and 15 days and are put in the Military Police prison, and then after a week to a month in the al-Balouna or al-Qaboun prison, they are transferred to the centers (al-Dreij, al-Banak, Hananou* [military bases])"; Alsouria Net, *The Regime Issues Lists for 15,000 People Wanted for the Army*, 8 January 2019, https://bit.ly/3aTjwbH. In other cases, conscripts were immediately taken to military training centres. For example, in Eastern Ghouta, "[I]*n arrest operations, security and military forces generally surround a particular area, then youths are taken by truck to the '350 Aghrar' Special Forces base in al-Dreij. These draftees are forced to sign papers enlisting them in the ranks of the SAA, and then they are trained*"; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, https://bit.ly/3jipsOt, p. 6. See also, COAR, *Syria Update: 31 January to 06 February 2019*, 6 February 2019, https://bit.ly/3h0LDHr.

592 "*From two sources I know that your treatment depends largely on how well connected you are in the regime. Alawites with solid 'connections' ('wasta' in Arabic) will not suffer the worst consequences, and in the two cases mentioned had to pay a 'compensation' ('badal' in Arabic) of about €8000.* ***All others, especially working-class Sunni men from rebellious neighborhoods and areas*** *(such as Eastern Ghouta) are dealt with much more ruthlessly. The latter* ***are perceived to have been disloyal to the army, and are routinely ill-treated, suffer violent hazing rituals, and often have to endure physical training that would amount to torture*** *according to European soldiering standards.* ***Some are shot point blank on the fronts****, their deaths being attributed to a 'suicide', an 'accident', or 'combat' "* (emphasis added); Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (e-mails on file with UNHCR). See also, SNHR, *The Death of a Dissident Conscript Due to Torture in Syrian Regime Detention Center, November 5*, 7 November 2019, https://bit.ly/32NhxSv. On the treatment of persons opposing or perceived to be opposing the government, see also Section III.A.1.

593 SNHR documented the beating of family members of draft evaders during arrest campaigns; SNHR, *The Most Notable Human Rights Violations in Syria in April 2020*, 5 May 2020, https://bit.ly/2G89eJd, p. 5. "*Other coercive methods involved threatening families in regime-controlled areas whose sons didn't report for duty*"; The Defense Post, *Fearing Conscription into Assad's Army, Syrian Kurds Flee to Iraq*, 12 December 2019, https://bit.ly/3aR5tTT. SNHR described the case of a man who was arrested, forcibly disappeared and tortured in 2011 due to his brother's failure to join compulsory military service; SNHR, *Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in its Detention Centres and Military Hospitals*, 21 October 2019, https://bit.ly/2MzcUDZ, p. 48.

594 Men who have been exempted from mandatory military service are legally distinct from draft evaders.

595 Grounds for exemption from service are stipulated in Article 12 and 13 of the Conscription Law, as amended.

596 The Conscription Law provides that the only male child to his parents or parent can be exempted from military service; Article 12(6) of the Conscription Law, as amended. The exemption is temporary and has to be renewed every year until it is determined that the mother reaches the age where she cannot give birth to another child. "*However, the process that grants an only child his freedom is not easy and takes time, effort and medical health to ensure the mother's inability to have other children. Even the possibility of having another boy threatens the young man's chance to be exempted from the military service*"; Daraj, *Military Service... Every Young Syrian's Nightmare*, 24 June 2020, https://bit.ly/32e5YmU.

597 Article 12(3) of the Conscription Law, as amended. "*Young men injure themselves to obtain a medical discharge and thousands of young men have left the country to avoid service. The regime knows all the tricks and it gives few medical discharges and only then after long and exhaustive tests*"; Haaretz, *The Hell of Syria's Army Draft Is One Many Try Their Best to Avoid*, 7 July 2020, https://bit.ly/31o22RB.

an exemption fee.[598] The law further allows for deferrals under certain conditions,[599] including for university students[600] and those with temporary health conditions.[601] Since 2011, an increasing level of

[598] Articles 12(9) and 13 of the Conscription Law, as amended. Since 1978, men living abroad have been able to pay a one-time compensation fee to avoid conscription; however, the conditions and applicable fees have been amended several times, including, most recently, by Legislative Decree No. 31/2020 of 8 November 2020. Prior to the latest amendment of Article 13, men who legally resided outside of Syria for at least four consecutive years were eligible for exemption on condition that they pay the equivalent of US$ 8,000 (so-called البدل النقدي or "*Badal Al-Naqdi*"). The November 2020 amendment sets new amounts for the exemption fees depending on the length of stay outside Syria: men who resided for one year, two years, three years or four years abroad are required to pay US$ 10,000, US$ 9,000, US$ 8,000 or US$ 7,000, respectively, to be exempted from military service. Furthermore, individuals who were born and resided abroad for more than ten years can obtain an exemption by paying a fee of US$ 6,500. Prior to these amendments, those who were born and resided abroad until reaching age 18 could obtain an exemption until age 25 on condition that they paid an exemption fee of US$ 2,500. To obtain a permanent exemption after attaining 25 years of age, they had to pay an exemption fee of US$ 8,000. In a new development, Legislative Decree No. 31/2020 also stipulated that men in Syria, who have been assigned or will be assigned to a "non-field service" (administrative position) for medical reasons, could pay an exemption fee of US$ 3,000 (or its equivalence in Syrian pounds, based on the exchange rate determined by the Central Bank of Syria). The decree is equally applicable to Palestinian refugees registered with GAPAR. An unofficial English translation of Legislative Decree No. 31/2020 is available at: *Syrian Arab Republic: Legislative Decree No. 31 of 2020 [Syrian Arab Republic]*, 4 January 2021, www.refworld.org/docid/5ff34b124.html. See also, Syrian Law Journal, *Military Service Law: Legislative Decree 31/2020*, accessed 28 February 2021, https://bit.ly/3o3w0n9; Syria Report, *New Dollar Rate Raises Concerns in Damascus*, 9 December 2020, http://bit.ly/34C8m9g. According to COAR, "[W]*hile it is unclear how many people will actually pay the waiver, there is no doubt that the policy aims to increase government revenues*"; COAR, *Syria Update: 21 December 2020*, 21 December 2020, http://bit.ly/3rnPzrR. However, many do not have the financial means to afford the exemption fees; Asharq Al-Awsat, *Syria Amends Military Service Law to Ease Economic Woes*, 10 November 2020, http://bit.ly/2KNP2yI; Enab Baladi, *Assad Introduces Big Change to Military Service Law*, 10 November 2020, http://bit.ly/3nJf2d1; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 21.Syrians living abroad, who do not return to Syria to perform their military service and who also do not apply for either a deferral or an exemption are considered draft evaders; see above Section III.A.2.a.

[599] Grounds for deferral from service are stipulated in Articles 10(1A)-10(1E) and 10(2) of the Conscription Law, as amended. Deferrals have to be renewed every year. Additional grounds for deferral concern families with two or more sons of conscription age; individuals serving prison sentences or under investigation; sole providers of their families; and pilots working for the Syrian Arab Organization for Pilots.

[600] Article 10(1A) of the Conscription Law, as amended. Amendments introduced in July 2019 introduced more restrictions on the age limits allowed to start different levels of education and the number of study years during which students are permitted to request deferral from military service, as a response to students taking a long time to complete their studies and thus benefit from a deferral. See Legislative Decree 12 of 2019, available at: https://bit.ly/35tgXvX. See also, Syria Report, *Fleeing Conscription, Men Now Form Majority of University Students*, 5 June 2017, https://bit.ly/3lP7jtF. According to Syrian lawyer Bashir al-Bassam, there are "*permanent* [recruitment] *offices in universities that check the files of students in order to forcibly take them away to serve their military and reserve duty*"; Diyaruna, *Syria Clamps Down on Conscription Dodgers*, 28 December 2018, https://bit.ly/3gZoTY3.

[601] Article 10(1D) of the Conscription Law, as amended.

arbitrariness and corrupt practices has been reported in relation to the application of rules and regulations regarding military service, including deferral and exemption procedures.[602]

### c) Deserters

Desertion is punishable under the 1950 Military Penal Code, as amended, and entails, depending on the circumstances, imprisonment or the death penalty.[603]

Most reports of desertion date back to the early years of the conflict.[604] Individuals who attempt to desert may be subjected to execution at the time of desertion, while deserters who are caught later are at risk of arrest, incommunicado detention, torture and summary or extrajudicial execution.[605] Available information largely relates to the treatment of deserters who, following their desertion from the army, resided either as civilians or fighters with anti-government armed groups in formerly opposition-held areas. Following the retaking of these areas by the government, deserters were among those who had to undergo a "reconciliation" process as a condition to remain in these areas.[606] While many have

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602 "*It also became evident from conversations with both KIs* [key informants] *that served and those that did not serve, that having the legal exemptions or deferrals exempting you (temporarily) from the compulsory draft is not a guarantee for not being drafted; nor is having valid reasons for deferral or exemption a guarantee that you will in fact be (temporarily) exempted and are not at risk of being conscripted*"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, https://bit.ly/2I4m7ow, pp. 30-31. For example, in July 2020, men not wanted for military service were reportedly rounded up during a conscription campaign in Deir Ez-Zour city in order "*to blackmail their families to get money for releasing them*"; Deir Ezzor 24, *Assad's Forces Conduct a Massive Recruitment Campaign in Deir Ezzor City*, July 2020, https://bit.ly/3lLxZLV. "*In Duma* [Rural Damascus]*, a group of students travelling on 20 October* [2019] *to university to take examinations was stopped at a checkpoint staffed by officials from the General Security Directorate. Notwithstanding their status as students, the officers took 15 young men away, as their exemption from mandatory military service was deemed invalid*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 68. "(…) *the Conscription Law has led to higher levels of corruption within the military sector. As some conscripts are legally able to pay an exemption fee in order to avoid compulsory conscription, this has allowed corruption, bribery, and discretionary application to rise both prior to 2011 and during the war as well*"; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw. A report by the Ministry of Foreign Affairs of the Netherlands in 2019 concluded on the basis of information from a confidential source that "*the terms and conditions of military service are not strictly adhered to*"; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 64.

603 Desertion is sanctioned by imprisonment of between one to five years during peacetime, which can be doubled in times of conflict. Deserters who have additionally fled the country (so-called "external desertion") are subject to treatment under article 101 of the Military Penal Code: 5 to 10 years imprisonment during peacetime and 15 years during times of conflict. Desertion in the face of the enemy is punishable by life imprisonment while aggravated cases result in the death penalty; Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, www.refworld.org/docid/58a5e1b34.html, Articles 100-103. A Lebanese news website reported in August 2019 that a military court in Damascus had issued death sentences against 15 people, among them defectors, for "treason". Al-Modon (Lebanese news website), *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, https://bit.ly/355yN8r.

604 As of July 2014, it was estimated that there had been between 20,000 and 100,000 desertions, representing between 15 and 50 percent of the original force; Carnegie Europe, *Syria's Military: Last Man Standing?*, 24 November 2015, https://bit.ly/33hytSN. A number of desertions have been reported by opposition media in 2020, see Syria Call, *Raqqa: Defect Officer from Idlib with a Group of Soldiers Used to Work in the Assad Regime's Army*, 19 October 2020, https://bit.ly/3mQOVAj; Syria Call, *Young Guy Defects from the Assad Regime and Arrives in Idlib Coming from Damascus*, 4 April 2020, https://bit.ly/3jS4hCF; Zaman Al Wasl, *Activists Launch Center to Secure Army Defectors*, 14 February 2020, https://bit.ly/328qB54; Syria Call, *Revolutionary Factions Supervise "Defection" of Members from the Assad Regime West of Aleppo*, 11 February 2020, https://bit.ly/388jP30.

605 "*In one such incident which took place between 20-22 May* [2019]*, according to SACD sources, approximately 100-120 forcefully recruited soldiers who were conscripted into the regime forces after going through the so called 'reconciliation' process under Russian grantees were killed in a massacre carried out by regime loyalist forces near north Hama. **The motive for the massacre was their alleged intention to escape the frontline**.* (…) *In the week of 12-18 June* [2019]*, in areas of Wadi Outhman, Hamamiat, and Tal Milih, scores of other forcefully recruited young Syrians who went through the reconciliation process or returned to their homes from displacement, were killed in murky circumstances. It is not entirely clear whether they died during the fighting or were executed by the regime forces while trying to defect*" (emphasis added); SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, https://bit.ly/2JYYFb9, p. 1. See also, SOHR, *Arrested over 25 Months Ago: Defector Colonel from Daraa Countryside Dies under Torture in Regime Prisons*, 16 January 2021, http://bit.ly/3aGH3Oi; SNHR, *Image Shows Mercenaries of Wagner Russian Forces Disfigure a Victim in a Way Similar Acts of Terrorist Organization ISIS*, 26 April 2020, https://bit.ly/33cGZBh; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, https://bit.ly/355yN8r.

606 The government "*imposed on the evaders and dissidents the 'choice' of joining one of their military formations and fighting next to them, in return for not arresting them on 'terrorism'-related accusations*"; Enab Baladi, *Daraa Mourns Its Sons' Death on both Sides of Idlib's Battles*, 9 June 2019, https://bit.ly/2ZhRq50. "*Individuals who had previously demonstrated their disloyalty to*

reportedly rejoined their former army units or enlisted in pro-government forces,[607] reports describe government arrest campaigns against deserters,[608] and the arrest, detention, torture and death under

*Syrian authorities in ways such as attending demonstrations, evading military service, **defecting** or joining a rebel group were given an opportunity to 'reconcile their status' "* (emphasis added); ICG, *Lessons from the Syrian State's Return to the So*uth, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2. For example, "[I]*n accordance with the settlement agreement signed with the armed opposition groups in the suburbs of Quneitra on July 19, 2018, the Syrian Government pledged to grant amnesty to all those who endorse this agreement and to **cease the prosecution efforts of defected officers and soldiers**, as well as to stop searching for civilians and allow for the deferment of mandatory military service*" (emphasis added); STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, https://bit.ly/3f9RXfi. See also Section III.A.1.d.

607 Asharq Al-Awsat, *'Russian Guarantees' in Southern Syria Encourage Military Defectors to Return to Regime*, 5 February 2020, https://bit.ly/2Guwfq6.

608 SOHR, *Regime Security Services in Wadi Barada Issue Arrest Warrants Against Tens of Military Deserters*, 7 September 2020, https://bit.ly/3bAuBP4; SOHR, *Daraa: Regime Forces Arrest Five Civilians on Damascus Road, and Security Checkpoint of Air-Force Intelligence Put on High Alert in Countryside*, 27 May 2020, https://bit.ly/3jtSQ4a; SNHR, *Syrian Regime Arrested a Captain Dissented from Its Forces after Calling Him to a Security Branch in Damascus, Apr 19*, 27 April 2020, https://bit.ly/3hSUBYb.

torture of "reconciled" deserters,[609] and of those who approached the government for "reconciliation" or to benefit from time-limited partial amnesty decrees.[610]

609 "*Since the Reconciliation Agreements, Damascus has forcibly disappeared and killed many defectors from government forces and intelligence services who had taken part in the Reconciliation processes in southern Syria.*" According to Omar al-Hariri, Director of the Daraa Martyrs Documentation Office, "[T]*he number of former opposition members and defectors from the regime's forces who were forcibly disappeared since the Reconciliation is estimated to be around 92 in southern Syria, while the number of people who have been killed under torture during the same time and whose families were notified of their death has reached 31.*" According to Houran Free League, "*branches of the security services arrested around 200 defectors* [following reconciliation in 2018] *from the province* [Dera'a] *over various times and sent them to the military police building in Qaboun, a neighborhood in the capital Damascus, under the pretense that they would be later allocated to their former military units*. (…) *tens of them were disappeared in Assad's prisons and the families of 21 men were notified that they had died under torture*"; Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face 'Deferred Execution'*, 9 February 2021, http://bit.ly/3uKsPUA. "*Syrian army defector Salam had signed a surrender deal with the regime supposed to protect him, but after reporting for military service, he disappeared and months later was declared dead.* (…) *Salam is one of a growing number of former rebel fighters who disappeared, died or suffered abuse at the hands of regime forces, despite signing so-called reconciliation deals in areas the government has recaptured.* (…) *An activist group in Daraa has documented the deaths of 14 army defectors since 2018. Some were stopped at checkpoints, while others died after trying to rejoin the army, the Martyrs' Documentation Centre says*"; AFP, *After 'Reconciliation": Syria Regime's Silent Crackdown*, 2 July 2020, https://bit.ly/3aVHoeA. SOHR reported in June 2020 that it had recorded the arrest of 240 "reconciled" fighters and civilians from Dera'a, Eastern Ghouta, Homs (Rukban) and Hama, among them former deserters, who had been arrested by government forces. At least 35 of them reportedly died as a result of torture in government detention; SOHR, *Despite Reconciliations with Security Services, 240 People Held in Regime's Prisons, over 35 Died so Far*, 12 June 2020, https://bit.ly/3hQbS4e. According to Sara Kayyali, Syria researcher at HRW, "[M]*any of those arrested were humanitarians,* ***army defectors*** *or people affiliated with anti-government forces.*" And further: "*Such abuses have transformed reconciliation promises into 'empty words' "*; AFP, *Daraa: Cradle of Syria's Uprising Turns into 'Chaotic' South*, 31 August 2019, https://bit.ly/2QPG57F. See also, SNHR, *Colonel Pilot from Daraa Dies due to Torture in a Syrian Regime Detention Center, December 30*, 31 December 2020, http://bit.ly/2X7n3gs; SNHR, *Soldier who Defected from Syrian Regime Dies Due to Torture in Regime Detention Center, December 8*, 9 December 2020, https://bit.ly/36YoNhx; SOHR, *Forces Hand Over Body of Young Man from Daraa Countryside*, 21 November 2020, https://bit.ly/3fKBiQR; SNHR, *Daraa Soldier who Defected from Syrian Regime Dies Due to Torture in the Regime's Detention Center, Nov 9*, 11 November 2020, https://bit.ly/35vnLJm; SOHR, *Arrested Four Months Ago: Young Man from Daraa Dies under Torture in Sednaya Prison*, 2 November 2020, https://bit.ly/2I22Q7a; SNHR, *Conscript Who Defected from Syrian Regime Forces Died Due to Torture in Syrian Regime Detention Center, October 15*, 16 October 2020, https://bit.ly/3o2Elrm; SNHR, *Conscript Who Had Defected from the Syria Regime Forces Dies in the Regime Detention Center on Oct. 5*, 6 October 2020, https://bit.ly/30zktlt; SOHR, *Young Man Defected from Regime Forces from Daraa Dies under Torture in Sednaya Prison*, 26 August 2020, https://bit.ly/2QS1NYN; SNHR, *Conscript who Defected from the Syrian Regime Dies Due to Torture in Syrian Regime Forces' Detention Center, June 29*, 1 July 2020, https://bit.ly/3jFizXl; SNHR, *Conscript who Defected from the Syrian Regime Forces Died Due to Torture in Syrian Regime's Detention Center, June 29*, 29 June 2020, https://bit.ly/3hRQpYV. For incidents involving individuals who deserted from the Military Police, police or government security agencies, see for example, SNHR, *Syrian Regime Defector Policeman, from Daraa, Dies Due to Torture in Regime Detention Center, November 21*, 23 November 2020, https://bit.ly/39kCRUm; SNHR, *Conscript who Defected from the Syrian Regime Forces Dies Due to Torture in Regime Detention Center, Aug 26*, 28 August 2020, https://bit.ly/32NilH8; SNHR, *The Death of a Dissident Member in Syrian Regime Detention Center, December 23*, 24 December 2019, https://bit.ly/2ZeplvN; SNHR, *The Death of a Dissident Policeman Due to Torture in Syrian Regime Forces Detention Center, on September 26*, 27 September 2019, https://bit.ly/3gMkCah; SNHR, *The Death of a Dissident Policeman Due to Torture in Syrian Regime Detention Center, Oct 20*, 21 October 2019, https://bit.ly/34Xq9bJ; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, https://bit.ly/355yN8r; SOHR, *A Defected Young Man from Da'el City in the Northern Countryside of Daraa Was Killed in the Regime's Security Detention Centers*, 9 June 2019, https://bit.ly/3ialDuy.

610 "*Damascus has not kept the promises it made in the agreements or the amnesties issued by Bashar al-Assad, which included pardons for defectors and guarantees that they would not be prosecuted and arrested.* (…) *In November and December* [2020] *alone, Syria Direct tracked the killing of six defectors from Daraa province who were arrested by the regime's intelligence services after turning themselves in to take advantage of the amnesties. Damascus notified their families of their death but delivered just some of the bodies of those killed*"; Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face 'Deferred Execution'*, 9 February 2021, http://bit.ly/3uKsPUA. "*Reconciled military defectors, whether they turned themselves in or were arrested at a checkpoint, were not immune to detention. Between July 2018 and mid-March 2020, and in spite of the issuance of legislative decrees No.18 and No.20 which grant a general amnesty for military deserters, military defectors were reportedly arrested across Daraa, according to statistics obtained from the 'Horan Free League.' A few of these detainees have subsequently been released and joined the SAA, while a small number are reported to have died in prison*"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, https://bit.ly/39yuxhX, p. 13. See also, SOHR, *Regime Army Defector Dies under Torture in Regime Prisons*, 2 April 2020, https://bit.ly/32Nbg9p; SNHR, *The Death of Four Dissident Soldiers Due to Torture in Syrian Regime Detention Centers, Feb 26*, 27 February 2020, https://bit.ly/3hRNTSs; SNHR, *The Death of a Dissident Soldier Due to Torture in Syrian Regime Detention Center, February 8*, 9 February 2020, https://bit.ly/2EWsicS; SNHR, *The Death of Dissident Non-Commissioned Officer Due to Torture in Syrian Regime Detention Center, Nov 7*, 11 November 2019, https://bit.ly/31O4yk4; SNHR, *A Dissident Conscript Died Due to Torture in Syrian Regime Forces Detention Center, October 24*, 25 October 2019, https://bit.ly/3hVLS7K. "*Al-Modon's source added that dozens of defectors from eastern Qalamoun* [Rural Damascus Governorate] *who had carried out settlements with regime forces had been arrested in recent months and transferred to Saydnaya* [Military Prison] *after being investigated by Branch 248.* (…) *A source told Al-Modon that more than 15 young defectors had been arrested after the settlement deadline ended in al-Houlah* [northern Homs Governorate]. *A portion of them were transferred to Saydnaya amid reports that some had been killed, without official notices. The Interior Ministry has kept four of them detained in the Political Security Branch*"; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, https://bit.ly/355yN8r. On partial amnesty decrees, see below Section II.E.1.

Deserters, including those who sought to benefit from partial amnesty decrees, are reportedly among those at risk of arrest upon return to Syria.[611]

Some "reconciled" fighters are reported to have (re-)deserted from the army and pro-government forces following re-enlistment, including among those deployed to fighting zones.[612] This has reportedly resulted in government search and arrest campaigns.[613]

Reports document that government forces have singled out family members of deserters for threats and arbitrary arrest and detention.[614]

#### d) Time-Limited Amnesty Decrees for Draft Evaders and Deserters

Since 2011, the government has issued a number of time-limited amnesty decrees for draft evaders and deserters.[615] In order to benefit from the amnesty decrees, draft evaders and deserters had to surrender within a specified time period following the issuance of the decree.[616] Amnesty decrees covering draft evasion and desertion lift sentences associated with draft evasion or desertion, but do not eliminate the duty to perform military service.[617]

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611 Syria Direct, *'Is It Safe to Go Home?' Amid Promises of Amnesty in Syria, Defectors Abroad Weigh Their Options*, 18 March 2019, https://bit.ly/2QOXYnl.

612 For example, "[O]*n 13 June* [2020]*, reconciled opposition fighters defected from the GoS 4th Division in Dhameer in Rural Damascus Governorate. The reason for their defection is unknown. The defection led to clashes between GoS 4th Division and the soldiers who defected. GoS air force and tanks supported the GOS 4th Division. All defected fighters were killed*"; Carter Center, *Weekly Conflict Summary: 8-14 June 2020*, https://bit.ly/3doGIOk, p. 4. "*Most of the defectors* [from Dera'a Governorate], *who have been monitored by Enab Baladi, are located in the western parts of Daraa governorate, on top of which are Masakin Jaleen, al-Shajara, Tafas, Tal Shihab and others, namely areas classified as out of the regime's security grip. Abuse and being indulged in the battles' frontlines are the principal motives for the dissent of Daraa's young men, for those whom Enab Baladi interviewed have described the confrontations on Hama and Idlib's fronts as 'hell,' in which they were forced to participate after they were coerced to join the ranks of the Syrian army under the reconciliation agreement*"; Enab Baladi, *Daraa Mourns Its Sons' Death on Both Sides of Idlib's Battles*, 9 June 2019, https://bit.ly/2ZhRq50. See also, SOHR, *4th Division Storms Rural Damascus, Killing Seven Defected Soldiers*, 13 June 2020, https://bit.ly/2QRg8Vn; Al-Monitor, *Some Syrian Regime Fighters Defecting when Forced to Front Lines*, 11 March 2020, https://bit.ly/3k36P1n. "*Many of these forced to fight on the front lines alongside regime soldiers and militias manage to bribe middle rank officers so they turn the other way when a conscriptee runs away from his officers in an attempt to defect. While some succeed in their efforts,* ***others fail, which is synonymous to being terminated immediately***" (emphasis added); MPS Journal, *Compulsory Military Conscription in Syria Drives Many Males into Exile*, 23 April 2017, https://bit.ly/2EN5ixv.

613 See for example, SOHR, *Regime's Security Forces Raid Areas in the Eastern Qalamoun in Rif Dimashq Searching for Wanted and Deserters from the Conscription*, 31 August 2019, https://bit.ly/2ESr7Lq; Diyaruna, *Syrian Conscripts Desert to Avoid Idlib Conflict*, 1 July 2019, https://bit.ly/2z6i4k6.

614 SNHR, *SNHR Condemns Syrian Regime's Arrest of Activist Abdul Rahman al Saleh's Relatives Solely for Expressing His Opinion on Al Jazeera's 'Opposite Direction' Programme*, 24 December 2020, https://bit.ly/3q07OT0, pp. 3, 6. For example, SNHR reported that government forces arrested the wife and minor son of a deserter during a raid on their home in Ghabagheb (Dera'a Governorate) on 19 May 2020; SNHR, *Syrian Regime Arrested Civilians from the Same Family in Ghabagheb Town in Daraa on May 19*, 21 May 2020, https://bit.ly/2DjZVF0. STJ reported that a deserter had to turn himself in after government forces arrested his elderly mother and threatened to kill her; STJ, *At Least, 40 Civilians Arrested Recently in Hama*, 22 January 2019, https://bit.ly/2Z6AcJQ. See also Section III.A.1.b.

615 Article 102 of the 1950 Military Penal Code, which provides for the death penalty for those who "*committed the crime of fleeing to the enemy*" was not included in the amnesty decrees. See also Section II.E.1.

616 For example, Legislative Decree No. 6 of 22 March 2020 specified that the maximum grace period was three months for those who fled within Syria, and six months for those who fled outside the country; *Legislative Decree No. 6 of 22 March 2020*, available in Arabic at: https://bit.ly/2VF0puO. See also, AP, *Syrian President Issues Amnesty, Reduces Sentences*, 23 March 2020, https://bit.ly/3hx0dqW.

617 According to SNHR, the government "*uses amnesty decrees to pardon those fleeing from military service in order to re-conscript them into its forces*"; SNHR, *Two Months since Issuing Amnesty Decree, the Syrian Regime Released only 96 of Nearly 130,000 Detainees and Arrested 113 More*, 15 May 2020, https://bit.ly/3aVoh4u, p. 12. "*Only a small percentage of those who should have been eligible have been documented as benefiting in any way from these measures* [amnesties]*, and an even smaller number have actually been released – and many of them were immediately conscripted*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 23. "*As men have left the army or avoided deployment during the war, the Syrian regime has issued separate amnesty laws, including in 2014, 2015, 2016 and 2018, to grant deserters and draft dodgers amnesty from prosecution if they turn themselves in within a set period of time; those who are granted amnesty are still expected to complete their mandatory conscription*"; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, https://bit.ly/2Y8sDRw. With regards to an earlier amnesty decree of September 2019, COAR assessed that "*Syria's deep need for military conscripts is among the drivers of the latest amnesty decree*"; COAR, *Syria Update: September 12 to September 17, 2019*, 18 September 2019, https://bit.ly/2EJU50s. See also, Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, https://bit.ly/2KBAsXA.

Given that there are no provisions for substitute or alternative service, UNHCR considers that persons who evaded conscription into compulsory or reserve military service for reasons of conscience ("*conscientious objection*"),[618] are **likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution for reasons of their political opinion or imputed political opinion, and/or their religion, depending on the individual circumstances of the case.

In view of the widespread reports of serious violations of international human rights law, international humanitarian law and international criminal law by government forces,[619] in conjunction with the fact that individual recruits and reservists have generally no control over their role within the armed forces (including the area to which they are deployed and the nature of the tasks assigned to them),[620] UNHCR considers that recruitment into the armed forces entails a reasonable likelihood of having to participate in activities that constitute violations of international humanitarian, criminal and/or human rights law.[621] Accordingly, UNHCR considers that persons who evaded conscription into compulsory or reserve military service because they object to the means and methods of warfare deployed by government forces ("*objection to military service in conflict contrary to the basic rules of human conduct*")[622] are **likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution for reasons of their political opinion or imputed political opinion, and/or their religion, depending on the individual circumstances of the case.[623]

In its Guidelines on claims to refugee status related to military service, UNHCR has observed that recognizing the right of individuals to object to military service on the grounds that serving in the army would mean having to engage in activities that constitute violations of international humanitarian, criminal or human rights law, and granting refugee status in such cases, is consistent with the rationale underlying the exclusion clauses in the 1951 Convention.[624]

For guidance in relation to draft evaders who oppose or are perceived to be opposing the government on account of their own anti-government activities (e.g. participating in anti-government protests, expressing anti-government views in the press or on social media, supporting or joining an opposition

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618 "(…) *where the individual would be forced to undertake military service or participate in hostilities against their conscience, or risk being subjected to prosecution and disproportionate or arbitrary punishment for refusing to do so, persecution would arise. Moreover, the threat of such prosecution and punishment, which puts pressure on conscientious objectors to change their conviction, in violation of their right to freedom of thought, conscience or belief, would also meet the threshold of persecution*"; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, para. 18.

619 As extensively documented by numerous international bodies, government forces, including the Syrian Armed Forces, have committed serious and systematic violations of international humanitarian and human rights law with complete impunity since 2011. Furthermore, the killing of military personnel who refused to execute orders to fire at civilians, e.g. during protests has been documented. Away from active areas of conflict, the Syrian Armed Forces are also reported to have turned "*into an institution for looting, kidnapping, and extortion*"; Omran Center for Strategic Studies, *Transformations of the Syrian Military: The Challenge of Change and Restructuring*, 31 December 2018, https://bit.ly/34u7sfU, p. 39. See also Sections II.E.1 and III.A.1.

620 See above page 112 and footnote 569.

621 In the case of *EZ v Bundesrepublik Deutschland*, the Court of Justice of the European Union (CJEU) held, *"(…) Article 9(2)(e) of Directive 2011/95 must be interpreted as meaning that, in respect of a conscript who refuses to perform his or her military service in a conflict but who does not know what his or her future field of military operation will be, in the context of all-out civil war characterised by the repeated and systematic commission of the crimes and acts referred to in Article 12(2) of that directive by the army using conscripts, it should be assumed that the performance of his or her military service will involve committing, directly or indirectly, such crimes or acts, regardless of his or her field of operation.*" CJEU, *EZ v Bundesrepublik Deutschland*, C-238/19, 19 November 2020, www.refworld.org/docid/5fbced0c4.html, para 38.

622 "(…) *where there is a reasonable likelihood that an individual may not be able to avoid deployment in a combatant role that will expose him or her to the risk of committing illegal acts, his or her fear of being persecuted would be considered well-founded*"; UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, www.refworld.org/docid/529ee33b4.html, para. 30. "*Many men have fled Syria to avoid military conscription, which not only involves risk of death but also promised involvement in egregious human rights abuses that have stained the Syrian Armed Forces' actions since the start of the conflict*"; HRW, *Syrian 'Military Evaders' Face Unlawful Seizure of Property, Assets*, 9 February 2021, www.ecoi.net/en/document/2045174.html.

623 In the case of *EZ v Bundesrepublik Deutschland*, the CJEU held that Article 9 (2)(e) and (3) of the EU Qualification Directive together must be interpreted as meaning that the existence of a connection between the reasons for persecution and the prosecution and punishment for refusal to perform military service cannot be regarded as established solely because that prosecution and punishment are connected to that refusal. Nonetheless, the Court noted that it cannot be found that it is for the applicant for international protection to prove that connection. The court stated that it is for the competent national authorities to assess, in the light of all the circumstances adduced by the applicant for international protection, the plausibility of the connection. However, the Court noted, "[I]*n that regard, it must be pointed out that there is a strong presumption that refusal to perform military service under the conditions set out in Article 9(2)(e) of that directive relates to one of the five reasons set out in Article 10 of that directive*"; CJEU, *EZ v Bundesrepublik Deutschland*, C-238/19, 19 November 2020, www.refworld.org/docid/5fbced0c4.html, paras 45-54, 57.

624 For further details, see UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, www.refworld.org/docid/529ee33b4.html, paras 21, 22, 26-30.

anti-government armed group), their origin from retaken areas, or their family ties to a person opposing or perceived to be opposing the government, see Section III.A.1 ("*Persons Opposing, or Perceived to Be Opposing, the Government*").

UNHCR further considers that persons who have deserted from the Syrian armed forces are **likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR further considers that family members of draft evaders and deserters **may be in need of international refugee protection** on the basis of their imputed political opinion.

Claims from deserters from the Syrian armed forces and claims from former members of armed opposition groups may give rise to possible exclusion considerations (see also Section III.D).

Partial amnesty decrees issued by the Government of Syria and which provide for immunity from prosecution require careful assessment as they are time-limited and do not remove the duty to perform military service. Moreover, it is necessary to examine whether the individual may be at risk of other forms of persecution apart from any criminal liability removed by the amnesty.[625]

### 3) Persons Supporting, or Perceived to Be Supporting, the Government

Reports indicate that ISIS, HTS and other anti-government armed groups apply broad criteria to determine who among the civilian population is supportive of the government (or who is perceived to be opposing these armed groups).[626] Since the beginning of the conflict, such groups have targeted individuals on account of their real or perceived affiliation with, or support for, the government, with government collaborators, local government officials, members of reconciliation committees, and Ba'ath Party functionaries, among others, being subjected to threats, abduction, deprivation of liberty, torture and extra-judicial execution.[627] Such attacks occur particularly in Dera'a Governorate given the tenuous government control and the continued presence of anti-government actors,[628] but are also reported in

625 *Ibid.*, para. 46.

626 Former HTS detainees told HRW that "*Hay'et Tahrir al-Sham appeared to equate criticism of their rule with **collaboration with the Syrian government**, the Turkish government, the US-led coalition, or other Syrian non-state armed actors such as Ahrar al-Sham or the National Liberation Front*" (emphasis added); HRW, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html.

627 "*Non-State armed groups in the north-western, northern and eastern parts of the country continued to **systematically target civilians, including those perceived as being affiliated with opposing parties** or alleged to be critical of those in control of the territory, including through killings, the arbitrary deprivation of liberty, torture, ill-treatment and kidnappings*" (emphasis added); UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 22. "*Armed opposition groups have also conducted arbitrary detention, torture and civilian abductions in their controlled area, **capturing and sometimes executing** government soldiers, **collaborators** or other armed groups*" (emphasis added); UN News, *UN Security Council 'Utterly Failed' Syrian Detainees; A Victim Voices Her Plea to 'End Impunity and Stop this Horror'*, 7 August 2019, https://bit.ly/2TjZcYe.

628 In Dera'a Governorate, attacks are "*aimed at civilians and militants; some of whom were associated or/and affiliated with the Syrian government, including members of the reconciliation delegations, directors of municipalities, mukhtars/governors of neighborhoods and militants of the security forces and the Russian police.* (…) *most of these incidents had taken place in western and northern rural Daraa, especially in the cities and towns of Muzayrib, Tafas, Dael, Jasim, al-Shajara, Inkhil, Masakin Jaleen, Jumla, Nawa, Tasil and al-Sanamayn, among others. These areas are frequented by former fighters of the armed opposition, who have signed a settlement agreement with the Syrian government and were allowed to keep their light weapons*"; STJ, *Fresh Wave of Violence Storms Already Vulnerable "Settlement Agreement" in Daraa*, 10 May 2020, https://bit.ly/333FCWL. "*Individuals who reconcile with the government also risk retaliation from opposition forces. In 2019, SJAC recorded 165 cases of targeted assassination against reconciled individuals who joined or became informants for the government, in addition to 25 assassinations likely perpetrated by the government*"; SJAC, *The State of Justice: Syria 2020*, March 2020, https://bit.ly/34NoDsP, p. 10. See for example, SOHR, *New Assassination Targeting Head of Town Collaborator with Regime Security Services in Southern Syria*, 28 February 2021, http://bit.ly/3r7htrD; SOHR, *Unknown Gunmen Assassinate Regime "Collaborator"*, 2 February 2021, http://bit.ly/2ZCFquR; SOHR, *Collaborated with Regime Security Services: Head of Town Dies of Injuries Sustained in Eastern Daraa Countryside*, 1 February 2021, http://bit.ly/2NmgyVQ; SOHR, *Unidentified Gunmen Assassinate Mayor of Nahta*, 28 January 2021, https://bit.ly/2NOEUai; SOHR, *Unidentified Gunmen Assassinate Collaborator with Regime Forces in Western Countryside*, 27 January 2021, http://bit.ly/3k9Vi1e; SOHR, *Regime "Collaborator" Dies of His Wounds in Nahteh's Attack*, 18 January 2021, http://bit.ly/3pFzSdK; SOHR, *New Assassination Targeting Collaborator with Security Services in Northern Countryside of Daraa Governorate*, 14 January 2021, http://bit.ly/3dA9boh; SOHR, *Unknown Gunmen Open Fire on "Informant" of "Air-Defence Intelligence" in Eastern Daraa*, 6 January 2021, https://bit.ly/3dAiMLP; SOHR, *Explosion Targets Member of "Reconciliation Commission" in Western Daraa*, 21 November 2020, https://bit.ly/3ljZ1rW; SOHR, *Unknown Assailants Shoot Dead Chief of "Al-Sanamayn City Council"*, 26 October 2020, https://bit.ly/2J9OkLs.

areas under control of HTS and other anti-government armed groups,[629] and in government-held areas.[630]

HTS and other anti-government armed groups in and around Idlib Governorate occasionally launch rocket and mortar attacks against surrounding civilian areas controlled by the government,[631] including towns inhabited by religious minority groups perceived as being "pro-government",[632] in an effort to "*terrorize civilians living under government control*."[633] Such attacks have declined as a result of the

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629 In September 2020, SOHR reported that HTS had "*confiscated hundreds of homes in Idlib and countryside, accusing its owners of belonging to the regime and its militias. HTS is seizing properties which left behind by the owners of the regime forces and 'Shabiha' and fled earlier to regime-controlled areas. The seizure of property included the homes of civilians such* ***as members of the*** **[Ba'ath]** ***party, regime loyalists and families whose sons had joined the regime forces***" (emphasis added); SOHR, *HTS Seizes Property and Real Estate of Civilian and Pro-Regime Military in Countryside*, 10 September 2020, https://bit.ly/2FfYV61. "(…) *HTS arrested activists and civilians on various charges including in connection with revolutionary activity and working for the armed opposition* ***or for politicians or military officials of the Syrian government*** (emphasis added)." For example, on 1 April 2020, HTS reportedly executed Rifat Mahmoud al-Daqqa, a former member of the Syrian Parliament, on account of his alleged intelligence cooperation with the Syrian Government; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, https://bit.ly/2NL0AkC. "*HTS has launched security campaigns that have resulted in numerous arrests, which the group says only target members of IS cells,* ***those working for the Syrian government*** *and Kurdish agents*" (emphasis added); Syria Direct, *Hijacking of the "Freedom Revolution": HTS Imprisons Activists in Northwest Syria*, 15 September 2019, https://bit.ly/3e7hvsy. See also, SOHR, *HTS Executes Young Man in Idlib Province*, 18 August 2020, https://bit.ly/34dn4nJ; SOHR, *On Charges of "Collaborating and Dealing with Hmeimim and the Russians", Hayyaat Tahrir al-Sham Executes 7 People by Firing Squad*, 1 June 2020, https://bit.ly/3hBezqW; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, p. 17; SOHR, *HTS Executes a Person in Idlib for Espionage*, 1 April 2020, https://bit.ly/3dVAWEr; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I. HTS has reportedly also targeted those working on "reconciliation agreements" with the Syrian Government; see ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, footnote 22.

630 The perpetrators are often unknown. For example: "*On 8 February* [2020]*, gunmen shot dead a former reconciliation committee member in former opposition-held town of Talbiseh in Homs Northern Countryside*"; Carter Center, *Weekly Conflict Summary: 3-9 February 2020*, 9 February 2020, https://bit.ly/2zkkJdz, p. 3. See for example, SOHR, *Member of Al-Quneitra Council Assassinated in Al-Baath City*, 16 February 2021, https://bit.ly/37C85o6; SOHR, *Unknown Gunmen Shoot Dead Regime "Collaborator" near Border with the "Occupied Golan"*, 1 February 2021, http://bit.ly/3k9CRK6; SOHR, *Unknown Gunmen Assassinate Collaborator with Security Services in Western al-Qalamoun in Damascus Countryside*, 9 November 2020, https://bit.ly/3eKrEwP; AP, *Report: Bombing Kills Syrian Cleric Key to Deals with Rebels*, 22 October 2020, https://bit.ly/34pvFTU; SOHR, *IED Attacks: Explosion Targets Prominent "Reconciliation" Figure in Zakyah, Rif Dimashq*, 14 September 2020, https://bit.ly/3mjkJhI; SOHR, *Unknown Assailants Shoot Informer of "Air-Force Intelligence" in Northern Homs*, 7 September 2020, https://bit.ly/3i4XDsB; SOHR, *Al-Suwaidaa: In Response to Arresting Civilian, Local Gunmen Kidnap the Governor's Driver and Member of Intelligence Service*, 29 July 2020, https://bit.ly/2XiwZ7a; SOHR, *Kanakir's "Chairman of Reconciliation Committee" Killed in IED Explosion in Western Ghouta*, 29 December 2019, https://bit.ly/37ki28v; SOHR, *IED Explosion Targets One of Regime's Most Prominent Informants in Zakyah Town West of Rif Dimashq*, 1 December 2019, https://bit.ly/30p0syK; SOHR, "*Government Employee" in Homs Province Dies in Shooting*, 4 November 2019, https://bit.ly/2Uwy21R.

631 Attacks have been launched against government-held areas in northern Hama, rural Lattakia, Idlib and south-west Aleppo Governorates, including Aleppo City. "*Armed groups carried out attacks on areas under Government control, including southern Aleppo, causing casualties and instilling fear among the civilian population, prompting many of them to leave*"; OHCHR, *UN Commission of Inquiry on Syria: Unprecedented Levels of Displacement and Dire Conditions for Civilians in the Syrian Arab Republic*, 2 March 2020, https://bit.ly/3igOe1w. "*Retaliatory attacks by armed opposition groups followed in southern Aleppo and Ladhiqiyah*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 10. See also, OCHA, *Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 January 2020, https://bit.ly/2U9ikKW, p. 2; SOHR, *Jihadi Groups Fire Tens of Rockets on Aleppo City Leaving Many Civilians Injured*, 22 January 2020, https://bit.ly/2ZNqRV8; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 32; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 28; SOHR, *Today's Rocket Shelling by Factions on Aleppo Kills Three Civilians and Injure Five Others*, 12 January 2020, https://bit.ly/380wQs1.

632 For example, the majority Christian town of Mhardeh (Hama Governorate), located within reach from areas under control of anti-government armed groups, has been subject to attacks with mortars and rockets, resulting in civilian casualties. The town is a base of the Syrian Army, which is reportedly used to launch attacks against opposition-held areas. The town's power station has reportedly been hit four times in 2019; Carter Center, *Weekly Conflict Summary: 15-21 July 2019*, 21 July 2019, https://bit.ly/2mLVoD7, p. 3; VDC, *Summary Report on the Recent Military Attacks on Idlib and Hama*, March 2019, https://bit.ly/2moaFJQ, pp. 15, 16, 18, 19, 23. See also, SOHR, *For the Fourth Day in a Row, the Factions Shell Qardaha Countryside as Violent Clashes Continue in Idlib Countryside*, 28 December 2019, https://bit.ly/2s11kdZ; SOHR, *The Rebel and jJihadi Factions Shell Al-Suqaylabiyah City and Other Areas under the Control of the Regime Forces in Hama Countryside…in Conjunction with Escalation in the Pace of Battles in the Northern Countryside of Hama*, 7 August 2019, https://bit.ly/2B2tvxg; UN News, *UN Human Rights Chief Fears World Has Grown Numb to Syrian Carnage*, 26 July 2019, https://bit.ly/2YC5Q17; SOHR, *The Rebel Factions Target Salhab City which Is under the Control of the Regime in the North-Western Countryside of Hama*, 4 July 2019, https://bit.ly/2M8GJel; SOHR, *Rocket Attack Kills Five Christian Children in Syria*, 22 May 2019, https://bit.ly/3c8HE95; The New Arab*, Civilians Killed in Rebel Shelling of Christian-Majority Syria Town*, 12 May 2019, https://bit.ly/2mjrTrz. See also Section III.A.8.a.

633 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, paras 40-43.

loss of territory by these armed groups and their diminished capabilities to launch offensives outside their areas of control.[634]

While the focus of ISIS' attacks has largely shifted to targeting government forces, executions of civilians found to be supporting the government continue to be reported.[635]

In areas controlled by SNA-affiliated armed groups, persons collaborating, or perceived to be collaborating, with the government have reportedly been targeted for abduction and deprivation of liberty, and, in some cases, physical assault and summary execution.[636]

Depending on the individual circumstances of the case, UNHCR considers that in retaken areas of Dera'a Governorate, persons supporting or perceived to be supporting the government, including suspected collaborators, local government officials and Ba'ath Party functionaries, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds. UNHCR further considers that in areas with a continued ISIS presence or influence, persons supporting or perceived to be supporting the government, are likely to be in need of international refugee protection.

UNHCR considers that persons supporting, or perceived to be supporting, the government and who originate from areas under *de facto* control of HTS and other anti-government armed groups in Idlib and adjacent areas, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR considers that persons supporting, or perceived to be supporting, the government and who originate from areas other than the above-referenced ones, **may be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

It should be noted that, since perceptions of political allegiance are frequently based on the person's religion and/or ethnicity, political or imputed political opinion, religion and ethnicity may be inextricably linked elements to be considered when assessing a claim for international refugee protection. For persons perceived to be supporting the government on account of their religious or ethnic identity, see also below Section III.A.8.

In view of the need to maintain the civilian and humanitarian character of asylum, applications for international refugee protection by armed elements should not be considered unless it has been

634 See above Section II.A.1.

635 "*ISIS claimed responsibility for the assassination of Secretary of the Syrian Baath Party's Nawa Branch Silwan al-Jundi. A gunman on a motorcycle shot and killed Al-Jundi outside the Nawa Baath Party office, 19 miles north of Daraa City. The took place on the 73rd anniversary of the founding of the Baath Party*"; ISW, *Syria Situation Report: April 1 - 14, 2020*, 16 April 2020, https://bit.ly/38OGUps. "*On 6 April* [2020]*, ISIS cells in Zir* [Deir Ez-Zour Governorate] *executed a woman they accused of working with the GoS*"; Carter Center, *Weekly Conflict Summary: 6-12 April 2020*, 12 April 2020, https://bit.ly/2AbNqdk, p. 5. See also, SOHR, *ISIS Resurgence: Four People Executed for "Spying for Regime*", 17 May 2020, https://bit.ly/3eLxq0d; SOHR, *ISIS Cells Kill a Woman in Al-Zar Village for "Communicating with Regime Forces"*, 7 April 2020, https://bit.ly/2UF5cN6; SOHR, *As It Shrinks in the East of Euphrates, ISIS Resumes Its Activities in the Syrian Desert by Targeting Members of Reconciliation Committees and Military Members*, 11 February 2019, https://bit.ly/3e2OIGh. ISIS has repeatedly referred to the government as "*the Nusayry regime*", Nusayry being a derogative term for the Alawite religious community, and warning those supporting it; see for example, SOHR, *Cells of the Organization Distribute Paper Leaflets for the 2nd Time Warning Against Dealing with "the Nusayry Regime and Atheist Kurds" and Threaten to Kill who Deal with Them*, 20 August 2018, https://bit.ly/2MizdNY. See also Section III.A.7.

636 SNHR in January 2021 "*recorded mass arrests targeting those coming from areas under the control of the Syrian regime*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 6. See also, SOHR, *Al-Bab: Turkish-Backed "Military Police" Arrest Three Brothers for "Setting Up Funeral Reception Tent for Their Pro-Regime Brother"*, 23 July 2020, https://bit.ly/2WW5eRL; SOHR, *Turkish-Backed "National Army" and Regime Forces Swap Prisoners in Northern Aleppo*, 12 July 2020, https://bit.ly/2DzSYzA; SOHR, *Turkish-Backed Faction Arrests Two Men for Dealing with Syrian Regime in Afrin's Jendires*, 18 February 2020, https://bit.ly/2yYUN77. STJ reported that a man was executed by members of the "Sultan Murad" Division on 25 March 2020 after he had asked for the return of factory equipment that had been unlawfully confiscated by the armed group. According to STJ, he was killed "*on the pretext that he was loyalist to the Syrian regime*"; STJ, *"Sultan Murad" Division Kills Man Displaced from Rural Aleppo and Seizes His Factory in Ras al-Ayn/Serê Kaniyê*, 13 May 2020, https://bit.ly/31yHB4C.

established that they have genuinely and permanently renounced military activities.[637] Claims by former armed elements, may, furthermore, give rise to the need to examine possible exclusion from refugee status.[638]

### 4) Persons Opposing, or Perceived to Be Opposing, the Syrian Democratic Forces (SDF) / People's Protection Units (YPG), the Democratic Union Party (PYD) and Institutions of the Autonomous Administration

Reports implicate the SDF/YPG in instances of human rights abuses against real and perceived opponents, including members of Kurdish opposition parties,[639] journalists and citizen journalists,[640]

637 UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. For guidance on how to establish the genuineness and permanence of renunciation, see, by analogy, UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

638 See Section III.D.

639 "*In practice, politics are dominated by the most powerful group, the PYD, which frequently detains political opponents*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Arabs and Kurds with links to the Syrian opposition, armed and unarmed, as well as Kurdish parties opposed to the ruling Democratic Union Party (PYD), have been called in for questioning by the internal security organs, forced into exile, and occasionally arrested*"; MEI, *A Better Path Forward for Syrian Refugee Return*, 1 October 2019, https://bit.ly/3jXP8jJ. Cases reported concern in particular members of political parties that come under the umbrella of the Kurdish National Council (KNC), which is part of the Istanbul-based National Coalition for Syrian Revolutionary and Opposition Forces: "*Members of KNC-affiliated parties were arrested and deported, offices were vandalized, and radio stations were disbanded* (…)", including on account of their alleged support for Turkey; MEI, *Borders Beyond Borders: The many (many) Kurdish Political Parties of Syria*, October 2019, https://bit.ly/2WrP9lv, pp. 8, 15. In late 2019, it was reported that the PYD and the KNC had launched an initiative to resolve their political differences. According to reports, the AANES announced that it had "*revoked all previously enforced restrictions on the KNC, including security restrictions on the latter's personnel and suppression of its political activities in SDF-controlled areas.*" It further "*vowed to release political prisoners and disclose the fate of KNC-affiliated individuals among the disappeared.*" However, following attacks on offices of KNC-affiliated parties in Hassakeh Governorate in mid-December 2020, allegedly by the PKK-linked Shabiba Al-Thawriya, renewed intra-Kurdish tensions have been reported; COAR, *Syria Update: 21 December 2020*, 21 December 2020, https://bit.ly/3rnPzrR; SOHR, *"Al-Shabiba Al-Thawriyah" Blamed for Setting Kurdish National Council's Headquarters on Fire*, 15 December 2020, http://bit.ly/38e4u09; COAR, *PYD-KNC Peace Talks: Whither Peace in Syria's Northeast?*, 28 September 2020, https://bit.ly/3gt50tM; Kurdistan 24, *YPG Apologizes for 2013 Protester Killing Incident in Northeast Syria*, 28 June 2020, https://bit.ly/3h9glyz; Al-Monitor, *Syrian Kurdish Parties Resume Talks, in Secret*, 1 May 2020, https://bit.ly/3j1GReC; COAR, *Syria Update 10 February 2020*, 10 February 2020, https://bit.ly/32jGDK1; COAR, *Syria Update: 18 December, 2019*, 6 January 2020, https://bit.ly/2OjxhWm; SNHR, *Syrian Democratic Forces Arrested a Member of Kurdish Democratic Party in Halabja Village in Hasaka Suburbs, on April 10*, 13 April 2019, https://bit.ly/32jNYcH.

640 Those critically reporting about the SDF/YPG/PYD likely face restrictions and repression, although what is considered "a red line" has varied over time, depending on the security and political context, including the PYD's relationship with the KNC and media outlets affiliated with it. "*The Kurdish-led administration exerts pressures on independent (or antagonistic party-media) in many ways. The system of licenses granted by the HCM* [Higher Council for Media] *is one. If a journalist or an outlet do not abide by the rules, they can be expelled and cannot operate in the area anymore.* (…) *Local journalists say that it is also quite common that the authorities call the media offices directly, in order to signal that a certain issue should not be covered. In a few cases, journalists have even been arrested*"; Open Democracy, *Journalism in Rojava (II): Independent Media Between Freedom and Control*, 12 April 2020, https://bit.ly/30aZunN; *ibid*., *Journalism in Rojava (I): Media Institutions, Regulations and Organisations*, 5 April 2019, https://bit.ly/2ZorAwN. "*Syrian Democratic Forces (SDF) have also largely suppressed press freedom, in particular any coverage that opposes or criticizes their policies. We have reported a wide range of arrests, enforced disappearances and torture of citizen journalists who have criticized the Syrian Democratic Forces' policies and the administration of the areas under their control.*" SNHR recorded the arrests of six and the deaths of four journalists at the hands of the SDF/YPG between March 2011 and May 2020; SNHR, *On World Press Freedom Day, We Demand the Release of 422 Citizen Journalists Detained in Syria, Mostly by the Syrian Regime, and now also Threatened by COVID-19 Pandemic*, 3 May 2020, https://bit.ly/3iU2nSK, pp. 4, 6, 11. For example: "*A media activist and member of the Yekiti Party of Kurdistan, named as Fanar Mahmoud, from al Qameshli city in the northeastern suburbs of Hasaka governorate, was arrested by Syrian Democratic Forces in the city on January 23, 2021, over his criticism of the SDF's practices via his Facebook account, and taken to an undisclosed location*"; SNHR, *SDF Arrested a Media Activist in al Qameshli City in Hasaka Suburbs on January 23*, 24 January 2021, http://bit.ly/3aJmqkB. See also, SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 5; Committee to Protect Journalists (CPJ), *Kurdish Syrian Journalist Fanar Mahmoud Tami Abducted*, 29 January 2021, https://cpj.org/?p=79507; SOHR, *SDF Arrest Media Activist and Storm the House of Another in Rural Deir Ezzor*, 6 February 2021, https://bit.ly/3uslut1; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, https://bit.ly/3mZNCzv, p. 4; SNHR, *SDF Arrested a Media Worker in Raqqa City on November 19*, 24 November 2020, https://bit.ly/3mlHPDZ; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, https://bit.ly/3ll2VB7; CPJ, *Regional Authorities in Northeast Syria Suspend Rudaw TV Reporter's Credentials for 2 Months*, 11 May 2020, https://cpj.org/?p=37520; MEI, *Borders Beyond Borders: The many (many) Kurdish Political Parties of Syria*, October 2019, https://bit.ly/2WrP9lv, p. 10.

humanitarian workers,[641] as well as activists and members of civil society.[642] Persons of these profiles are reported to be targeted for threats, abduction, unlawful deprivation of liberty and enforced disappearance.[643] In and near areas under *de facto* control of SNA-affiliated armed groups, the SDF/YPG and their affiliates are also reported to have singled out real and perceived collaborators of Turkey and the SNA for abduction, torture and extra-judicial execution.[644] Observers note that the

641 "(…) *at the beginning of 2020, Syrian Democratic Forces targeted humanitarian workers with arrests by raiding their workplaces or homes, arresting some of them collectively. These arrests were concentrated in the governorates of Raqqa and Hasaka*"; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, https://bit.ly/2ATQknb, p. 10. See also, SNHR, STJ *et al.*, *Syria: A Statement about SRD Arresting Activists in Raqqa*, 26 March 2020, https://bit.ly/3em4RG5.

642 For example, "*Fanar Mahmoud Tammi, a media activist and member of the Kurdistan Yekiti Party in Syria, from al Qameshli city in the northeastern suburbs of Hasaka governorate, was detained by Syrian Democratic Forces on Saturday, January 23, 2021, in the city, over his criticism of the SDF's practices via his Facebook account, and taken to an undisclosed location*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 13. The SDF "*continued enforcing the group's policies of arbitrary detention and enforced disappearance throughout the month of September* [2020]*, targeting activists and members of civil society groups who oppose their policies* (…)"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, https://bit.ly/34IgZoI, p. 6. "(…) *a political activist was detained by Syrian Democratic Forces military intelligence in November 2019 and held in solitary confinement in Hasakah prison for the majority of his detention. He was regularly beaten and suffered a broken rib. The interviewee described being hung with his arms behind his back and kept in that position from 7 a.m. to 8 p.m., resulting in paralysis to a number of fingers. He alleged that he had been tortured, including by electrocution and having weights attached to his genitals. Threats of rape had also been made*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 76. See also, SNHR, *SDF Arrested an Artist in Fafin Village in Aleppo Suburbs on October 29*, 30 October 2020, https://bit.ly/381cClh; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, p. 13; STJ, R*aqqa: Three Activists Arrested by the Autonomous Administration for Reasons yet Unknown*, 16 March 2020, https://bit.ly/2OlOgHW; Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html; Syria Direct, *SDF Arrest Humanitarian Workers in Raqqa, Raising Questions and Concerns*, 19 August 2019, https://bit.ly/2KWwXMy. Some activists have reportedly been targeted on charges of perceived ISIS affiliation, while observers say that the arrests were either based on unreliable intelligence, and/or were related to the SDF perceiving civil society actors as a threat. According to Dareen Khalifa of the ICG, "*the SDF is quite suspicious of civil society. The nature of the work of NGOs is foreign to the area and their attempt to operate independently from the formal SDF structures makes the administration uncomfortable and more conducive to acting on misguided reports*"; Al-Monitor, *US-Led Coalition Ally Targets State Department-Funded Syrian Arab Activists*, 7 April 2020, https://bit.ly/2DBZJ3I. See also, MEI, *Borders Beyond Borders: The Many (Many) Kurdish Political Parties of Syria*, October 2019, https://bit.ly/2WrP9lv, p. 10. On the reported arrest of protestors, see also footnote 95.

643 "*The Commission documented eight cases of arbitrary detention of civil society workers, political activists and persons of Arab ethnicity by the Syrian Democratic Forces and affiliated Kurdish People's Protection Units/Women's Protection Units, including by their military intelligence. Civilians were apprehended in towns in Raqqah and Hasakah Governorates and held in various intelligence facilities under the control of the Syrian Democratic Forces, as well as in Ghweran Prison, the Al-Shadadi prison, the former Raqqah juvenile prison, and Ayed, Al-Aid and Ayn al-Arab (Kobani) prisons and were kept incommunicado in nearly all cases*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 75. See also Section II.E.2.

644 ISW reported "[T]*he SDF is likely arresting Arab tribal sheikhs to prevent cooperation with the TSK* [Turkish Armed Forces]. *The SDF arrested* [on 3 November 2020] *Tayy tribe spokesman and Bani Sabaa clan representative Sheikh Fawaz Al-Mahwis without providing a reason in Qamishli, Hasakah Province. Representatives of the Tayy tribe have previously called for a Turkish presence around Qamishli, so the SDF likely fears Tayy tribe fighters may assist in a Turkish Armed Forces (TSK) offensive*"; ISW, *Syria Situation Report: October 28 - November 10, 2020*, 13 November 2020, https://bit.ly/3uBLHW7. See, for example, SOHR, *For "Collaborating with Turkish-Backed Factions": "Asayish" Arrests Civilians in Rural Hasakeh, and Al-Shabiba Al-Thawriya Searches Passers-By in al-Derbasiya Streets*, 27 December 2020, http://bit.ly/3n9jRvh; SOHR, *Person Dies in SDF Intelligence Service's Prison, after Arrest for "Communicating with the Turks and Factions*", 2 December 2020, https://bit.ly/3qhMJUZ; SNHR, *SDF Arrested a Civilian in Skeirou Village in Raqqa Suburbs on November 25*, 29 November 2020, https://bit.ly/3meRlsq; SOHR, *SDF Intelligence Arrests Driver of "SDF Commander-in-Chief's Deputy" and Another Official for "Communicating with Turkish Intelligence*", 3 November 2020, https://bit.ly/363yv0p; SOHR, *SDF Intelligence Arrests Three Persons in Ain Al-Arab (Kobani) for "Spying for Turkish Intelligence"*, 10 July 2020, https://bit.ly/328ga20; SOHR, *Al-Raqqah: Asayish Forces Arrest Woman in Rural Ain Issa, as Her Father Works for Turkish-Backed "National Army"*, 16 June 2020, https://bit.ly/30X57YK. See also Section II.B.4.a.

SDF/YPG at times target individuals, including women and children, based on their Arab ethnic background[645] and/or family relations to a person perceived to be affiliated with the SNA[646] or ISIS.[647]

Men refusing to join the "self-defence service" typically risk being detained and forcibly recruited during raids and at checkpoints.[648] Instances of ill-treatment and killing of individuals refusing forced recruitment have been reported.[649] Teachers refusing to serve following their call-up for service have

645 In SDF detention, women "*are often mistreated on the basis of their ethnicity*"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 17 "*We have documented many incidents in which families were arrested collectively, including women and children, as well as documenting arrests of ethnic character* (…)"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 7.

646 The SDF "*have targeted civilians for their kinship relationships with individuals in the Armed Opposition / the Syrian National Army* (…)"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 5 (and earlier reports). For example, in June 2020, SOHR activists reported that the SDF abducted a woman in Deir Ez-Zor Governorate, demanding that her husband, whom they accused of "*belonging*" to the SNA, turn himself in; SOHR, *SDF Arrests Woman Demanding the Extradition of Her Husband, and Residents of al-Sha'itat Area Threaten to Attack SDF Headquarters*, 8 June 2020, https://bit.ly/2Crssb8. See also Section III.9.

647 The SDF carried out "(…) *campaigns of mass raids and arrests, targeting many civilians, including children, on the pretext of fighting ISIS cells*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 5 (and earlier reports). "*Syrian Democratic Forces also pursued and arrested people, including women and children, who had close kinship relationships to members of the opposition factions or ISIS, in order to pressure their family members to surrender*"; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, https://bit.ly/2ATQknb, p. 10. See also footnote 265.

648 According to some reports, conscription has been focused mainly, but not exclusively, on predominantly Kurdish and mixed Arab-Kurdish areas; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, https://bit.ly/3flnEm2. Multiple sources reported a renewed recruitment drive since early July 2020 following a three-months suspension due to COVID-19, predominantly in Hassakeh Governorate, but also in Aleppo, Raqqa and Deir Ez-Zour Governorates: "*According to SOHR statistics, nearly 4,000 young men were arrested and driven to mandatory military service in Al-Hasakah, Aleppo, Al-Raqqah and Deir Ezzor, since the campaigns of military conscription were resumed on July 1* [2020]. *It is worth noting that most of the arrested young people are from Al-Hasakah city and countryside*"; SOHR, *Manbij | SDF Arrest over 45 Young People, Driving Them to Mandatory Military Service*, 13 September 2020, https://bit.ly/2RnocgK. "*There were increased reports of forced conscriptions by the SDF during the reporting period.* (…) *On 1 July* [2020]*, the SDF's military police arrested people in Al-Hassakah city, Darbasiyah, and Tal Tamer in Al-Hassakah Governorate for military service. Similar conscription related arrests were done on 2 July* [2020] *in Quamishli, Al-Hassakah Governorate, and Tell Abiad in Ar-Raqqa Governorate. Additional arrests for conscription were carried out across Ar-Raqqa and Al-Hassakah Governorates between 3-5 July* [2020]"; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, https://bit.ly/2ZidUDA, pp. 5-6. Relatives of detainees were reported as saying that the Hassakeh Prison held "*young children and others arrested on flimsy charges or* ***for disobeying the SDF's policy of forcible conscription***" (emphasis added); Reuters, *U.S.-Backed Kurdish-Led Group Says Militants Riot in Jail in Northeast Syria*, 30 March 2020, https://reut.rs/2QWOlDr. Sources told Enab Baladi: "[W]*hen a young man is arrested in case of passing over a military roadblock or during raids, he is sent to remote military centers in Raqqa and Deir ez-Zor, which is considered a 'penalty'*", rather than to military centres in Amuda, Qamishli and Al-Hassakeh city; Enab Baladi*, Compulsory Military Recruitment in Jazira Region: SDF Imposing Their Authority*, 12 July 2019, https://bit.ly/2Wlhcny. See also, SOHR, *Military Conscription: SDF Arrests over 20 Young Men North of Deir ez-Zor, and Residents Attack SDF Checkpoint in Protest of the Arrests*, 31 January 2021, http://bit.ly/3sjWQbM; SOHR, *Searching for Wanted Persons for Military Conscription: SDF's Military Police Deploys Checkpoints East of Deir ez-Zor*, 19 January 2021, http://bit.ly/3k9EwQ1; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 9. On protests against forced conscription in Deir Ez-Zour Governorate, see Section II.B.2. On the recruitment of children, see Section III.A.10.

649 "*The Asayish militia, the security arm of the Syrian Democratic Forces (SDF), killed a young man during a raid and arrest campaign carried out by the militias as part of their compulsory military recruitment campaigns. The man was killed after he tried to avoid enlisting*"; Shaam Network (opposition website), *SDF Militia Executes Civilian, Refuses to Hand Over his Body*, 10 August 2020, https://bit.ly/3oQuvcr. "*A video was recently leaked to the Al Forat Network by a member of the SDF that showed the torture and execution of two Arab youths in an SDF prison. It was alleged that the young men were killed because of their refusal to submit to the forced recruitment campaign*"; EuroMed Rights, *Crimes in Limbo: SDF Commits Horrific Crimes Against Syrians under the Cover of the International Coalition*, 30 July 2019, https://bit.ly/2OpmNHY.

reportedly been dismissed from their jobs.[650] A number of defections from the "self-defence service" have been reported.[651]

Individuals refusing to serve, or defecting from service, may be perceived by the SDF/YPG as opposing it,[652] or, conversely, as supporting the SNA or ISIS.[653] The YPG has in some cases also singled out family members of those opposing forced recruitment for arrest and abuse.[654]

Depending on the individual circumstances of the case, UNHCR considers that civilians falling into one of the following categories **are likely to be in need of international refugee protection** on the basis of their real or imputed political opinion and/or their religious or ethnic identity:

a) Persons opposing, or perceived to be opposing, the SDF/PYD/YPG and/or institutions of the AANES, including members of Kurdish opposition parties, journalists and citizen journalists, humanitarian workers, as well as activists and members of civil society;

650 SNHR reported that in early 2021, the SDF started to "*forcibly conscript teacher on a large scale*", including by way of raids and arrest campaigns. Those wanted for "self-defence service" were reportedly dismissed from their jobs and had their salaries suspended. SNHR documented the arrest of at least 34 teachers for the purpose of forced recruitment between January and 15 February 2021; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, https://bit.ly/3kfRGer, p. 13. See also, UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, https://bit.ly/3b3FJW6, pp. 1, 2; SACD, *SACD Seriously Concerned with the Actions of SDF Authorities in Deir Ezzor*, 2 February 2021, http://bit.ly/301q5Em; SOHR, *Teachers Protest "Self-Protection" Decision Imposing Mandatory Conscription*, 27 December 2020, http://bit.ly/2Mvmc7d; Syria Call, *PKK/ YPG Militia Dismisses Dozens of Teachers in Raqqa for Refusing to Join Its Ranks*, 9 August 2020, https://bit.ly/2F8suX1.

651 Multiple sources reported in May 2019 "*that a total of 300 Arab combatants within the SDF publicly announced their outright refusal to follow their commanders. Local sources reported that these combatants demanded to be released from military service, claiming that they are no longer eligible for conscription according to the latest amendments to SDF conscription policies* (…)*. At least 40 of these combatants defected from their military units and fled. In response, SDF forces have reportedly raided their families' homes; media and local sources have given contradictory accounts of these raids, and it remains unclear whether they resulted in any deaths or injuries*"; COAR, *Syria Update: 23 May to 29 May, 2019*, 29 May 2019, https://bit.ly/2GCkqhu. See also, Syria Call, *12 Members of YPG Militia Have Defected in Raqqa*, 19 December 2019, https://bit.ly/38aG7kv; SOHR, *Members of the "Self-Defense" Flee from One of Their Checkpoints on the Syrian-Turkish Border amid Raids to Arrest Them*, 24 July 2019, https://bit.ly/3lWafoj; Syria Call, *Hundreds of YPG Militia's Recruits Rebel Against Leaders*, 27 May 2019, https://bit.ly/2ZbruYM. On 22 November 2019, the SDF General Command announced an amnesty for defectors, provided they report to the SDF headquarters within 15 days; Transnational Middle-East Observer, *General Pardon for those who Deserted Their Positions 22 November*, 3 February 2020, https://bit.ly/2R3uS3y. The SDF is reported to have raided the homes of defectors, and SOHR reported in August 2020 the killing of a recruit in Manbij (Aleppo Governorate) as he tried to escape from the "self-defence service"; SOHR, *Self-Defense Forces Shoot Dead Recruit while Trying to Escape from His Military Barracks*, 19 August 2020, https://bit.ly/3heApjs. On 23 October 2020, the SDF was reported to have opened fire at a defecting SDF commander and his bodyguard, who however managed to reach Turkey; SOHR, *Defection: SDF Commander and His Bodyguard Flee from Rural Al-Darbasiyyah to Turkey*, 24 October 2020, https://bit.ly/2TksQxg.

652 "(…) *the recent refusal of these Arab combatants to serve in the SDF is in line with anti-SDF and anti-Self Administration sentiments among Arab tribal communities across northeastern Syria. There are growing public manifestations of Arab discontent with the SDF and the Self Administration, throughout nearly all of northeastern Syria.* (…) *SDF conscription is deeply unpopular; Kurds remain the most important commanders in the SDF; Kurds are highly prominent in governance institutions throughout the Self Administration, even in predominantly Arab areas; and SDF and Asayish crackdowns, either on ISIS or on SDF defectors, look indistinct to a blanket Arab crackdown in many communities*"; COAR, *Syria Update: 23 May to 29 May, 2019*, 29 May 2019, https://bit.ly/2GCkqhu.

653 This would likely be the case of recruits fleeing to areas under control of "enemy forces" such as the SNA or Turkey. Syria Call reported that since "Operation Peace Spring", an increased number of prospect and current recruits fled to SNA-held areas; Syria Call, *PKK/ YPG Militia Dismisses Dozens of Teachers in Raqqa for Refusing to Join Its Ranks*, 9 August 2020, https://bit.ly/2F8suX1. For example, in November 2019, Syria Call reported the defection of 20 recruits from recruitment camps in Ras Al-Ayn (Hassakeh Governorate). They subsequently fled to areas under *de facto* control of the SNA; Syria Call, *20 Recruits of YPG Militia Defect in Eastern Syria*, 21 November 2019, https://bit.ly/3gZWX6w. See also, Syria Call, *YPG Militia Takes Revenge on Four Young Men in Hasaka Countryside who Refuse to Fight the National Army*, 7 January 2020, https://bit.ly/329Qdym. Shirin Qamar, the co-chair of the Defense Board of the AANES said that: "*ISIS and the Turkish occupation are the major threats against our areas.* (…) *Therefore, it is necessary for us Kurds, men and women, to be well educated on patriotism and self-defense to face the challenges* (…)"; Kurdistan 24, *Syrian Kurdish-Led Authorities Say They Won't Abolish Conscription System*, 4 February 2020, https://bit.ly/3lZHQ0H. Military-age men participating in anti-SDF activities, e.g. protests, may be perceived as opposing the SDF/YPG; see Section II.B.2.

654 "*The* [YPG] *militia* (…) *detained a number of relatives of the young man 'Ali Hussein' after fleeing from a military headquarters while driving to forced conscription in the village of al-Fazea*"; Syria Call, *YPG Militia Arrest Dozens of Young Men from Raqqa and Hassaka Provinces in Northeastern Syria*, 19 September 2019, https://bit.ly/3bBkFok. "*According to local sources, armed groups of the militia stormed the village in search of wanted persons for forced conscription, but were unable to arrest any of them after the villagers smuggled the guys out of the village. In response, members of the militia fired indiscriminately to intimidate the villagers and beat a 60-year old man, in addition to his son and daughter after they objected to the actions of the militia*"; Syria Call, *Guys Reject Recruiting in YPG Militia, Been Arrested in Hasaka*, 29 June 2019, https://bit.ly/3bAPHwB.

b) Persons perceived to be associated with ISIS on the basis of their ethnic origin and/or family relations;

c) Persons perceived to be collaborating with Turkey or the SNA on the basis of their ethnic origin and/or family relations; and

d) Men refusing to perform the "self-defence service", if their refusal is perceived as an expression of an anti-SDF/YPG opinion and/or support for ISIS or the SNA.[655]

Depending on the specific circumstances of the case, family members or persons otherwise closely associated with persons of these profiles **may also be in need of international refugee protection** on the basis of their association with individuals at risk.

In view of the need to maintain the civilian and humanitarian character of asylum, applications for international refugee protection by armed elements should not be considered unless it has been established that they have genuinely and permanently renounced military activities.[656] Claims by former armed elements, may, furthermore, give rise to the need to examine possible exclusion from refugee status.[657]

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.[658] Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.[659]

#### *5) Persons Opposing, or Perceived to Be Opposing, HTS and other Anti-Government Armed Groups in Areas under Their de facto Control in Idlib and Adjacent Areas*

HTS[660] has been reported to subject individuals to intimidation, extortion, abduction and enforced disappearance, torture and other forms of ill-treatment, fair trial violations, and extra-judicial executions

655 It is recalled that non-state armed groups, even if they exercise *de facto* authority in a part of the territory, are not entitled to recruit by coercion or by force; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, paras 7, 35. Regarding the international protection needs of children recruited by the YPG, the Women's Protection Units (YPJ) and the Shabiba al-Thawriya, see Section III.A.10.

656 UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. For guidance on how to establish the genuineness and permanence of renunciation, see, by analogy, UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

657 See Section III.D.

658 For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

659 The Paris Principles state: "*Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles*"; UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

660 Following HTS' consolidation of control over Idlib in early 2019, most reports relate to human rights abuses committed by the group. Abuses by other groups which remain operational in the area continue, but are reported to a lesser extent.

on account of their real or perceived opposition to its rule.[661] Political and rights activists,[662] humanitarian workers,[663] medical workers,[664] as well as journalists and citizen journalists,[665] are among

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661 HTS "*has pursued a policy of enforced disappearance in areas under its control to terrorize the community and warn the public of the consequences of opposing the groups and criticizing its policies, mainly targeting media activists, journalists, human rights activists, foreigners, humanitarian organizations' workers, local council personnel, dignitaries, and military personnel belonging to the Armed Opposition / Syrian National Army* (…), *as well as targeting their families*"; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 21. "*Between November 2019 and June 2020, and in a pattern previously documented by the Commission, members of Hay'at Tahrir al-Sham in Aleppo and Idlib Governorates continued to brutally impose their stringent ideologies on local populations, including through acts of arbitrary detention of individuals expressing dissent. Moreover, they detained, tortured and executed civilians who opposed their oppressive rule*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 87. "(…) *journalists, NGO workers and other civilians were often detained when criticising HTS activities. Some of those detained were held for weeks and months in solitary confinement, in cells measuring 1.5 meters by 1.5 meters. Multiple interviewees reported being subjected to the use of stress positions, electric shocks, beaten with pipes, and punched and kicked*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 93. "*Through self-appointed courts, members of the group continue to inflict harsh penalties, including death, on those who have either been perceived as being critical of those rules or accused of having affiliations with an opposing party to the conflict*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17. "*These factions also practiced torture against critics of their policies, mainly against local media activists and civilians who oppose their decisions*"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 10. See also SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 6 (and earlier reports); The New Arab, *Syrian Activists Condemn Execution of Teenager for 'Criticising HTS Leader'*, 23 April 2020, https://bit.ly/2Yocq8W; OHCHR, *UN Commission of Inquiry on Syria: Unprecedented Levels of Displacement and Dire Conditions for Civilians in the Syrian Arab Republic*, 2 March 2020, https://bit.ly/3igOe1w; and Section II.E.3.

662 "*Civil society activists also figure among the main critics of the group's autocratic conduct, which includes arbitrary arrest and harassment of dissenters*"; ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, p. 23. "*The former detainees we met said that they were forced to open their own accounts on Social media, and read their private messages on chat applications such as WhatsApp, Messenger, etc… and that the HTS elements print screen of activists' publications to use them against the activists on social media websites*"; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, https://bit.ly/2VHRJ7I. "*At least six activists were detained between August and September* [2019]*, including one photographer who filmed members of the terrorist group and later released a video reportedly exposing corruption.* (…) *journalists reported that Hay'at Tahrir al-Sham maintained a list of names and pictures of activists on the basis of which the group detained individuals who had expressed dissent or disagreement*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 37, 38. See also, SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 6; SOHR, *HTS Summons Student Posted "Paintings of Humanity" on Social Media, amid Concerns of Arresting the Girl*, 19 August 2020, https://bit.ly/31eM8ZO.

663 SNHR, *HTS Arrested a Civil Society Organization Official in Salqin City in Idlib Suburbs on December 16*, 17 December 2020, https://bit.ly/3p0zPsP; OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, https://shar.es/aoWKIv; Carter Center, *Weekly Conflict Summary: 10-16 August 2020*, 21 August 2020, https://bit.ly/3ldXZir, p. 2; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/2VDiYju, pp. 12, 22; STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, https://bit.ly/2C2AHdb. On the reported abduction of activists and humanitarian workers by HAD, see SNHR, *Hurras al Din Group Is Responsible for Kidnapping and Forcibly Disappearing Six Activists Working for Relief Organizations in Idlib*, 19 March 2020, https://bit.ly/3e4PTEa.

664 SNHR, *Hay'at Tahrir al Sham Arrested a Nurse in Binnesh City in Idlib Suburbs on January 15*, 16 January 2021, http://bit.ly/3pJ8jAb; SNHR, *Hay'at Tahrir al Sham Arrested the Director of al Hekma Hospital in Idlib City, on June 17*, 20 June 2019, https://bit.ly/2YITV6z; OCHA, *Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ursula Mueller: Briefing to the Security Council on the Humanitarian Situation in Syria*, 19 September 2019, https://bit.ly/2kYGFUi, p. 1; SOHR, *Tahrir al-Sham Violates the Sanctity of a Hospital and Arrests a Doctor after He Was Shot and Beaten North of Idlib amid Increased Popular Discontent Against It*, 4 September 2019, https://bit.ly/3eViDR4.

665 "*Al-Qaeda offshoot Hayat Tahrir al-Sham, which controls large areas in northwestern Syria, has detained journalists, at least one of whom is still being held; the group is suspected of having killed at least two*"; CPJ, *Ten Years after the Arab Spring, the Region's Media Faces Grave Threats. Here Are the Top Press Freedom Trends*, 21 January 2021, https://cpj.org/?p=77642. "*Journalists and media activists, including those aligned with the regime, were reportedly abducted and detained by HTS during the reporting period, and others have been tortured while in detention*" (with examples); Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. HTS "*has also routinely persecuted citizen journalists in the areas under its control, killing and assassinating all those who it felt might pose a threat to its extremist ideologies and policies. We have also documented the arrests of dozens of citizen journalists by Hay'at Tahrir Al Sham's forces in retaliation for publishing material contrary to its policies or for participating in activism without obtaining permission*"; SNHR, *On World Press Freedom*

the civilians most commonly targeted by HTS. HTS has also used force to suppress civilian protests against its rule/conduct, threatening, beating, and detaining activists, journalists and protest participants.[666] Family members of the aforementioned have reportedly also been targeted.[667]

Persons opposing or perceived to be opposing HTS are reported to be frequently punished on fabricated charges such as "espionage" for the government, foreign countries, or rival armed groups, "blasphemy", or "adultery".[668] Women who are active in political and social spheres, including rights activists and journalists, are reported to be particularly vulnerable to attacks by HTS on account of their real or perceived criticism of HTS and the latter's strict views of women's role in society.[669]

*Day, We Demand the Release of 422 Citizen Journalists Detained in Syria, Mostly by the Syrian Regime, and now also Threatened by COVID-19 Pandemic*, 3 May 2020, https://bit.ly/3iU2nSK, p. 4. See also, SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 6; Syria Direct, *Like Being in Assad's Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, https://bit.ly/3b1Au9u; SNHR, *Hay'at Tahrir al Sham Arrested a Media Activist in al Ghazawiya Village in Aleppo on December 22*, 23 December 2020, http://bit.ly/2MlnoK6; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, https://bit.ly/3ll2VB7; SNHR, *The Public Prosecution of HTS's Salvation Government Arrested Two Brothers, a Reporter & a Media Activist, in Idlib City on October 24*, 25 October 2020, https://bit.ly/35w5dr6; SNHR, *The Public Prosecution of HTS's Salvation Government Arrested a Media Activist in Idlib City on October 4*, 5 October 2020, https://bit.ly/2StGQUS; SNHR, *HTS Arrested a Media Activist in Idlib City on August 24*, 29 August 2020, https://bit.ly/3bgi3fB; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 103-104; SNHR, *Hay'at Tahrir al Sham Abuses 13 Citizen Journalists at Work in Idlib Suburbs on June 10*, 10 June 2020, https://bit.ly/3e3F7Ox; Enab Baladi, *Journalism in Northwestern Part of Syria…Between Violations and Obstacles*, 25 June 2020, https://bit.ly/38yQFZ6. HAD has also been accused of abducting media activists and relief workers; STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, https://bit.ly/2C2AHdb.

666 "*During demonstrations between 29 April and 1 May* [2020]*, Hay'at Tahrir al-Sham beat and detained participants. On 1 May* [2020]*, a van drove into a group of protestors, injuring at least one, whereupon members of Hay'at Tahrir al-Sham opened fire, killing one protestor and injuring two others*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 88. On 7 November 2019, in response to protests against a "tax" on olive oil production in the town of Kafr Takharim, HTS "*launched a rocket attack on Kafr Takharim*" and "*shot at fighters and civilians while entering the town.*" During a raid conducted in the town, at least 3 individuals were killed and 10 others injured. HTS "*also prevented injured civilians from leaving and shot at an ambulance transporting the wounded.*" During a separate protest in Bab Al-Hawa, "*members of the group took photographs of demonstrators to identify them later at checkpoints*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 33-34, 38. See also, SNHR, *HTS Arrested a Civilian in Atama Village in Idlib Suburbs on August 29*, 29 August 2020, https://bit.ly/2YMPoKi; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 92; SOHR, *HTS Uses Extreme Violence Against Idlib's Demonstrations Opposing the Opening of Commercial Crossing*, 30 April 2020, https://bit.ly/2ZGSaAm.

667 SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 21.

668 "*The pretexts and charges under which women were detained and killed, however, were various, including 'insulting deity' and 'espionage' for the benefit of the Syrian regular forces, as well as 'adultery', among other accusations.* (…) *it appears that many of Idlib's residents were being detained on this charge* [blasphemy]*, especially women*"; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k. See also, Syria Direct, *Like Being in Assad's Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, https://bit.ly/3b1Au9u; OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, https://shar.es/aoWKIv; The New Arab, *Syrian Activists Condemn Execution of Teenager for 'Criticising HTS Leader'*, 23 April 2020, https://bit.ly/2YQVFVp; Syria Direct, Hijacking of the "Freedom Revolution": HTS Imprisons Activists in Northwest Syria, 15 September 2019, https://bit.ly/2CXriEh; HRW, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html.

669 HTS "*has targeted female activists with humanitarian organizations and working in the media field, charging them in connection with their activities, with allegations including treason, in order to pressure them to stop their work or to work within the limits and proscriptions imposed by HTS*"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv. p. 21. "*Female activists and media workers have thus been doubly victimized for exercising freedom of expression or daring to speak out against the group's fragile rule*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 103. See also, ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, footnote 114; Syria Direct, *Assad Regime, HTS, and ISIS Attempt to Silence Female Journalists in Idlib*, 30 March 2020, https://bit.ly/38k1nlW.

Civilians suspected of being associated with the government,[670] or of being supportive of ISIS, the SDF/YPG, or rival armed groups, are reported to have been abducted, tortured and summarily killed by HTS.[671] Female relatives of the aforementioned have reportedly also been targeted.[672]

UNHCR considers that persons opposing, or perceived to be opposing, HTS and other anti-government armed groups in areas under their *de facto* control in Idlib and adjacent areas, are **likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR further considers that family members of persons opposing or perceived to be opposing HTS and other anti-government armed groups **may be in need of international refugee protection** on the basis of imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

### 6) *Persons Opposing, or Perceived to Be Opposing Armed Groups Affiliated with the Syrian National Army in Areas under Their de facto Control*

#### a) "Operation Euphrates Shield" and "Operation Olive Branch" Areas

Armed groups affiliated with the SNA are reported to have singled out individuals opposing, or perceived to be opposing these actors,[673] including individuals affiliated, or perceived to be affiliated, with the

670 See Section III.A.3.

671 For example, SOHR reported that on 30 April 2020, HTS executed a civilian in northern Aleppo "*for belonging to the Kurdish People's Protection Units (YPG) and carrying out criminal acts with regime forces in Aleppo city*", while on 20 April 2020, SOHR reported that HTS executed a civilian, on "*various charges*", including his supposed loyalty to the regime, despite the fact that according to local sources he had no connections to the regime and was not supporting it; SOHR, *Idlib: HTS Executes Former ISIS Commander*, 11 June 2020, https://bit.ly/3hqMQJc. "*HTS has launched security campaigns that have resulted in numerous arrests, which the group says only target members of IS cells, those working for the Syrian government and Kurdish agents*"; Syria Direct, *Hijacking of the "Freedom Revolution": HTS Imprisons Activists in Northwest Syria*, 15 September 2019, https://bit.ly/2kpl3jL. See also, SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, https://bit.ly/3dsUiAC, p. 7; The New Arab, *Syria's HTS Publicly Execute Ten Suspected IS Militants Following Idlib Suicide Bombing*, 3 March 2019, https://bit.ly/2m2g1tQ.

672 "*HTS targeted women simply for their kinship with their opponents in opposition factions, Syrian Democratic Forces, or ISIS*"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv. p. 21.

673 "*In areas under the effective control of various non-State armed groups in the northern part of the Syrian Arab Republic, such groups have continued to systematically target civilians, journalists and health service providers perceived as affiliated to an opposing party or allegedly critical of the armed group in control of the territory. The whereabouts and fate of many deprived of their liberty remain unknown*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 12. "*Individuals who do not align themselves with Turkish-backed factions are at high risk of kidnap, attack or execution*"; RIC, *Turkey's Track Record: The Occupation of Afrin*, 7 November 2019, https://bit.ly/2S5szO8, p. 18. According to Elizabeth Tsurkov of the Foreign Policy Research Institute, "[H]*atred of Kurds, a sense of Arab chauvinism, complete intolerance for any dissent, and just a desire to make a profit is what's driving most of the abuses*"; AP, *Money and Hatred for the Kurds Drives Turkey's Syrian Fighters*, 15 October 2019, https://lat.ms/2UxYkRE. See also, SNHR, *Turkish-Backed Factions Arrest more Civilians Participated in Yesterday's Demonstration in Afrin*, 15 November 2020, https://bit.ly/2UvecDW.

AANES and the SDF/PYD/YPG,[674] Kurdish and Yazidi civilians more broadly,[675] as well as journalists and activists.[676] Across "Operation Euphrates Shield" and "Operation Olive Branch" areas, civilians of this profile have been targeted for extortion, abduction, unlawful deprivation of liberty, torture and other

674 For example, on 9 July 2020 "(…) *Jaish al Islam announced that they had captured two women in Afrin city, accusing them of terrorism and connections with the Syrian Democratic Forces. Such false charges are a common pretext for kidnappings and disappearances of both men and women in occupied Afrin, including those with no political affiliation or military background*"; Missing Afrin Women Project, *July 2020: Five Women Reported Kidnapped, Violence Increasing*, July 2020, https://bit.ly/2ExypER. See also, STJ, *Afrin: 135 Persons Arrested and Forcibly Disappeared in October 2020*, 24 November 2020, http://bit.ly/3hbAp4n (and earlier reports); OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, https://bit.ly/3eE2X3C, p. 16; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 10; Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html. Affiliation with the AANES and the SDF/YPG is reportedly imputed based on broad criteria such as "communicating" or "dealing" with these actors, having worked for the AANES institutions, having voted in local elections, or having performed "self-defense duty" with the SDF when the areas were under AANES control. While some are released after short periods, often against payment, others reportedly remain unaccounted for; see for example, SOHR, *Accused of "Dealing Previously with Autonomous Administration": Turkish-Backed Military Police Arrest Two Civilians from Afrin*, 22 February 2021, http://bit.ly/3ukKP7X; SOHR, *Turkish-Backed Police Arrest Old Man from Idlib for "Dealing with SDF"*, 3 December 2020, https://bit.ly/3oqjDks; SOHR, *For "Dealing with SDF": "Ahrar al-Sham" Arrests Women from Raju Area in Afrin Countryside, Northwest of Aleppo*, 26 November 2020, https://bit.ly/3fKGG6i; SOHR, *Azaz Intelligence Service Arrests Eight People for "Dealing with SDF"*, 9 November 2020, https://bit.ly/3qe0kMM; SOHR, *Military Police Arrest Head of "Jendires Civil Council", Handing Him Over to the Turkish Intelligence for "Dealing with the Kurds*", 9 September 2020, https://bit.ly/3ijBS8w; SOHR, *Turkish-Backed Militiamen Ask Civilian to Evacuate His House and Threaten to Expel Him from the Canton*, 23 August 2020, https://bit.ly/2QjmwV6; SOHR, *Turkish-Backed Factions Arrest Ten Civilians from Afrin*, 18 August 2020, https://bit.ly/3kSj1Dj.

675 "(…) *Turkish-backed factions clamped down* ***on Kurdish civilians in particular****, arresting thousands of people, since they took control of the area, sometimes on charges for previously working within the institutions of the 'Self-Administration', and sometimes for communicating with leaders and members of the Kurdish forces*" (emphasis added); SOHR*, SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, http://bit.ly/3kbhNmq. "*The Armed Opposition and the Syrian National Army have also escalated their arrests and detentions of civilians on the pretext of their former affiliation with the SDF* (…) *and in many cases targeted several members of the same families,* ***with most of these arrests being characterized by an ethnic bias*** *and, in the manner of kidnapping, forcibly disappearing those arrested. We also recorded many incidents during which the faction responsible for the arrest requested money in exchange for the release of the detainee* (…)" (emphasis added); SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, https://bit.ly/3h9L4eC, p. 10. "*In Afrin and adjacent areas, armed groups operating under the umbrella of the SNA regularly arrest, detain, torture and extort residents of Kurdish origin* (…)"; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, https://bit.ly/2Mt1W2B. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 40.

676 In January 2021, SNHR recorded the arrest of activists "*under the pretext of having kinship with ISIS, before releasing them later*"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, https://bit.ly/3rfIHN3, p. 6. "*In northern and eastern rural Aleppo, armed groups continued to target some humanitarian and health-care services and personnel, in addition to media professionals*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 21. "*Both the journalist and STJ field researcher confirmed that if any media worker reported violations committed by the armed groups in Afrin, he/she would be subjected to arrest, torture, insults or the confiscation and break of his equipment at best.* (…) *As for the conditions of media work in northern rural Aleppo, specifically in the Euphrates Shield areas, the assessment of freedom of the media differs from one city to another. In the cities of A'zaz and Jarabulus media workers given greater flexibility than those in other cities and towns. Still, workers in media face many difficulties like being impeded by the Free Police and armed group agents who sometimes beat and insult them or seize and break their equipment*"; STJ, *Syria: Silencing and Abusing Media Workers*, 6 July 2019, https://bit.ly/3hjmBDV. See also, SNHR, *Syrian National Army Arrested a Media Activist in Izaz City in Aleppo Suburbs on January 21*, 22 January 2021, http://bit.ly/2Nlu3oJ; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 25; SOHR, *Displaced Activist Beaten Brutally and Another Prosecuted in Afrin*, 7 November 2020, https://bit.ly/36hdxeQ; SOHR, *Turkish-Backed Factions' Judicial Authorities Sentence Displaced Activist to Three Months Imprisonment for "Insulting the Free Army*", 25 August 2020, https://bit.ly/3huE24D; SOHR, *Al-Sham Corps Arrests Aid Worker in Afrin for "Critical Post on Social Media",* 21 July 2020, https://bit.ly/3eRrZfA; SOHR, *After Their Arrest and Deleting Videotapes: "Al-Sham Corps" Releases Two Activists Covering Closure of Crossings with Afrin on Media*, 17 July 2020, https://bit.ly/2BgCDis; Enab Baladi*, Journalism in Northwestern Part of Syria…Between Violations and Obstacles*, 25 June 2020, https://bit.ly/38yQFZ6; STJ, *Afrin: 43 Arrested by the National Army in April 2020*, 20 May 2020, https://bit.ly/2YGy0XF; SNHR, *Syrian National Army Arrested a Media Activist in Jendeires Town in Aleppo Suburbs, on May 18*, 20 May 2020, https://bit.ly/2U8QE89.

forms of ill-treatment,[677] as well as looting and unlawful confiscation of property.[678] Observers note that SNA-affiliated groups aim at changing the ethnic and religious make-up of predominantly Kurdish areas.[679]

According to reports, SNA-affiliated groups at times target individuals based on family relations.[680]

#### b) "Operation Peace Spring" Areas

Armed groups affiliated with the SNA are reported to have singled out individuals affiliated, or perceived to be affiliated, with the AANES and the SDF/PYD/YPG[681] for abduction, extortion, unlawful deprivation

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677 "(…) *since the beginning of 2019, we have recorded the opposition factions to kidnappings and torture of the kidnapped to force their families to pay ransom money in exchange for their release, mainly in areas under their control in the northern suburbs of Aleppo governorate. Torture has often been practiced on the basis of ethnic prejudice and has been practiced against civilians, including women and children, to force them to agree to requests by opposition factions' members, such as the use or seizure of these people's property*"; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, https://bit.ly/3iojagr, p. 41. "*Individuals, including activists openly critical of the armed groups and those perceived to be supporters of the former administration, were regularly arrested, detained, tortured and extorted*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 60. See also Section II.E.4.

678 "*Control over Afrin city is shared by a number of armed groups, which constantly seek to expand their areas of influence to access further material gains. The armed group in control of one neighborhood or street, for example, maintains a monopoly over all real estate belonging to the street's original Kurdish population, who are now displaced. The groups lease, sell, or even invest in these properties, with the profits claimed by personnel or commanders*"; STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, http://bit.ly/3pZSvcj. "*All the factions have economic offices to manage the properties of residents displaced from Afrin, especially those belonging to people affiliated with the Kurdish People's Protection Units (YPG), or those who cooperated with them*"; Syria Report, *Afrin: Opposition Factions Fight over Properties of Displaced Residents*, 23 December 2020, http://bit.ly/3q1Zphe. "*According to reliable SOHR sources, Turkish-backed factions of the 'Syrian National Army' are selling the houses of displaced Kurds who were forced to flee the Turkish military operations in their areas*"; SOHR, *Coercive Selling of Civilian Houses... Imposing of Levies... Looting and Thefts... Kidnapping and Arbitrary Arrest, Turkish-Backed Factions Wreak Havoc in Afrin Canton*, 2 April 2020, https://bit.ly/3ihwlja. "(…) *large-scale property confiscation and looting of properties have been widely reported. Syrian National Army fighters have placed family members in some of the homes of Kurdish owners who fled the area and provided 'rental contracts' to newly accommodated individuals. In other cases, Syrian National Army fighters went to civilians' houses and requested property deeds from Kurdish owners who had stayed. On occasions, returnees were left with no other option but to share their homes with family members of Syrian National Army fighters who had moved into their residences. When civilians complained to senior members of the Syrian National Army to reclaim their property, they were met by threats and violence. The magnitude of property confiscation prompted the establishment of a complaint mechanism within the structures of the Syrian National Army, although residents indicated that it was largely ineffective*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 41. The confiscation of property also prevents those displaced from returning: "*In some areas, such as in the village of Balanta in rural western Aleppo, Turkish forces occupied only some houses, using them as military facilities, while in other areas they captured entire villages, as in the case of Abin Samaan village in rural western Aleppo governorate. In each of these villages they have barred homeowners, who had already been displaced due to the battles, from returning*"; Syria Report, *Northwestern Syria: Do Turkish Forces Pay Rent for Their Sites?*, 3 February 2021, http://bit.ly/2MBeDfv. See also, FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 120-140; and Section II.E.4.a.

679 See Section III.A.8.d.

680 "*The Syrian National Army also carried out arrests and kidnappings in October* [2020], *most of which occurred on a mass scale, in many cases targeting several members of the same families, including elderly people*"; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, https://bit.ly/3nn9MLV, p. 6 (and earlier reports). See also, SOHR, *"Al-Jabha Al-Shamiyyah" Arrests Woman and Her Son in Ma'batli, a Few Days after Arresting Her Husband*, 30 December 2020, http://bit.ly/3pHYVNr.

681 "*Areas under the control of 'Peace Spring' factions have witnessed widespread violations, starting with theft, kidnapping for ransoms, to the most heinous forms of torture of civilians under the flimsy pretext of 'dealing with the self-administration'* [AANES] *that once governed the region.* (…) *Those factions also stole/confiscated the mobile phones of residents under the pretext that 'they were used to communicate with SDF'* "; SOHR, *"Peace Spring" a Year on: A New Map of influence…Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, https://bit.ly/2GrnVrm. "*Regarding incidents of detention, civilians in both Ra's al-Ayn and Afrin were most often detained by Syrian National Army members for their alleged past links to the self-administration* [AANES]*, and were deprived of access to legal counsel, and on some occasions, interrogated by Turkish officials with the assistance of interpreters prior to or while in detention*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 53. "*Most detainees are arrested for allegedly joining or communicating with the Kurdish-led Self Autonomous Administration, and most detainees are reportedly released after paying a ransom or bail of USD $150 to $400*"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, p. 10. For example, in June 2020, "*Turkish-backed armed opposition groups*

of liberty,[682] torture and other forms of ill-treatment, looting and unlawful confiscation or demolition of property,[683] and, in some cases, killing.[684] Civilians protesting against SNA-affiliated armed groups were

*conducted a series of arrests throughout Ar-Raqqa Governorate targeting alleged SDF-affiliated individuals*"; Carter Center, *Weekly Conflict Summary: 8-14 June 2020*, 19 June 2020, https://bit.ly/3doGlOk, p. 6. "*A local Syrian source working with NGOs in northern Syria told Kurdistan 24 on condition of anonymity that not only Kurds, but 'everyone who worked within the Self Administration, including Arabs, are subjected to arrests, kidnappings, and ransoms by* [Turkish-backed] *factions'* "; Kurdistan 24, *Turkish-Backed Faction in Syria Accused of Human Rights Abuses in Arab-Majority Region*, 29 April 2020, https://bit.ly/3hu7Dvo. See also, STJ, *Syria: 38 Arrests in "Peace Spring" During the Second Half of 2020*, 15 February 2021, https://bit.ly/3022kfb; SOHR, *Demographic Change: Turkish-Backed Factions Continue Violations in "Peace Spring" Areas, Attempting to Force Remaining Locals Leave*, 24 September 2020, https://bit.ly/3kKHRnG; SOHR, *Tal Abyad: Turkish-Backed Factions Kidnap Arab Tribal Chief*, 13 June 2020, https://bit.ly/3htAdwY; SOHR, *"Al-Jabha Al-Shamiyyah" Arrests 35 Persons in Rural "Tal Abyad"*, 9 June 2020, https://bit.ly/2YwsDsR.

682 SOHR "*documented over 48 arbitrary arrests in January* [2021] *carried out by factions operating in 'Peace Spring' areas, mainly 'Al-Hamzah Division'. Those arrested were accused of 'dealing with SDF'* "; SOHR, *"Peace Spring" Areas in January 2021*, 5 February 2021, http://bit.ly/2Ns943w. See for example, SOHR, *For "Dealing and Collaborating with SDF": Ankara-Backed "Al-Hamza Division" Arrests Nearly Ten People in Ras al-Ain Countryside (Sere Kaniye)*, 15 January 2021, http://bit.ly/2OWDZoV; SOHR, *Turkish-Backed Factions Arrest over 30 People in Ras al-Ain (Sere Kaniye)*, 29 December 2020, http://bit.ly/3pO0KJ1; SOHR, *Turkish-Backed Factions Arrest Five Young People for "Dealing with SDF"*, 24 September 2020, https://bit.ly/2HzFVAh; SOHR, *Turkish-Backed Fighters Kidnap Civilian and His Son in Ras al-Ain Countryside*, 4 September 2020, https://bit.ly/3i5mk8b; SOHR, *Five Civilians from Tal Tamr Arrested for "Dealing with SDF"*, 5 September 2020, https://bit.ly/2Z806ek; SOHR, *Two People Injured in Indiscriminate Gunfire by Ahrar al-Sharqiya, Following Raid on Village Houses*, 10 August 2020, https://bit.ly/3haluGZ; SOHR, *Young Man and His Little Brother Arrested in Northern Al-Raqqah for "Belonging Previously to SDF"*, 30 July 2020, https://bit.ly/33hivZ7; SOHR, *The "National Army" Arrests Three Persons in Ras Al-Ain (Sere Kaniye) for "Dealing with SDF"*, 24 July 2020, https://bit.ly/30OCr2t; SOHR, *Ras Al-Ain (Sere Kaniye): Turkish-Backed Factions Arrest Several Young People for "Communicating with SDF and Facilitating Entry of Booby-Trapped Vehicles"*, 13 May 2020, https://bit.ly/3d1RQ3M; SOHR, *Turkish Forces and Turkish-Backed Military Police Arrest Tribal Leader of Al-Nu'aym Tribe in Rural Tal Abyad*, 22 April 2020, https://bit.ly/2UISyMR; and sources included in Section III.A.6.a, which refer to SNA-affiliated armed groups without geographic distinction.

683 "*In the north-west and north-east of the country, non-State armed groups seized houses of other displaced civilians and of individuals accused of having affiliations with other armed groups and occupied them with their own families. OHCHR received reports that, in April* [2020]*, owing to the COVID-19 pandemic, scores of families of non-State armed group fighters were transferred from the Jarabulus area, in eastern rural Aleppo, to areas in Tall Abyad, in northern rural Raqqah, and Ra's al-Ayn, in western rural Hasakah, and placed in houses of civilians who had fled or who had been forcibly evicted*"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 18. "*Those accused of working with the SDF or AANES are also singled out for other forms of abuse and collective punishment besides abduction for ransom. Between 22 October 2019 and 30 March 2020, TAF and SNA have carried out 127 home demolitions in the area under their control, in particular targeting villages and homes belonging to people with suspected links to the former administration in the region*"; RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, https://bit.ly/32gZ2az, p. 27. "*The civilian houses in Umm al Asafir, Faysaliyya, Daoudiyeh, Arshet Ras El Ein, and Malla Suleiman* [Hassakeh Governorate] *were looted by Turkish-backed armed opposition groups. The armed groups burnt down houses owned by individuals affiliated with the Autonomous Administration*"; Carter Center, *Weekly Conflict Summary: 13-19 April 2020*, 19 April 2020, https://bit.ly/3dMT4Rr, p. 4. See also, SOHR, *Ankara-Backed "al-Hamzat Division" Deizes Agricultural Land Owned by Civilians*, 9 November 2020, https://bit.ly/38vd37l; SOHR, *For $2000: "Al-Hamza Division" Releases Former SDF Member after Torturing Him in Its Prisons in "Peace Spring*" Areas, 14 September 2020, https://bit.ly/3c2bcGQ; SOHR, *For "Dealing" with SDF: Former ISIS Security Official Participates in Arrest and Torture of Civilian in Tel Abyad*, 12 September 2020, https://bit.ly/33sjpjL; SOHR, *Factional Clashes, Displacement of Families, Looting Houses and Clamping Down on People in Ras Al Ain*, 10 September 2020, https://bit.ly/3is5qke; SOHR, *"Sultan Murad" Steals Civilians' Homes in "Peace Spring" Areas*, 23 July 2020, https://bit.ly/32U8Vv5; SOHR, *After Stealing the Contents of Houses: Turkish-Backed Factions Set Civilian Homes on Fire in Ras al-Ain Countryside*, 8 July 2020, https://bit.ly/2VVsRtd; Kurdistan 24, *Turkish-Backed Forces Continue Targeting Arab Tribal Leaders Who Cooperate with the SDF*, 23 June 2020, https://bit.ly/38V8ceb; SOHR, *Turkish-Backed Factions Loot and Burn Down Properties Belonging to Autonomous Administration's Affiliates in Rural Ras Al-Ain*, 18 April 2020, https://bit.ly/3hhfdtf; and Section II.E.4.b.

684 SOHR, *Ankara-Backed Factions Kill a Person for "Communicating with SDF" in Tal Abyad, North of Raqqa*, 13 April 2020, https://bit.ly/2MUaMqj.

reported to be among those subjected to arrests.[685] According to reports, SNA-affiliated groups at times target individuals based on family relations.[686]

Persons displaced as a result of "Operation Peace Spring" are reported to be afraid to return to their areas of origin,[687] while some of those who have returned, have been subjected to extortion, physical abuse, abduction and killing,[688] or have found their homes confiscated by SNA-affiliated fighters and their families upon return.[689]

UNHCR considers that persons opposing, or perceived to be opposing, armed groups affiliated with the SNA in areas under their *de facto* control, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, their ethnicity and/or their religion, depending on the individual circumstances of the case.

685 Protests against human rights violations by SNA-affiliated armed groups have been reported, and have at times been violently suppressed, including with live fire against protestors and arrests of protestors. The SNA "*also continued carrying out arbitrary detentions and kidnappings in November* [2020]*, targeting civilians who took part in protests criticizing opposition policies in the areas under their control and in protest against the poor living conditions*"; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, https://bit.ly/3mZNCzv, p. 5. See also, SOHR, *"Peace Spring" a Year on: A New Map of influence…Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, https://bit.ly/2GrnVrm; SOHR, *After Arresting Some 20 Protesters in Ras al-Ain: "Sultan Murad Division" Accuse Them of Carrying Out Terrorist Acts, and Hold Them Responsible for Bombings in the Region*, 3 October 2020, https://bit.ly/3nmTiUy; SOHR, *Al-Hasakeh: Turkish-Backed Factions Storm and Loot Assyrian Village near the Dividing Line with "Peace Spring" Areas*, 19 June 2020, https://bit.ly/2V6v5Wh; SOHR, *Rural Ras al-Ain: Civilians Demonstrate Against Turkish-Backed Factions, As Violations Continue*, 15 June 2020, https://bit.ly/2C5usW8; Carter Center, *Weekly Conflict Summary: 25-31 May 2020*, 5 June 2020, https://bit.ly/3cIDogM, p. 3.

686 SOHR, *"Sultan Murad Division" Prosecutes Relatives of Young People Fled from Ras Al-Ain to Turkey and SDF-Held Areas for Fear of Arbitrary Arrests*, 14 December 2020, https://bit.ly/37iHJaV. See also footnote 680.

687 "*Civilians narrated consistent accounts to the Commission conveying their fears about remaining and their inability to return to their homes, which had been looted and occupied by the brigades or their families in the immediate aftermath of hostilities. On two occasions, civilians recalled being instructed not to return by Syrian National Army commanders and fighters.*" And further: "*The Commission received further information that families from Tall Abyad chose not to return to their homes, fearing rape and sexual violence perpetrated by Syrian National Army members. At least 30 women had reportedly been raped in February* [2020] *alone*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 49, 51. "*The DoS* [Department of State] *said it was 'concerned' that the actions of some TSO groups under the Syrian National Army umbrella have prevented the return of many displaced Kurdish residents of northeast Syria. The DoS said it was particularly 'troubled' by reports of property seizures, looting, and intimidation that have led to a climate of fear*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 67. See also, IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 57. Observers note that SNA-affiliated groups aim at changing the ethnic and religious make-up of the areas under their *de facto* control; see Section III.A.8.d.

688 OHCHR expressed concern over "*people recently displaced during the military offensive who have subsequently been subjected to arbitrary detention, in addition to enforced disappearances, after returning to their homes. This is occurring both in areas controlled by Turkish forces and Turkish-affiliated armed groups, and in areas controlled by Kurdish armed groups*"; UN Geneva, *Regular Press Briefing by the Information Service*, 8 November 2019, www.ecoi.net/en/document/2019944.html. See also, SOHR, *Tal Abyad: Turkish Forces Kill Two Women Returning to Their Village in Countryside*, 18 August 2020, https://bit.ly/3gcixnl; SOHR, *"Al-Sultan Murad" Blackmails Civilians Returning to Their Homes, and the People of Ras al-Ain Fear Factions' Violations*, 4 August 2020, https://bit.ly/3frWn0F; SOHR, *Civilian with Special Needs Dies in "Al-Hamzat Division" Prison in Ras Al-Ain (Sere Kaniye)*, 17 July 2020, https://bit.ly/3jdfChz; SOHR, *Rural Tal Abyad: Turkish-Backed Factions Target Civilians, while Checking Their Homes near Frontlines*, 24 May 2020, https://bit.ly/2RjmMnJ; Kurdistan 24, *Turkish-Backed Militia Detains, Tortures Disabled Civilian in North Syria*, 4 January 2020, https://bit.ly/2UQycBF.

689 "*Civilians who have returned to check on their property variously report that their home has been completely looted; that they have returned to find Arab families living in their property; or that their homes have been turned into military bases. In some instances, the SNA factions in charge of neighborhoods have offered to sell residents' own property back to them*"; RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, https://bit.ly/32gZ2az, p. 25. "*TSOs also reportedly continued to bar returnees from their properties in northwest Syria and informed them that their real or presumed support for the YPG precluded them from living in the area. Confiscated homes were marked with graffiti and then used by armed groups for military purposes or as housing for fighters and their families*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, SOHR, *Demographic Change in NE Syria: Dozens of Families of Turkish-Backed Fighters Arrive in Tal Abyad*, 21 April 2020, https://bit.ly/2ZCDkeP; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 57; NRC, *Desperate Measures: Syrians Fleeing Turkey's Military Operation*, 17 December 2019, https://bit.ly/2MMPStp, p. 16.

UNHCR further considers that family members of persons of this profile **may be in need of international refugee protection** on the basis of their imputed political opinion, their ethnicity and/or their religion, depending on the circumstances of the case.

### 7) *Persons Opposing, or Perceived to Be Opposing, ISIS in Areas with Continued ISIS Presence or Influence*

In areas with continued ISIS presence or influence, the group engages in IED attacks, ambushes, abductions and assassinations targeting mainly leaders and members of the government forces[690] and the SDF, respectively.[691] ISIS has also singled out civilians supporting or perceived to be supporting the government,[692] or the SDF/AANES, respectively, for abduction and killing, including tribal leaders,[693] local mayors, members of local councils, municipal employees, as well as collaborators.[694] ISIS has further been reported to threaten, attack and assassinate businessmen, professionals, shop owners and oil workers who refuse to provide financial support ("zakat") to the group.[695]

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690 See Section II.B.1.b.

691 See Section II.B.2.

692 See Section III.A.3.

693 "*Likely ISIS militants killed a sheikh of the Bakir tribe's Rakywat clan – Ali Wahab al-Wais – in Tawamiya and seriously wounded an unknown elder of the Mashadeh tribe in al Sabha, Deir e-Zor Province. Members of both tribes strongly support the SDF*"; ISW, *Syria Situation Report: October 14 - 27, 2020*, 30 October 2020, https://bit.ly/34Oemw9. According to SOHR, "*ISIS cells adopted a new strategy by attacking tribal dignitaries and elders, as gunmen opened fire on a vehicle carrying dignitaries of 'Ekaydat' tribe on the outskirts of Hawayij village in the eastern countryside of Deir Ezzor* (…)"; SOHR, *73 Months since the Declaration of Caliphate State: ISIS Adopts New Strategy, Assassinating Tribal Elders… Death of Russian Commander Spurs Military Campaign… Mass Grave Discovery Uncovers New Field Executions*, 29 August 2020, https://bit.ly/2QBtlS9. "*The DIA* [Defense Intelligence Agency] *further reported that since Turkey's military incursion into northern Syria, ISIS has focused on targeting local tribal leaders for assassinations, and intimidating the local populace to influence and recruit among Arab populations in the province who are dissatisfied with SDF counter-ISIS measures*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 29. See also, SOHR, *Unidentified Gunmen Assassinate One of Dignitaries of Al-Musharraf Clan*, 29 October 2020, https://bit.ly/3oNZfun.

694 According to Syrian journalist Zain al-Abidin, "*IS cells target SDF members, especially in the area between southern Raqqa and the southeastern countryside of Hasakah, reaching al-Baghouz. First, they target SDF or its operatives, as well as employees at SDF agencies or persons suspected of collaborating with the SDF, in addition to tribal leaders*"; Al-Monitor, *Islamic State Regroups in Syrian Kurdish Region*, 10 November 2020, https://bit.ly/2JZKmpr. According to CJTF-OIR, "*ISIS also regularly claimed through social media to have assassinated 'spies' who it believed reported on its activities, including civilians, pro-regime forces, and SDF personnel*"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 27. "(…) *in Syria's Deir al-Zor province, Islamic State militants appear to be focusing on assassinating civilians working with the local Civil Council to drive the Arab population away from the SDF-affiliated Autonomous Administration of North and East of Syria (AANES).*" According to Robin Fleming, a Syria-based researcher at the RIC, "*ISIS was seen distributing flyers threatening individuals connected on any level to the SDF or AANES*"; Kurdistan 24, *Kurdish-Led SDF Launches Large-Scale Operation Against ISIS in Syria*, 5 June 2020, https://bit.ly/3cPEAPK (with examples). "*The organization* [ISIS] *carried out assassination operating targeting a local council official in the eastern countryside of Deir Ez-Zor as well as attempting to assassinate other officials including the mayor of the town of al-Susah, a sub-district of Hajin in Deir Ez-Zor, ISIS's focus on targeting SDF forces and their collaborators*"; Jusoor for Studies, *The Map of ISIS Operations and Activities in Syria During April 2020*, 7 May 2020, https://bit.ly/3f3eZ7o. See for example, SOHR, *After Sending Video of His Execution to His Wife: ISIS Blackmails the Family's Victim in al-Hasakah, Asking for $100,000 for His Body*, 16 February 2021, https://bit.ly/3k9gKU5; SOHR, *ISIS Executes Two Female Officials in the Autonomous Administration in Southern Al-Hasakah*, 23 January 2021, http://bit.ly/37CJIqp; SOHR, *Gunmen Assassinate Civilian in Deir ez-Zor Countryside*, 28 December 2020, http://bit.ly/3897lrt; SOHR, *Head of Village Assassinated in Northern Deir ez-Zor Countryside*, 27 December 2020, http://bit.ly/3nbxQR4; SOHR, *IED Attack: Assassination on Head of Local Council in Western Deir ez-Zor Countryside*, 22 December 2020, http://bit.ly/37G4Oop; SOHR, *Unknown Gunmen Shoot Dead "Village Headman" in Eastern Deir Ezzor*, 19 November 2020, https://bit.ly/2Vc4DtS; SOHR, *Two Unidentified Gunmen Target Civilian in Deir ez-Zor Countryside*, 7 October 2020, https://bit.ly/3jJYv6W; SOHR, *Assassination on Municipal Employee, and Throwing Grenade at the House of Diban Mayor*, 11 September 2020, https://bit.ly/3hrkxJm; SOHR, *Two Brothers Found Dead a Few Days after Being Kidnapped by ISIS Cells*, 16 June 2020, https://bit.ly/3fuZYvd; SOHR, *ISIS New Execution: Cells Storm "Municipality of The People" Building in Al-Tayyanah, and Execute Municipality's Head*, 15 June 2020, https://bit.ly/2BeYvdr.

695 "*ISIS militants routinely threaten shop owners, heads of factories, directors and major suppliers of non-governmental organisations, doctors, landowners and others perceived to be well-off to pay it zakat (notionally, gifts to charity)*"; ICG, *The SDF Seeks a Path Toward Durable Stability in North East Syria*, 25 November 2020, www.ecoi.net/en/document/2041372.html. "(…) *there is reported to be a heightened level of confidence among ISIL in Dayr al-Zawr and Hasakah, where local businesses and*

ISIS is also reported to have set fire to agricultural lands, including as a form of revenge or for the purpose of extortion.[696]

UNHCR considers that persons opposing, or perceived to be opposing, ISIS in areas with continued ISIS presence or influence, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

### 8) *Members of Religious and Ethnic Minority Groups and Persons Contravening Strict Islamic Rules*

Syria is home to a diversity of distinct ethnic groups, including Arabs, Kurds, Turkmen, Armenians, Assyrians, Circassians, and Dom.[697] The majority of the population adheres to Sunni Islam.[698] In

*wealthy individuals are being extorted openly and targeted for reprisals should cooperation not be forthcoming*"; UNSC, *Letter Dated 20 January 2020*, www.ecoi.net/en/document/2024173.html, para. 72. See for example, SOHR, *ISIS Members Inform Workers of Primitive Oil Refineries to Pay Zakat in US Dollars*, 14 December 2020, http://bit.ly/3gRvCVM; SOHR, *Cells Demand Civilians Pay Zakat in Eastern Countryside of Deir ez-Zor*, 8 December 2020, https://bit.ly/3a3ryjw; SOHR, *Cells Kill Member of Internal Security Forces, and Others Threaten Doctor to Pay Zakat*, 5 December 2020, https://bit.ly/2IlcAKw; SOHR, *Cells Kidnap Merchant in Hasakeh Countryside, as He Refuses to Pay Zakat*, 4 December 2020, https://bit.ly/33OF86v; SOHR, *Gunmen Pretend to be ISIS Members and Open Fire on Civilian House in Eastern Dier Ezzor, Asking for "Zakat"*, 3 December 2020, https://bit.ly/2VHdNyC; SOHR, *ISIS Resurgence: Cells Target Civilian Home in Eastern Deir ez-Zor Countryside*, 17 November 2020, https://bit.ly/3pFGn1q; SOHR, *Unknown Gunmen Blow Up IED near the House of a Person in Eastern Deir Ezzor for "Refusing to Pay Zakat"*, 14 November 2020, https://bit.ly/3nsMKDi; SOHR, *Manbij: Five People Killed and Injured in Explosion of Car Belonging to Doctor who Refused to Pay "Zakat" to ISIS Cells*, 20 October 2020, https://bit.ly/34fkrl6; SOHR, *ISIS Members Detonate Grenade Asking for Zakat, Unknown Assailants Attack Headquarters of Local Council, and Internal Security Forces Arrest Physical Therapist*, 3 September 2020, https://bit.ly/2Zn4PsX; SOHR, *Unknown Gunmen Attack Civilian's House in Al-Shuhayl for "Refusing to Pay Zakat"*, 19 August 2020, https://bit.ly/323FowV.

696 ISIS reportedly claimed responsibility for setting fire to agricultural lands in revenge for government forces and SDF military campaigns against Sunnis in areas previously controlled by ISIS and called upon its followers to sabotage the "*apostate*" crops in Iraq and Syria. Sources variably blamed other actors for the fires, including the Syrian Government, the SDF, and groups affiliated with the SNA, and some fires may also have been triggered by hot weather conditions; VOA, *IS Threatens 'Hot Summer' by Scorching Iraq, Syria Farmlands*, 24 May 2019, https://bit.ly/2AuAOO3. According to Peter Schwartzstein of the Center for Climate and Security, "[M]*any of the fires are almost certainly the work of the Islamic State, or ISIS, in keeping with the scorched-earth strategy the group adopted after it began to lose territory.*" And according to Nicholas Heras of the Center for a New American Security, "[A]*t this point in time the most logical aspect of the burning of wheat fields is that ISIS is using it as a tactic to punish its enemies*"; Washington Post, *Mystery Crop Fires Scorch Thousands of Acres in Syria and Iraq – and ISIS Claims Responsibility*, 7 June 2019, https://wapo.st/3dszYQm. See also, The Telegraph, *Crop Fires Are Destroying Syria's War-Ravaged Farmers – but Who Is Starting Them and Why?*, 9 July 2019, https://bit.ly/3eMpn3f; NPR, *How Crop Fires Have Become the Latest Weapon of War in Syria*, 26 June 2019, https://n.pr/2XZiiWm.

697 USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; Thomas Pierret, "*Syrian Arab Republic*", in Sean Yom (ed.), Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship, 9th edition 2019, https://bit.ly/2SC7omR, p. 9; Minority Rights Group International (MRGI), *Syria: Minorities and Indigenous Peoples*, last updated May 2018, https://bit.ly/2S0bTYa. See also, RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc.

698 The Sunni population includes ethnic Arabs, Kurds, Circassians, Chechens, Turkmen and Dom. The latter is a distinct ethnic group that originates from India, but has been living in Syria for many centuries as a result of several migration waves. The Dom people are reportedly faced with social, cultural and economic discrimination and marginalization and many live in extreme poverty; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; MRGI, *Syria: Minorities and Indigenous Peoples*, last updated May 2018, https://bit.ly/2S0bTYa. On the Dom, see Victoria Williams, *Indigenous Peoples: An Encyclopedia of Culture, History, and Threats to Survival*, 24 February 2020, pp. 310-313; Kırkayak Kültür-Dom Research Workshop, *Syrian Dom Asylum Seekers in the Crossfire"*, 20 September 2017, https://bit.ly/3iF5LiZ.

addition, there are communities of various Christian denominations,[699] Twelver Shi'ites, Alawites, Druze, Ismailis, and Yazidis.[700]

Since 2011, sectarian and ethnic tensions are reported to have increased as members of religious and ethnic groups have increasingly aligned themselves, or are perceived to have aligned themselves, with parties to the conflict. The armed opposition is largely dominated by Sunni Arabs,[701] including Islamist

699 Christians in Syria adhere to various denominations, including Greek Orthodox Church of Antioch, Greek Catholic, Syriac Orthodox, Syriac Catholic, Assyrian Church of the East, the Ancient Church of the East, the Chaldean Catholic Church and different Armenian churches. In addition, there is a small community of Maronite Christians mainly in the Aleppo region as well as small numbers of Roman Catholics and Protestants. The largest Christian denomination in Syria is the Greek Orthodox Church of Antioch, followed by the Melkite Greek Catholic Church and the Syriac Orthodox Church. Christians are mostly ethnic Arabs, but significant numbers also belong to the Assyrian or Armenian ethnicity. Christians are dispersed throughout all governorates, with considerable numbers living in major cities such as Aleppo, Damascus, Homs, Lattakia, Hama, Qamishli, Hassakeh, and Tartous. Greek Orthodox Christians and Greek Catholics are concentrated in and around Damascus (e.g. in the Qalamoun Mountains), Lattakia and the neighbouring coastal region, and the rural areas of Homs (e.g. Wadi Al-Nasara, the Valley of Christians) and Hama governorates. Christians from the Syriac and Assyrian denominations are primarily located in the Hassakeh Governorate, in addition to Homs, Aleppo and Damascus. The Christian population has reportedly been steadily declining since the beginning of the 20th century. Since 2011, the departure of Christians from Syria has accelerated: "*Before the war, an estimated 10% of Syria's population was Christian, with Greek Orthodox being the largest denomination. Because of the conflict and widespread flight of Syria's Christians it is hard to estimate their numbers today, but some figures place them below half of pre-war levels*"; Al-Monitor, *Athens Reaches Out to Syria via Greek Orthodox Community*, 20 October 2020, https://bit.ly/2HvLz67. "*In Aleppo, some media outlets have reported that Aleppo's Christian populated had fallen from 250,000 to 30,000 by the end of 2016. The exact size and location of many Syrian Christians is therefore difficult to verify in the current context*"; MRGI, *Syria: Christians, Armenians and Assyrians*, last updated March 2018, www.refworld.org/docid/49749ca133.html. See also, USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; Thomas Pierret, "*Syrian Arab Republic*", in Sean Yom (ed.), Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship, 9th edition 2019, https://bit.ly/2SC7omR, p. 9.

700 Given the lack of census data related to the ethnic and religious composition of the population, there are only estimates with regards to Syrian demographics. Prior to the conflict, Sunnis accounted for approximately three-quarters of the population. All of Syria's large cities and all governorates with the exception of Suweida city and governorate had a Sunni majority population. In the countryside, Sunnis formed the majority in all areas except in the countryside of Lattakia and Tartous (predominantly Alawite) as well as in Wadi Al-Nasara area (Homs), where the majority were Christians. Other Muslim groups, including Alawites, Ismailis, and Twelver Shi'a, constituted approximately 13% of the population prior to the conflict. Various Christian denominations, including Greek Orthodox, Syriac Orthodox, Maronite, Syrian Catholic, Roman Catholic and Greek Catholic, accounted for about 10%. Druze accounted for three per cent of the population and a small Yezidi population consisted of approximately 80,000 persons. Also, an estimated 100 to 200 Jews lived in Syria, mostly in Aleppo, Damascus and Qamishli. Large-scale displacement since 2011 make updated population estimates highly uncertain; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; MRGI, *Syria*, updated May 2018, https://bit.ly/2S0bTYa; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, A/HRC/S-17/2/Add.1, www.refworld.org/docid/4edde9d02.html, para. 15.

701 From early on in the conflict, the government has claimed that the armed opposition comprised "extremists" and "terrorists". It has extended this perception to civilian populations supporting, or perceived to be supporting, the political and/or armed opposition. "*According to media and NGO sources, the government continued its widespread and systematic use of unlawful killings, including through the repeated use of chemical weapons, persistent attacks on civilians and civilian infrastructure, enforced disappearances, torture, and arbitrary detention* ***to punish perceived opponents, including civilians, the majority of whom were Sunni Muslims****. As the insurgency continued to be identified with the Sunni population,* ***the government reportedly targeted largely Sunni opposition-held towns and neighborhoods*** *for siege, mortar shelling, chemical weapons attacks, and aerial bombardment* (…)." However, "[A]*ccording to many observers, including academic experts, the government's policy, aimed at eliminating opposition forces that threatened its power, was sectarian in its impact, although it was not motivated primarily by sectarian ideology*" (emphasis added); USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*To ensure the allegiance of Assad's base, the Alawi community, the regime employed several tactics. First, in speeches during the early days of the uprising, he portrayed the protesters as Sunni extremists and armed terrorists* (…)"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze. "*Many among religious minorities (in particular Alawite and Christians) opposed the uprising out of fear of a takeover by the Sunni majority* (…). *The regime played on these sectarian and class fears by portraying protesters as Salafi extremists and peasant riffraff*"; Thomas Pierret, "*Syrian Arab Republic*", in Sean Yom (ed.), Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship, 9th edition 2019, https://bit.ly/2SC7omR, p. 5. The armed opposition also includes a number of Sunni Turkmen armed groups, particularly in North-West Syria (Lattakia and Aleppo Governorates): "*Throughout the civil war, Turkmen began to form their own predominately Turkmen brigades to defend areas traditionally considered to be Turkmen and to fight in opposition to the Syrian government. The Sultan Murad brigade was one of the first Turkmen brigades to establish itself in 2013. The group later became one of Turkey's main allied groups in its Euphrates Shield and Olive Branch operations*"; Bellingcat, *Syrian Turkmen Groups in Latakia: An Overview*, 7 February 2019, https://bit.ly/3j0HMMf. See also, RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, pp. 15-16; Al-Monitor, *Syrian Turkmen Groups Return from Turkey to Support Opposition*, 6 August 2019, https://bit.ly/3cpMT6b.

and extremist groups.[702] In contrast, members of religious minority groups have largely associated, or are seen to have associated, with the government and its foreign allies,[703] although their stance in the conflict has never been monolithic.[704] Alawites' disproportionate representation in the state and security apparatus[705] and the mobilization of members from religious minority groups in government and pro-government forces further added to the perception of these minorities supporting the government at

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[702] "*Most opposition groups and terrorist groups identified themselves explicitly as Sunni Arab or Sunni Islamist in statements and publications. According to observers, these groups drew on a support base made up almost exclusively of Sunnis, giving government targeting of the opposition a sectarian element*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "(…) *as Sunnis continued to suffer the brunt of the violence, and religiously extremist rebel groups emerged and gained increasing power, the conflict has displayed ever more sectarian dynamics*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, pp. 8-9. "*The opposition, for its part, gradually militarized and radicalized, confirming the worst fears of the Alawis and turned the initial false narrative of the regime* [of a 'terrorist' uprising] *into a reality*"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze.

[703] "*The regime is* (…) *avowedly secular, and, as such, has enjoyed support from minority communities, including Christians and various other Shiite sects (including Druze and Ismailis), who fear rising Islamist sentiment amongst the country's Arab Sunnis, who comprise perhaps 65 percent of the population*"; Fanack, *Syria: Governance & Politics*, last updated 23 February 2021, https://bit.ly/361Jgly. "*Russian intervention to save the government of President Bashar al-Assad has been cast, in part, as a move to defend Orthodox Christians in Syria and those who remained have generally stood by the regime as a guarantor of minority rights and stability*"; Al-Monitor, *Athens Reaches Out to Syria via Greek Orthodox Community*, 20 October 2020, https://bit.ly/2HvLz67. "*There are some 2 to 2.5 million Alawites in Syria, i.e., 9 to 11% of the population. Even if there have always been among them opponents of the regime, the rise of jihadism and especially the Islamic State Organisation (ISIS) has forced them to support the official power structure. Many of them are involved in the State apparatus and in the Shabiha militias.* (…) *Like other minorities, a part of the Christian population was involved in the 2011 protests, but the confessional turn taken by the rebellion and the events in Iraq prompted a majority to support the regime again.* (…) [The Ismailis'] *increasing fear of the Islamists ultimately led them to adopt a neutral stance or even to sympathise with the central government*"; Orient XXI, *Syria: Communitarianism as a Combat Strategy*, 1 April 2020, https://bit.ly/3j59g3q. "*Years of polarizing propaganda by the regime have encouraged minorities to think of self-preservation, presenting a narrative where the regime is fighting a radical Islamist threat bent on eradicating Christians, Druze, Alawites, and others – and the only recourse for those seeking protection is loyalty to Bashar al-Assad.*" And further: "*Christian leadership in Damascus and elsewhere has, on numerous occasions, publicly displayed loyalty and gratitude to Assad. In this way, church leaders have come to play a key part in the regime's propaganda machine regarding the defense of minorities*"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/341fgE3, pp. 8, 11. "(…) *a number of minority religious groups, including some Christians, viewed the government as their protector against violent Sunni extremists.* (…) *Some NGO sources stated that the government tried to mobilize sectarian support by branding itself as a protector of religious minorities from attacks by Sunni extremist groups. Other NGO sources said that some minority religious groups viewed the government as protecting them from violent Sunni extremists.* (…) *According to observers, the Sunni Islamist character of the opposition continued to drive members of the Christian community to maintain support for the government*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Most Druze – who are adherents of a secretive, breakaway sect of Islam – have stayed loyal to Mr Assad, fearing that religious minorities would be targeted if he was overthrown*"; BBC, *Assad Sacks PM as Economic Crisis Sparks Protests*, 11 June 2020, https://bbc.in/3cnuerq. Proselytizing activities in areas under influence of pro-Iranian armed groups "*increased the possibility of armed clashes between Sunnis on the one hand, and Shia and Alawites, perceived as being aligned with Assad, on the other*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/3iZgWEi. See also, SOHR, *Iran Continues "Shi'aism" Proselytising Operations in Southern Syria and Western Euphrates, Recruiting 16,000 Volunteers so Far*, 10 December 2020, https://bit.ly/3bNaYUt.

[704] "*The Alawis are most commonly labeled as 'loyalists' of the Assad regime, but interviews I have conducted remotely over the past several months with members of this closed community, as well as with Sunnis who live side by side with them, present a more complex picture. Interviews with Alawis reveal their deep dissatisfaction with the rule of the Assad government, but it is a dissatisfaction tempered by the widespread belief that any threat to the regime and its cronies would inevitably also become a threat to the sect itself*"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze.

[705] Although Sunnis and members of religious minority groups also hold prominent positions in the government and military and Sunnis make up the majority of the rank-and-file soldiers in the Syrian armed forces, Alawites are reported to dominate key positions of the state apparatus, including the officer corps of the armed forces, the Republican Guard and the Fourth Division; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*While secular on the surface, the Alawite minority to which the Assad family belongs is over-represented at the highest, and most sensitive, levels of the political and security sector*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 8. "*The Alawite sect has been mobilized by the regime to participate in battles against the opposition across the country* (…)*. Due to the sectarian and nepotistic nature of the Assad regime, Alawites are often favored for high level positions in the regime and military, in addition to public sector jobs*"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/341fgE3, p. 15. "(…) *this predominance of the* [Alawite] *sect in the military – combined with the atrocities that some fighters perpetrated, at times in front of cameras – have, in the eyes of many Sunni Syrians, tainted all Alawis with guilt by association*"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze.

large.[706] Certain parties to the conflict, including ISIS and HTS, have deliberately singled out members of religious and ethnic minority groups for attacks, both on account of their religion and their perceived pro-government stance,[707] further pushing minorities into seeking the government's protection.[708] SNA-affiliated groups in northern Syria have targeted Kurds and members of other minority communities primarily on account of their perceived support for the SDF/YPG[709] and/or for reasons of religion.[710]

Parties to the conflict have regularly employed sectarian rhetoric to justify attacks against opposing parties and those perceived to be supporting them.[711] As a result of large-scale displacement,[712]

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706 Pro-government armed groups include a high proportion of members of religious minority groups, including Alawites, Shi'ites, Christians and Druze. In addition, the government has heavily relied on Shi'ite fighters sent from Iran, Iraq and Afghanistan, thereby further exacerbating sectarian tensions; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. For example, in south-western Syria, "[T]*he regime's strategy of transforming minority communities into sources of militia fighters has not only led to the deaths of thousands of young Alawite and Shi'a men, but also created sectarian tensions between formerly interconnected communities.*" And further: "*The weaponization of Daraa's Shi'a community has pushed many local Syrians to associate the sect's members with Hezbollah or the regime, further dividing the once largely homogenous south-west along sectarian lines*"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/35Y4l0e, pp. 3, 13. "*Due to their close identification with the regime of Syria's President al-Assad, the Alawi face violence no matter an Alawi individual's actual support for the regime*"; Victoria Williams, *Indigenous Peoples: An Encyclopedia of Culture, History, and Threats to Survival*, 24 February 2020, p. 62. See also, SOHR, *"Shi'aism" Proselytising Operations Continue in Southern Syria and Western Euphrates Region, Nearly 13,500 Syrians Recruited so Far*, 13 September 2020, https://bit.ly/3j3M0CG; Georgetown Journal of International Affairs, *The Weaponization of Minorities in Syria and Beyond*, 9 January 2019, https://bit.ly/2OPwpsM.

707 "(…) *ISIS' violence was particularly focused against minorities such as Christians and Yazidis. Per ISIS' ideology, Yazidis are not 'children of the book' like Christians or members of mainstream Muslim denominations, and so legitimate targets for murder and enslavement, most notably in the Sinjar genocide* [in Iraq]. *Christians, likewise, were specifically targeted by ISIS as non-Muslims, whose persecution served a dual purpose of sending a message to the Christian West*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 20. "*The COI* [IICISyria] *and numerous independent sources reported nonstate actors, including a number of groups such as ISIS and HTS* (…) *targeted Shia, Alawite Muslims, Christians, and other religious minorities, as well as other Sunnis, including Kurds, with killings, kidnappings, physical mistreatment, and arrests, resulting in the deaths of thousands of civilians in the areas of the country they controlled since the start of the revolution*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

708 "*The extremist ideology of ISIS and some of the other groups fighting against the government has increased Christians' fears about their future place in the country should the government fall, and has driven some to support Assad. The regime itself has also taken advantage of those fears to bolster its own support among minorities. Nevertheless, many Christians are also critical of the regime*"; MRGI, *Syria: Christians, Armenians and Assyrians*, last updated March 2018, www.refworld.org/docid/49749ca133.html. "*In both the IS zone and other rebel areas, however, many minorities and secular Sunnis have fled whenever extremists have sought to impose their rigorous interpretations of Islamic law.* (…) *Only the Druze of Jabal al-Summaq* [Idlib Governorate] *remained in rebel territory, but they were forced to convert to Sunni Islam, making them a fragile exception that proves the rule*"; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. 24. Members of religious and ethnic minority groups living in opposition-held areas have been affected by government attacks against these areas, and numerous churches and monasteries have been damaged or destroyed. SNHR documented that out of 124 attacks against Christian places of worship between March 2011 and September 2019, the government was responsible for the majority (75) of these attacks, which occurred mostly in Homs and Rural Damascus. Some places were subjected to repeated attacks. Other attacks against Christian places of worship were attributed to ISIS (10), HTS (2), other factions of the armed opposition (33) and 4 to other parties; SNHR, *Targeting Christian Places of Worship in Syria is a Threat to World Heritage*, 5 September 2019, https://bit.ly/2RfSVfC, pp. 5-8.

709 See Section III.A.6.

710 See below Section III.A.8.d.

711 "*Sectarian violence continued due to tensions among religious groups that according to NGO and media sources was exacerbated by government actions, ISIS and al Qaeda-linked Hayat Tahrir al Sham (HTS) targeting of religious groups, and sectarian rhetoric.*" And further: "*International media reports, such as from the Independent, described how ISIS used its media arms to target, demonize, and incite violence against Shia.* (…) *HTS and other rebel groups also used sectarian language to describe the Kurdish-dominated People's Protection Unit (YPG) and SDF*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

712 "*Prior to the ISIS attacks, some 20,000 Assyrian Christians lived along the Khabur River* [Hassakeh Governorate]. *Now only an estimated 1,200 remain. Prior to the war, an estimated 100,000 Armenians lived all across Syria. An estimated 70,000 of them have left Syria; approximately 25,000 went to Armenia*"; Professor Amy Austin Holmes, *U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria*, 10 June 2020, https://bit.ly/2FZLx62, p. 4. In Dera'a and Suweida Governorates, "[T]*ens of thousands Syrian minorities in the south-west have fled to Damascus or left the country, causing these communities to rapidly decrease in size. Compared to pre-2011 numbers, today there are 31% fewer Christians, 69% fewer Shi'a, and 73% fewer Circassians in this area.*" They either moved to Damascus or fled abroad; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/341fgE3, p. 5, see also pp. 11-14, 16-17.

including deliberate population transfers[713] and property confiscation,[714] Syria's demographic make-up has changed significantly, and previously mixed areas have increasingly become segregated along religious and ethnic lines.[715]

The situation of members of religious and ethnic minority groups varies from area to area, and depends in particular on the actor(s) in control of the area, these actors' views and perceptions vis-à-vis members of other religious and ethnic minority groups, as well as the specific conflict developments in these areas.

#### a) Treatment of Members of Religious and Ethnic Minority Groups in Government-Controlled Areas

Syria does not have an official state religion, but the constitution requires that the president adheres to Islam and stipulates that Islamic jurisprudence is a major source of legislation.[716] Overall, constitutional safeguards for the freedom of religion have been respected in relation to recognized religious minority groups generally able to worship freely and to participate in society.[717] The United States Commission on International Religious Freedom (USCIRF), however, cautioned that constitutional and legal guarantees protecting the rights of religious minorities may not be consistently upheld in government-

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713 "*The Syrian government, Kurdish forces, and Islamist and jihadist groups have all sought to alter the ethnic composition of their territories, forcing civilians of all backgrounds to seek safety among their respective religious or ethnic groups and contributing to the demographic shifts wrought by the civil war.* (…) *Sunni Islamist and jihadist groups often persecute religious minorities and Muslims they deem impious. Kurdish militias have been accused of displacing Arab and Turkmen communities in the context of their fight against the IS*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Syria's sectarian distribution has also been modified by ethnic cleansing in different areas, whether under the aegis of the regime, the rebels, the Islamic State, or the Kurds*"; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. *xv*. See also, SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, https://bit.ly/3kA55Ou.

714 "*The COI* [IICISyria]*, SNHR, and human rights activists reported government-affiliated forces and militias continued to seize the homes of Sunnis with the explicit intention of permanently displacing these individuals and thus altering the demographics of areas held by the government. Analysts said this was evidenced by population shifts in Homs*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. See also Sections II.D.3 and III.A.1.d.

715 "*Syria's religious and ethnic composition has also influenced displacement patterns in the country's conflict. When the war broke out, Alawites and other minorities fled for protection and assistance to coastal areas where their communities were already established. Religious and ethnic affiliations also determined whether people fled internally or across borders. Unlike the Sunnis and Alawites, Christians did not have community or tribal ties that might provide refuge, making them more likely to flee abroad than move to displacement camps. Nearly half of Syria's Christians did so between 2011 and 2015*"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, https://bit.ly/3blk1Gp, p. 23. In Homs Governorate, "*Christian families from the mixed Waer neighborhood, instead of returning to their original homes, are resettling with other minorities, consolidating demographic changes*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/3iZgWEi. "*Once religiously diverse neighborhoods, towns, and villages were increasingly segregated between majority Sunni neighborhoods and communities that comprised religious minority groups as displaced members of religious groups relocated, seeking greater security and safety by living with coreligionists*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Assad's cynical mobilization of communal anxieties amid the growing influence of extremist elements within the Syrian opposition forces has resulted in an increasingly sectarian landscape – accelerated, too, by the displacement of minorities by militant groups in areas under their control. As a result, the country's demographics have been redrawn, with its religious minorities concentrated in the government-held areas of central and southern Syria, while in the north the population is now largely Sunni*"; MRGI, *Syria: Current Issues*, last updated June 2019, https://bit.ly/2S0bTYa. "*True sectarian coexistence is limited, and ethnic homogenization is under way in many areas. The regime zone is heavily mixed on the whole, and is home to a Sunni majority, but individual areas within it are being increasingly segregated. And on the most basic neighborhood/village level, sectarian mixing is almost entirely absent except in areas belonging to economic and political elites. Large cities remain mixed, but communication between residents from different sects is low, and sectarian districts are often barricaded for fear of attacks from other communities (apart from the heavily secured Damascus city center)*"; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. 26. See also, Orient XXI, *Syria: Communitarianism as a Combat Strategy*, 1 April 2020, https://bit.ly/3j59g3q.

716 USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

717 The government officially recognizes Islam, Christianity, and Judaism. There is no designation of religion on passports or national ID cards (except for Jews). For issues of personal status, all Syrian citizens are required to be affiliated nominally with one of these officially recognized religions. Courts with jurisdiction over personal status matters are *Shari'a* courts for Sunni and Shi'a Muslims as well as in cases between Muslims and non-Muslims; *madhhabi* courts for Druze; and *ruhi* courts for Christians and Jews; Humanists International, *Freedom of Thought Report: Syria*, last updated 25 September 2020, https://bit.ly/33yOO4l; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; International Bridges to Justice, *Syria Criminal Defender Manual*, 2019, https://bit.ly/32VVqdN, pp. 12-14. Yazidis are not recognized as a religious community by the government and are identified as "Muslims". Thus, they "*were bound by Islamic Sharia courts in terms of marriage, divorce, and inheritance laws – although Yezidis are not Muslims*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 4.

held areas in light of "*a breakdown in law and order, leaving militias, often sectarian in nature, in a dominant position*."[718] Members of minority groups have also been among those arbitrarily arrested on account of their real or perceived opposition to the government.[719]

Religious activities are closely scrutinized and any activities "*causing tension between religious communities*" are prohibited.[720] Membership in the Muslim Brotherhood or "Salafist" organizations is illegal under the law. Affiliation with the Muslim Brotherhood is punishable with imprisonment or death.[721] Since 1964 Jehovah's Witnesses have been banned as the government considered them to belong to a "*Zionist organization*".[722]

In 1962, as a result of an exceptional census ordered by Decree No. 93 of 1962, hundreds of thousands of Kurds (including Yazidis[723]) in Hassakeh Governorate were deprived of their Syrian nationality and designated as either *ajanib* or *maktoumeen*.[724] Since then, those belonging to these two categories have faced severe restrictions to their access to rights and services.[725] In April 2011, the issue of statelessness among Kurds was partially addressed by Presidential Decree No. 49, which stipulated that stateless Kurds registered as *ajanib* in Hassakeh Governorate could apply for Syrian citizenship.[726]

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718 USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

719 For example, according to SNHR, some 450 Christians have been arrested in government-controlled areas since 2014, including 28 women. Of those arrested, 165 have been released as at the end of 2019; Syria Direct, *Syrian Christians: Exploited or Protected Minority?*, 22 December 2019, https://bit.ly/2ZGvxN0. See also Section III.A.1.

720 "*According to human rights groups and religious communities, the government continued to monitor and control sermons and to close mosques between prayers. It also continued to monitor and limit the activities of all religious groups, including scrutinizing their fundraising and discouraging proselytizing*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

721 The government has not defined which groups would fall under the term "Salafist"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

722 *Ibid.*

723 "[I]*n 1962, about 60 percent of the Yazidis became stateless after the Syrian Government stripped residency rights from around 120,000 Kurds through Emergency Law no. 93*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 14. "*In prior decades many Yezidis had been stripped of their Syrian citizenship and had been rendered either as foreigners in their own country (ajanib) or entirely stateless (maktum)*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 14.

724 As part of a plan to create a so-called "Arab Belt" along the border with Turkey, an estimated 120,000 Syrian Kurds were targeted in an exceptional census ordered by Decree No. 93 of 1962 and deprived of their Syrian nationality. The census' stated purpose was to identify "alien infiltrators" who had illegally come to Syria from Turkey. Kurds who were included in the single-day census but could not prove that they had lived in Syria since 1945 were designated as *ajanib*, meaning "foreigner", while Kurds who did not participate in the census, or whose birth was not registered for any reason, were designated *maktoumeen*, or "unregistered". By 2010, Syria's stateless Kurdish population had reached about 300,000; European Network on Statelessness (ENS) / Institute on Statelessness and Inclusion (ISI), *Statelessness in Syria: Country Position Paper*, August 2019, www.ecoi.net/de/dokument/2021269.html, pp. 13-15; Syria Direct, *'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship*, 18 October 2018, https://bit.ly/2S5huMP; International Legal Assistance Consortium (ILAC), *ILAC Rule of Law Assessment Report: Syria 2017*, April 2017, https://bit.ly/2G6gVjx, pp. 106-107; UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: Syrian Arab Republic*, March 2016, www.refworld.org/docid/57f504b24.html, p. 2.

725 "*The human rights situation for Ajanib and Maktumeen has long been precarious, with limited or irregular access to 'education, health care, livelihoods, travel, property ownership, judicial and political systems, and registration of businesses, marriages, and children.' This limited access to education is likely to have resulted in substantially lower education levels. There have been reports that Maktumeen are unable to attend school beyond grade nine. Stateless Kurds do not enjoy the same rights as Syrian citizens, such as the right to vote, run for public office, the right to own property and the right to have marriages registered*"; ENS / ISI, *Statelessness in Syria: Country Position Paper*, August 2019, www.ecoi.net/de/dokument/2021269.html, p. 16. *Maktoumeen* enjoy even fewer rights than *ajanib*, for example, they even require a security permission for travel within Syria; ISI, *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*, January 2019, https://bit.ly/3jaD0vr, p. 9. "*It is through these citizenship categories that the Assad regime was able to carry out repressive measures aimed at marginalizing the Kurdish population economically, politically and socially. Harsh restrictions on employment, a lack of access to financial loans and assistance as well as the expropriation of Kurdish land were all measures implemented by the regime*"; KAS, *The Syrian Kurds and the Assad Regime*, September 2017, https://bit.ly/2GkOFJW, p. 5. See also, Syria Direct, *'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship*, 18 October 2018, https://bit.ly/2S5huMP.

726 According to an unofficial translation of Decree 49 of 2011 ("*Granting Syrian Arab Nationality to those Registered as ajanib in al-Hasakah*"), Article 1 stipulates: "*Individuals who are registered as ajanib in the al-Hasakah province shall be granted Syrian nationality*"; Decree 49 of 2011, available in Arabic on the website of the Syrian Parliament at: https://bit.ly/3icsa79. While no

According to information available to UNHCR, the decree remains in force and there is no time limit set for submitting a citizenship application.[727] According to reports, applications for citizenship have to be made in person inside Syria (specifically in Hassakeh), presenting an obstacle particularly to those displaced from Syria.[728] Furthermore, the military service obligation is reported to be a major deterrent for stateless Kurdish men to apply for citizenship.[729]

Since mid-2012, Hassakeh Governorate has largely been under *de facto* control of the AANES, which does not differentiate between Syrian Kurds, *ajanib* and *maktoumeen*; however, the legal status of many *ajanib* and that of the *maktoumeen* remains unresolved to date.[730] Decree No. 49 of 2011 also did not offer restitution or compensation for the expropriation of property and land rights as a consequence of the loss of nationality in 1962.[731]

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accurate statistics are available, it is estimated that at least 69,000 stateless Kurds were granted nationality as a result of the implementation of Decree No. 49 of 2011, bringing the number of stateless Kurds in Syria down to approximately 160,000. As the decree remains valid, further reductions in the number of stateless Kurds in the country remain possible. It should be noted some stateless Kurds will have left the country, thus also reducing the size of the stateless population in the country; UNHCR information, December 2020. *Maktoumeen* are not mentioned by Decree No. 49 and are thus ineligible to apply for nationality. "*The maktumeen, whose number is estimated by STJ to over 45,000 persons, remain stateless*"; STJ, *Racial Discrimination in the Syrian Constitution*, 1 December 2020, https://bit.ly/2WankP1. See also, STJ, *Racial Discrimination in the Syrian Constitution*, 1 December 2020, http://bit.ly/2MBjOvX; Thomas McGee and Zahra Albarazi, *Eight Years of Displacement: Syria's Statelessness Still Unidentified*, in Oxford Monitor of Forced Migration, Vol. 8(2), January 2020, https://bit.ly/3je5iFI, pp. 39-40.

727 UNHCR information, December 2020.

728 Applications need to be submitted to the Directorate of Civil Affairs in Hassakeh Governorate, which receives the applications of the whole (nuclear) family in one application form. If a positive decision is taken, the applicants will normally be issued a civil ID card within three months. According to the authorities, *ajanib* can apply individually or as a family for citizenship; UNHCR information, December 2020. However, according to other reports, members of the same family have to apply collectively and family members who were not included in the initial application may face difficulties to apply at a later stage. "*Especially the requirement for families to apply collectively and in person is a challenge as many families have been spread and many have left the country since 2011*"; Danish National ID Centre, *Stateless Kurds in Syria: Maktoumin and Ajanib*, 16 January 2019, https://bit.ly/3mY1XwG, p. 5. "*Secondly, it has been seen as necessary for people to apply collectively with their whole family otherwise individuals who were left out have found it difficult to apply afterwards*"; Tilburg University, *The Stateless Syrians*, May 2013, www.refworld.org/pdfid/52a983124.pdf, p. 19. The lack of financial means has also been reported to be an obstacle for some; UNHCR, *Lacking a Nationality, Some Refugees from Syria Face Acute Risks*, 20 December 2013, https://bit.ly/2Gkp9o8.

729 UNHCR information, December 2020. See also, Danish National ID Centre, *Stateless Kurds in Syria: Maktoumin and Ajanib*, 16 January 2019, https://bit.ly/3mY1XwG, p. 5.

730 "*This Administration* [AANES] *does not distinguish between Kurds who are citizens, Ajanib or Maktumeen in their day-to-day treatment and stateless Kurds are among those employed in the Administration. However, this does not change their status under the national level framework. Maktumeen (and non-naturalised Ajanib) remain in a precarious position, without citizenship. Although they have access to these various services, they do still face serious obstacles due to their stateless status, especially those who have been displaced into Syrian Government-controlled territory or abroad*"; ENS / ISI, *Statelessness in Syria: Country Position Paper*, August 2019, www.ecoi.net/de/dokument/2021269.html, p. 16. "*According to officials and residents who spoke to Syria Direct, ajanib and maktoumeen have equal access to the services and institutions run by the Self-Administration* [AANES] *– while those managed by the Syrian government remain restricted, just as they were before the war.*" For example, *ajanib* and *maktoumeen* remain unable to obtain government-issued ID cards, passports and other civil documentation; Syria Direct, *'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship*, 18 October 2018, https://bit.ly/2S5huMP. According to Thomas McGee, an expert on statelessness in Syria, stateless Kurds also "(…) *have less freedom of movement to travel within, and to leave Syria, and are more likely to be stopped at checkpoints and potentially detained.*" And further: "*While the Kurdish authorities in Syria have made school open to stateless Kurdish children, they would likely face difficulties in getting education certificates (school and university) recognized by Damascus*"; Kurdistan 24, *Thousands of Syrian Kurds Continue to Suffer from Statelessness*, 13 September 2018, https://bit.ly/349LMUg. Stateless Kurds in areas under control of the AANES are also subject to mandatory service under the "Self-Defence Law", which defines "conscripts" as "[A]*nyone who has reached the legal age to perform the 'Self-Defense Duty'; the residents of North and East Syria, or those from outside the region who have lived there for more than five years, who are holders of Syrian nationality, or foreigners with no registration*"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, https://bit.ly/3flnEm2. See also Sections II.E.2 and III.A.4.

731 "*The Kurds are the second largest ethnic group in Syria after Arabs and have been singled out for discrimination based on their linguistic and cultural identity through expropriation of property and the Arabization of their areas via demographic engineering*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 5. "*One of the main criticisms of the 2011 Decree 49 was that, not being retroactive, it offered no compensation for the stripping of ownership or land rights as a consequence of the loss of nationality in 1962*"; Tilburg University / Statelessness Programme, *The Stateless Syrians*, May 2013, www.refworld.org/pdfid/52a983124.pdf, p. 24. "*As foreigners and unregistered Kurds, many faced discrimination and ineligibility for government land reform programs, and as a result, Kurdish land was forcibly taken and redistributed to Arab settlers. Overall, it is estimated that the regime expropriated around six million acres of land from Kurdish landowners as a part of this policy*"; KAS, *The Syrian Kurds and the Assad Regime*, September 2017, https://bit.ly/2GkOFJW, p. 5. See also, Habitat International Coalition / Housing and Land Rights Network, *Systematic Housing and Land Rights Violations Against Syrian Kurds*, NGO Submission to the UN Human Rights Council, *Universal Periodic Review of Syrian Arab Republic 12th Session of the UPR Working Group*, 3 - 14 October 2011, https://bit.ly/3n3dTxk.

Attacks by ISIS have reduced following the group's loss of territorial control; however, the group has been held responsible for several high-profile attacks against religious minorities in recent years, including a suicide attack in front of a Christian church in the government-held part of Qamishli city (Hassakeh Governorate) in July 2019,[732] and the large-scale killing and abduction of members of the Druze community in Suweida Governorate in July 2018.[733] Continued insecurity and strained community relations,[734] particularly in retaken areas, are reported to impact minority populations and prevent their return.[735] In some cases, property confiscation further prevents returns.[736]

Indiscriminate rocket and mortar attacks by HTS and other anti-government armed groups against members of religious minority communities living near active frontlines on account of these minorities' perceived "pro-government" stance have become rare in light of the diminished territory and capabilities of these groups.[737]

#### b) Treatment of Members of Religious and Ethnic Minority Groups in Areas under *de facto* Control of the SDF

Religious and ethnic minorities are represented within the Autonomous Administration and the SDF,[738] although the YPG is reported to dominate political and security affairs.[739] The local authorities generally

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732 VOA, *Syrian Christians Targeted Again by Islamic State*, 12 July 2019, https://bit.ly/3iv8wUR; The Defense Post, *Syria: Bomb Explodes Outside Church in Qamishli Christian Neighbourhood*, 11 July 2019, https://bit.ly/2ku12bS.

733 On 25 July 2018, ISIS led simultaneous incursions in Suweida Governorate, killing at least 200 individuals, mostly Druze, and kidnapping others. ISIS executed two hostages while the remaining hostages were reportedly freed in November 2018; HRW, *World Report 2019: Syria*, 17 January 2019, www.ecoi.net/de/dokument/2002172.html; Asharq Al-Awsat, *Joy and Grief as Freed Hostages Return to Syria's Sweida*, 10 November 2018, https://bit.ly/3285eOt.

734 For example, "*Homs was arguably Syria's most diverse governorate, with Alawites, Shia, Christians, and Sunnis living side by side. Yet it is difficult to imagine them coexisting again. The bloody attacks against Houleh, Talkalakh, and Baba Amr are etched in the memories of Sunnis, particularly the participation of Alawite and Christian militias* (…) *Homsis will now routinely attribute sect to whether or not an individual is an Assad loyalist*"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, https://bit.ly/3iZgWEi.

735 For example, in southern Suweida Governorate, "[A]*fter rebel-regime reconciliation in Daraa in 2018, some* [Druze] *residents returned home to Borid, and the local primary school was reopened. Fewer regime forces were stationed in the village. However, extensive damage, lack of services and cut-offs of water and electricity deterred many residents from returning*"; Syria Report, *Residents Displaced Again from Flashpoint Suweida Village near Former Rebel Stronghold*, 7 October 2020, https://bit.ly/2TlsBBY. "*Despite efforts by Russia, only 600 Christians have returned to their homes in the south-west following the July 2018 settlement deal – a fraction of the number displaced – and comparably small numbers of other minorities have returned as well. Proposals to return displaced Shi'a and Alawite communities to former opposition territory in Daraa have also been rejected by local authorities, citing concerns about Hezbollah and Iranian militias infiltration. Although the return of Syrian Christians to their homes and the rebuilding of their churches is a centerpiece of Moscow's propaganda campaign, Russia has seen little success in the south-west.*" And further: "*Even in the absence of logistical and political barriers, the prospect of returning to their former communities is unpalatable for many displaced minorities. Growing instability in the south-west, along with economic stagnation, prevents the return of Christians, Druze, and Circassians to their homes. Valid concerns among former opposition authorities about Hezbollah and regime intelligence infiltration of Alawite and Shi'a communities – which have been heavily targeted for recruitment by these groups – also present a significant hurdle*"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/35Y4l0e, pp. 5, 19, see also pp. 8, 11-12, 14-16. For security incidents involving members of minority communities in Southern Syria, see for example SOHR, *Kidnappings in Daraa: Communication Lost with Christian Young Woman in Izra'a*, 19 June 2020, https://bit.ly/3cBL3PN; SOHR, *Security Vacuum in Daraa: Unknown Assailants Assassinate Shiite Old Man in Western Countryside*, 21 May 2020, https://bit.ly/36dupVw; SOHR, *A Few Hours after the Assassination of One of the Most Prominent Promoters of "Shiism " in the Southern Area, Unidentified Gunmen Kill a "Shiite" Person in Daraa Countryside*, 11 June 2019, https://bit.ly/36duHf4. See also Section II.B.1.b.

736 "*In many former Christian predominant areas* [in the South-West]*, displaced Syrians or local residents have taken possession of Christian homes left abandoned for more than half a decade, and securing these homes requires either evicting those who now reside inside them or negotiating with landlords who have taken control of these properties*"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, https://bit.ly/341fgE3, pp. 12, 17. SOHR reported in early May 2020 that a number of Christian families returned to Kharba village in the western countryside of Suweida Governorate after the occupants of their homes were evacuated under Russian auspices; SOHR, *Tens of Christian Families Return to Their Village after Six Years of Displacement, under Agreements with Russian-Backed Factions*, 3 May 2020, https://bit.ly/369kosg.

737 See Section III.A.3.

738 Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 6.

739 "*In the Kurdish areas, the PYD is dominant. While paying lip-service to integrating Arab representatives in Raqqa and Deir ez-Zor, the dominance of PYD in decision-making is evident*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 10. "*USCENTCOM reported that the SDF and SDC made 'great strides' toward incorporating Arab military and civil leaders, as well as Syriac Christians, into military and political deliberations. However, the*

respect the religious, cultural and linguistic rights of religious and ethnic minorities granted under the 2014 Social Contract adopted by the AANES.[740] Some tensions have however been reported with regards to the AANES-introduced school curriculum, which has replaced the state-approved curriculum.[741] Arabs in areas under *de facto* control of the AANES are at times singled out on account of their Arab ethnicity and perceived association or collaboration with the SNA or ISIS.[742]

During its rule, ISIS was responsible for the displacement of many members of religious minorities in north-eastern Syria.[743] Despite the loss of territory, ISIS continues to target members of religious and ethnic minorities in areas where it has a continued presence or influence, including in the North-East. Among those targeted are ethnic Kurds and other members of minority communities, mostly members of the SDF, with attacks being motivated by either political (perceived support for the SDF/AANES) and/or ethnic or religious reasons (ISIS considers members of religious and ethnic minority groups as "*infidels*").[744] ISIS claimed responsibility for the assassination of an Armenian Catholic priest and his father on 11 November 2019 as well as for multiple car bombings on the same day in Qamishli city targeting, *inter alia*, an Armenian church.[745]

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*DIA reported that Kurdish elements of the SDF, the People's Protection Units (YPG), maintain control over leadership and decision-making positions within the SDF and SDC-led institutions, demonstrating an 'unwillingness to share power with Arabs, even in the Arab-majority regions of the northeast where Arab fighters probably represent a majority of the SDF's front line forces'* "; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, https://bit.ly/2Y62Skk, p. 6. For an overview of Syriac, Assyrian, Armenian and Yazidi self-defense forces, which are mostly organized under the umbrella of the SDF, see RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, pp. 39-43.

740 The AANES in the preamble of the 2016 Social Contract for the Democratic Federation of Northern Syria recognizes "*Kurds, Arabs, Syriacs, Assyrians, Turkmen, Armenians, Chechens, Circassians, Muslims, Christians, Yezidis, and the different doctrines and sects"* as part of the *"peoples of Rojava-northern Syria*"; *The Social Contract for the Democratic Federation of Northern Syria*, 29 December 2016, https://bit.ly/33W7smC. "*The AANES enshrines religious and ethnic minorities' right to practice their culture and beliefs freely, openly and autonomously as a fundamental aspect of its political project. This aim has to some extent been realized, though in some instances minority groups have also experienced disagreements with the AANES*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 3. See also, Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 6; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 32.

741 Some reportedly prefer to follow the state-recognized curriculum, while others criticize what they consider ideological indoctrination by the YPG-dominated AANES. In 2018, a number of Assyrian and Armenian private schools were temporarily closed following their refusal to follow the AANES curriculum; STJ, *Autonomous Administration Closes Schools Run by Christians*, 10 September 2018, https://bit.ly/3mSVZgp; Reuters, *No Turning Back: Syrian Kurds Reshape Region with Books and Schools*, 6 May 2019, https://reut.rs/3mUiwti; AFP, *Kurds, Christians Split over Syria School Curriculum*, 12 September 2018, https://bit.ly/3mVbrZo.

742 See Section III.A.4.

743 "*ISIS' arrival in or near to Christian-populated regions in North and East Syria led to a large-scale emigration of Christians, and a subsequent decrease in their numbers. According to research published by the Syriac Strategic Research Center, whereas the Christian population east of the Euphrates was about 300,000 prior to ISIS' invasion, it is now only around 100,000*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 20. For example, most Assyrians from the Khabur River Valley (Hassakeh Governorate) fled in the wake of the February 2015 ISIS incursion into their villages during which ISIS abducted over 250 Assyrians, including many women and children, before later releasing them in exchange for ransom. By early 2020, most Assyrians had not returned to their villages for fear of an ISIS resurgence and renewed insecurity caused by "Operation Peace Spring"; DW, *War in Syria Drives Out Christian Community*, 18 January 2020, https://bit.ly/2ZnMU5f; MRGI, *Syria: Christians, Armenians and Assyrians*, last updated March 2018, www.refworld.org/docid/49749ca133.html. "*The number of the Assyrians of Khabour area and Tel Tamr before the Syrian crisis was around 15,000, but now it is limited to only 1,000*"; North Press Agency, *Assyrians Recall ISIS Attack on Villages in Syria's Tel Tamr*, 22 February 2021, http://bit.ly/3qYv70a. It was estimated that in early 2020, only half of the 5,000 Armenian Catholics remained in Qamishli city; NPR, *It's a Dangerous Time for Christians in Northeastern Syria*, 12 February 2020, https://n.pr/2ZAgYdW. In Raqqa city, the former ISIS capital, only one Armenian Christian family was reported to remain in late 2019; The National, *Syria's Armenians Are under Assault yet Again*, 26 December 2019, https://bit.ly/3c2GE7S.

744 See for example, SOHR, *ISIS Resurgence: Cells Continue Attacks in SDF-Controlled Areas, Threatening to Slaughter "Infidels"*, 15 June 2020, https://bit.ly/3j7tVDZ; Kurdistan 24, *ISIS Exploits Security Vacuum amid Turkish Incursion, Attacks Syrian Kurds*, 10 October 2019, https://bit.ly/2GH28f5; Kurdistan 24, *ISIS Allegedly Spreads 'Death List' for Civilians Working with US-Backed Forces*, 10 September 2020, https://bit.ly/36GStjO.

745 On 11 November 2019, ISIS reportedly claimed the killing of the head of the Armenian Catholic Church in Qamishli and his father when they were travelling on the road between Hassakeh and Deir Ez-Zour; Rudaw, *ISIS Claims Responsibility for Murder of*

Christians in Hassakeh Governorate have also been caught up in "Operation Peace Spring" and many were displaced.[746] On 9 October 2019, during shelling of Qamishli city, shells reportedly damaged the Shallah Mosque and landed near St. Georges Assyrian Church.[747] Particularly the predominantly Assyrian sub-district of Tal Tamer in the Khabur River Valley witnesses regular clashes and shelling exchanges between the SDF/YPG and government forces[748] on the one hand, and SNA-affiliated armed groups and Turkish forces on the other.[749] Many displaced Christians remain wary of returning to their areas of origin on account of the continued ISIS presence as well as insecurity caused by "Operation Peace Spring" since October 2019.[750]

### c) Treatment of Members of Religious and Ethnic Minority Groups in Areas under *de facto* Control of HTS and Anti-Government Armed Groups

Limited updated information is available about the targeting of the remaining members[751] of religious minorities, including Christians, Druze and Alawites, living in areas under control of HTS and other hard-

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*Armenian Priest and His Father in NE Syria*, 11 November 2019, https://bit.ly/2Qbfh2E. "*On the same day as Father Hovsep's assassination* [on 11 November 2019]*, there were two car bombings in the city of Qamishli, the de-facto capital of the Kurdish-led Autonomous Administration of North and East Syria (AA). The bombings targeted churches, shops and hotels owned by local Syriac, Chaldean and Armenian Christians, according to the Democratic Union Party (PYD)*"; Syria Direct, *Syrian Christians: Exploited or Protected Minority?,* 22 December 2019, https://bit.ly/2ZGvxN0. See also, France24 (video), *Christians in Northeast Syria Living in Fear as Turkish Forces, IS Group Active in Region*, 7 February 2020, https://bit.ly/35D1kCw; AFP, *Bombings Kill Six Civilians in Syria's Main Kurdish City*, 11 November 2019, https://bit.ly/32wGdzV; Public Radio of Armenia, *Bomb Detonates near Armenian Catholic Church in Qamishli, Casualties Reported*, 11 November 2019, https://bit.ly/2RuEx3i. See also footnote 732.

746 "*When Turkey launched Operation Peace Spring in October 2019 against the Syrian Kurdish-led groups* (…) *civilians escaping Tell Tamer scattered across Hasakah. Now that the operation is over, they are trying to return to their homes, but they are discouraged by the artillery fire and the recent clashes have allegedly led to new displacements from some villages*"; Al-Monitor, *Battles Rage in Syria Despite Coronavirus Cease-Fires*, 13 April 2020, https://bit.ly/3c4EDZ6. Many Armenians and Assyrians, the descendants of survivors of the Ottoman genocide at the beginning of the 20th century, fear the Turkish-backed groups and what they consider their attempts to ethnically cleanse the region; NPR, *It's a Dangerous Time for Christians in Northeastern Syria*, 12 February 2020, https://n.pr/2ZAgYdW; France24 (video), *Christians in Northeast Syria Living in Fear as Turkish Forces, IS Group Active in Region*, 7 February 2020, https://bit.ly/35D1kCw. See also, RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, pp. 51-54; SOHR, *Assyrian Families Almost Completely Displaced from Tal Tamr Town as Turkey-Loyal Factions Reach Its Outskirts*, 15 November 2019, https://bit.ly/2RCWKMl.

747 USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

748 Based on a mid-October 2019 agreement with the SDF, the government deployed forces to Tal Tamer to prevent the advancement of "Operation Peace Spring" into the area; Enab Baladi, *Syria's Warring Sides in a Scramble for North-Eastern Syria*, 23 November 2019, https://bit.ly/3hzkFXu; Reuters, *Syrian Army Deploys to Town in Country's Northeast after Kurdish Deal*, 14 October 2019, https://reut.rs/33pgx5y; Defense Post, *Syrian Regime Forces Push Towards Turkey Border after SDF Deal*, 14 October 2019, https://bit.ly/35LaLja.

749 "*At the time of writing, frontlines have settled in and around Christian villages surrounding Til Temir, some of which are subjected to regular bombardment by Turkish-backed forces despite the official declaration of a ceasefire*" RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 56. "*There are 35 Assyrian villages in the Khabur region, which are just a few miles away from the area that Turkey and its militias* [SNA] *control. Tel Tamer, which is the main population center, is only six miles from the frontlines. Some villages are even closer*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 12. See also, SOHR, *Turkish Forces and "Peace Spring" Factions Shell Positions in Tal Tamr Countryside*, 13 February 2021, http://bit.ly/2PfE7jv; North Press Agency, *Syriac and Assyrian Fighters Fortify Tel Tamr Front in Northeast Syria*, 12 January 2021, http://bit.ly/3kxLwGk; *ibid.*, *Assyrians of Syria's Tel Tamr Celebrate a Lonely Christmas*, 28 December 2020, http://bit.ly/3q0zCWL; SOHR, *Turkish-Backed Factions Storm and Loot Assyrian Village near the Dividing Line with "Peace Spring" Areas*, 18 June 2020, https://bit.ly/3mwVd8E; SOHR, *Turkish Forces Renew Rocket Attacks on Villages Controlled by Syriac Military Council and Regime Forces in Rural Tal Tamr*, 15 March 2020, https://bit.ly/33BoCpl; MEE, *Stuck in Limbo: The Displaced Residents of Syria's Northeast*, 10 January 2020, https://bit.ly/3clrtRW; and Section II.B.2.

750 "*ISIS militants continued to target Christian communities. These communities stated they feared the possibility of a broader ISIS resurgence*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. See also, Al-Monitor, *Syrian Christians on Front Line Have Sad Christmas, Again*, 27 December 2019, https://bit.ly/2GNBIbH; AFP, *In Northeast Syria, Last Assyrians Fear Turkish Advance*, 19 November 2019, https://bit.ly/3m68Knv.

751 "*Some 20,000 Druze people were estimated to be living in the area in 2015, although their numbers have now diminished to 10,000, according to estimates by local councils*"; Syria Report, *In Northern Idlib, HTS Property Confiscations Threaten Small Druze Community*, 9 September 2020, https://bit.ly/3j8awCB. "(…) *there is still a Christian presence (Armenians, Syriac Melkites and Catholics) in the area in villages such as al-Yaqoubiya, al-Qunaya, Ghassaniya and al-Jadida, and most Christians live a withdrawn life more or less in hiding out of fear of being targeted by the extremist Islamists*"; Syriac Press, *Syria: Militant Islamists Terrorize Christians in Idlib Province*, 10 May 2020, https://bit.ly/3ivDoV0. "(…) *many Christian families have left Idlib abroad or to areas inside Syria since extremist groups took over Idlib in 2015, leaving all their property.* (…) *Only a few numbers of Christians are still residing in the city, specifically in its western part* (…)"; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, https://bit.ly/3huzeLY. "(…) *rebel zones are almost exclusively Sunni Arab. The few minorities who lived in these areas have fled or been forced to convert to Sunnism*"; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. *xv*.

line or extremist Islamist groups. However, reports confirm the continued imposition of strict Islamic law and discriminatory attitudes vis-à-vis members of minority groups,[752] in addition to cases of individual targeting.[753] HTS, HAD and TIP are further reported to have illegally confiscated homes, shops, warehouses and agricultural lands belonging to displaced Christians and Druze.[754] The only church in Idlib City was reportedly confiscated by HTS in 2017 and turned into a private business.[755] SNHR reported that Christians were ordered to pay a tax for their "protection" as non-Muslim citizens of an Islamic state ("*jiziya*").[756]

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752 Remaining Christians were reportedly allowed to celebrate Christmas in 2020; however, HTS bans the public display of Christian religious symbols and the ringing of church bells; SOHR, *Christians Celebrate Christmas in Idlib's Al-Qunya, and "Salvation Government" Seeks their Friendship*, 25 December 2020, http://bit.ly/38UARQW. "*The factions did not allow them* [the Christians] *to practice their rites and religious rituals in public, hold ceremonial events or show their religious symbols, not to mention the assaults, the looting, and exploitation that have affected the churches*"; Enab Baladi, *"Absent Christian"… Confiscation of Real Property of Idlib's Christians*, 11 July 2020, https://bit.ly/2FzNTIA. "*HTS replaced governmental courts with sharia councils in areas it controlled, authorizing discrimination against members of religious minorities* (…)"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Falling under the control of radical Islamic groups, most of the Christian families chose to displace toward regime-held areas or abroad. Those who remained, however, are facing harassment by the Guardians of Religion Organization* [HAD] *members, who restrict their religious practice and rarely allow them to visit churches*"; STJ, *Syria: At least 750 Christian Houses Illegally Seized in Jisr al-Shughur, Idlib*, 23 September 2019, https://bit.ly/2ZvQUk0. "*Sectarian and divisive statements against Alawites and Christians have remained prevalent, subject to little moderation or restriction*"; Al Shahid, *Is Joulani's Shifting Rhetoric an Attempt to Cover Up HTS' Past Crimes?*, 14 August 2019, https://bit.ly/2kkA1aG. "*In opposition-controlled areas, Christians have reportedly concealed their religious identity and dress as Muslims to avoid suspicion*"; MRGI, *Syria: Current Issues*, last updated June 2019, https://bit.ly/2S0bTYa. "*Minorities such as Druze and Christians in areas such as Idlib province have, for the most part, left these areas rather than be forced to convert to Islam, follow dress codes, or movement restrictions imposed on females*"; UN Human Rights Council, *"I Lost My Dignity": Sexual and Gender-Based Violence in the Syrian Arab Republic*, 8 March 2018, A/HRC/37/CRP.3, www.ecoi.net/en/document/1433339.html (hereafter: UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html), para. 58. See also, STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, https://bit.ly/2uJ29ZU.

753 "*A Syrian activist told RI that religious minorities including a Christian and an Ismaili deported from Turkey were being held by Hay'at Tahrir As-Sham, the extremist group controlling large swaths of the province*"; Refugees International, *Turkey Should Immediately Halt Deportation of Syrians to Syria*, 24 July 2019, https://bit.ly/2mhl21Q. See also, SOHR, *Unknown Gunmen Kidnapped a Civilian in al Ya'qoubiya Village in Idlib Suburbs, on May 7*, 8 May 2020, https://bit.ly/3k8gVOc; The New Arab, *Retired Syrian Christian Woman Brutally Tortured and Murdered in Idlib*, 20 July 2019, https://bit.ly/2m3SRmT.

754 "(…) *in mid-2017, HTS began to seize the homes and farmlands of Druze villagers who had fled, using the captured homes to house the families of the group's fighters, as well as internally displaced people who had been forcibly driven from the Damascus Countryside and Homs.* (…) *HTS officials have justified confiscations by saying that the targeted properties belong to employees in the Syrian government's security and military institutions, and that such procedures are also in force in other areas of Idlib that have seen residents flee to government territory*"; Syria Report, *In Northern Idlib, HTS Property Confiscations Threaten Small Druze Community*, 9 September 2020, https://bit.ly/3j8awCB. "*HTS continues seizing the homes of civilians of the Christian community in Idlib, Jisr al-Shughour, the villages of Yacoubiya, Ghassania, Al-Qounaya and Al-Jadida, as well as the properties of communities in Darkush, Zanbaqi, Jumailya, Shandrish, Al-Alia and Hallouz. HTS are renting these houses to displaced civilians and fighters at nominal prices. On August 20* [2020]*, Observatory sources said that HTS marked with numbers the property it seized, estimated by 130 houses in the village, owned by the Druze community, and migrated to the Syrian regime-controlled areas and to neighbouring countries and Europe, coinciding with the outbreak of the Syrian revolution*"; SOHR, *HTS Seizes Property and Real Estate of Civilian and Pro-Regime Military in Countryside*, 10 September 2020, https://bit.ly/2FfYV61. Bassam al-Ahmad, Director of STJ, told Enab Baladi that HTS and other Islamist factions justified the confiscation of Christian-owned properties based on the owners being "al-*Assad's loyalists*", or because they were absent; Enab Baladi, *"Absent Christian"… Confiscation of Real Property of Idlib's Christians*, 11 July 2020, https://bit.ly/2FzNTIA. See also, SOHR, *HTS Forces Displaced People to Leave Homes Owned by People Living in Regime-Held Areas, and Salvation Government Dismantles Electricity Transformers in Idlib Countryside*, 16 November 2020, https://bit.ly/38V7rng; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; SOHR, *HTS Confiscates Property of Christian Community in Idlib*, 25 April 2020, https://bit.ly/2FtQy6C; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, https://bit.ly/3huzeLY.

755 According to STJ, HTS has rented out parts of the church to someone who established an educational institute in it; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, https://bit.ly/3huzeLY. See also, SNHR, *Targeting Christian Places of Worship in Syria is a Threat to World Heritage*, 5 September 2019, https://bit.ly/2RfSVfC, p. 9.

756 "*Islamic factions are clamping down on them and imposing levies 'Jizya' in order to force them to leave their homes to regime-controlled areas*"; SOHR, *HTS Confiscates Property of Christian Community in Idlib*, 25 April 2020, https://bit.ly/2FtQy6C.

### d) Treatment of Members of Religious and Ethnic Minority Groups in Areas under *de facto* Control of the Syrian National Army

As part of military operations in northern Syria in 2018 and 2019, SNA-affiliated armed groups have taken control of areas inhabited by various religious and ethnic minority groups and many fled in the face of or following the military offensives.[757]

Many of those displaced as a result of the military offensives are reported to be afraid and/or unable to return, including on account of their homes, shops, agricultural lands and crops having been confiscated by members of SNA-affiliated armed groups.[758]

In areas under *de facto* control of SNA-affiliated armed groups, Kurds and members of other religious or ethnic minority groups have been singled out for extortion, abduction, looting, unlawful confiscation and destruction of property, unlawful deprivation of liberty, enforced disappearance, torture and other

757 "*The two Turkish interventions into Syria in 2018 and 2019, known respectively as Operation Olive Branch and Operation Peace Spring, have driven almost the entire Yezidi population in Afrin and Ras al-Ayn in Syria from their homes. All of the villages in northwest and north-central Syria with Yezidi inhabitants – some 51 villages in total – are now under occupation by the Turkish military and their affiliated militias, many of which espouse Islamist ideologies.*" And further: "*Operation Peace Spring also had a decimating impact on other religious minorities, especially Assyrians, Armenians, and Syriac Christians. At least 137 Christian families were displaced. Armenian families living in Ras al-Ayn were also evacuated*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, pp. 1-2, 12, see also pp. 7-8, 12. "*The Turkish interventions in Syria, in particular in Afrin in February-March 2018 and the 'Peace Spring' operation between Ras al-Ayn and Tel Abyad in October 2019, have forcibly displaced hundreds of thousands of civilians. Religious minorities who were impacted by these interventions include: Yezidis, Alevis, and members of the diverse Christian community: Armenians, Assyrians, Syriacs, Chaldeans, and Evangelical Christians*"; Professor Amy Austin Holmes, *U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria*, 10 June 2020, https://bit.ly/2FZLx62, p. 4. "*On October 7* [2020]*, the Turkish army, along with Turkish-sponsored opposition groups (TSOs), some of which may include fighters from violent extremist groups, launched Operation Peace Spring (OPS) in areas of northeast Syria held by the Kurdish Syrian Democratic Forces, displacing by October 21, 154,000 persons, including Kurds, Yazidis, and Christians.*" Nearly all of Syria's Yezidis currently live in areas under control of SNA-affiliated armed groups; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. See also, VOA, *Syria's Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, http://bit.ly/3ikAu6s; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, pp. 2, 13, 47-53; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, https://bit.ly/3n05F9c; AFP, *In Northeast Syria, Last Assyrians Fear Turkish Advance*, 19 November 2019, https://bit.ly/3m68Knv; Public Radio of Armenia, *Most Armenian Families Evacuated, as Turkey Pushes into North Syria*, 10 October 2019, https://bit.ly/2RyFGqz.

758 "*Humanitarian observers believed many ethnic and religious minorities were hesitant to return, given a pattern of intimidation by Syrian groups aligned with Turkey.*" And further: "*Religious minorities displaced by the Turkish and TSO seizure of Aleppo's Afrin District remained unable to return to their homes.* (…) *In November* [2019] *the Syriac Strategic Research Center reported TSOs seized and looted the 205 houses and 120 commercial and industrial sites belonging to the 75 Christian families that had fled Ras al-Ayn as a result of the Turkish offensive.*" And further: "*Since October 17* [2019]*, Human Rights Watch and Syrian human rights monitors reported TSO seizures of private properties, including those belonging to Christians displaced by OPS* [Operation Peace Spring]"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Turkish-backed factions have seized the wheat and barley fields in the village of Rihaniya and Daoudiyet Mala in rural Tal Tamer, Tal Baidar, the village of Attia, Nadas, Tal Sakher and Aasdiyet Al-Yazidis in Ras al-Ain countryside. Observatory sources added that these villages are inhabited by a varied mixture of Christians, Kurds and Arabs, abandoned by most of the population except for a few Arabs*"; SOHR, *Factions Seize Agricultural Crops in Tal Tamer and Ras al-Ain*, 9 May 2020, https://bit.ly/3iG82eC. "*Civilians in and around Ra's al-Ayn and Tall Abyad reported numerous cases of looting and property appropriation by members of the Syrian National Army,* ***primarily affecting Kurdish residents and, on occasions, Yazidi owners*** *who had fled in October* [2019]*. Schools and businesses, such as bakeries, were also looted or expropriated, along with land for making olive oil, agricultural tools and vehicles*" (emphasis added); UN Human Rights Council, R*eport of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 56. "*Few male youths have returned because they are vulnerable to accusations of being 'Kurdish fighters'. Arab IDPs living in Afrin before Operation Olive Branch generally also fled for fear of being considered as PYD collaborators.*" And further: "(…) *HLP violations in Afrin* (…) *serve Turkey's objective of countering the dominant Kurdish movement's 'self-governance' initiative by changing the demographics*"; FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 126, 137. "*Al-Jabha al-Shamiyyah* (…) *emptied citizens' houses and stole their property in Tal Abyad* ***as well as houses owned by Armenian and Christian families, were the words 'Taken by al-Jabha al-Shamiyyah' have been written on these houses***" (emphasis added); SOHR, *From Violations in Afrin to Tal Abyad and Ras Al-Ayn... The Pro-Turkey Factions Reserve Civilian Houses in Ras Al-Ayn City*, 4 November 2019, https://bit.ly/3kvpaEt. See also, Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, https://bit.ly/2OLUukd; SOHR, *"Peace Spring" Areas: Turkish-Backed Factions Steal Crops and Agricultural Equipment, Asking Christians to Pay Fine for Their Return*, 28 June 2020, https://bit.ly/3iZbyB2; SOHR, *As a Part of Their Continued Thefts and Looting of Property North of Syria... The Pro-Turkey Factions Start to Steal Barley Owned by One of the Most Prominent Christian Families in Al-Hasakah*, 30 November 2019, https://bit.ly/3n3Tx75; Al-Monitor, *IS Kills Priests in Syria as Turkish-Backed Fighters Express IS Sympathies*, 18 November 2019, https://bit.ly/3cy4V6i.

forms of ill-treatment, sexual violence,[759] and, in some cases killing, including on account of their real or perceived support for the AANES and the SDF/PYD/YPG,[760] their ethnicity and/or their religion.[761] Yazidis have also been subjected to forced conversions.[762] Multiple sources reported that SNA-affiliated groups forced Kurdish and Yazidi women to marry fighters, and, in some instances, abducted and killed them for refusing to do so.[763] Women belonging to religious and ethnic minority groups are also

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759 "[Kurdish] *Women and girls have also been detained by Syrian National Army fighters, and subjected to rape and sexual violence – causing severe physical and psychological harm at the individual level, as well as at the community level, owing to stigma and cultural norms related to ideations of "female honour*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 59. In late May 2020, a video was released on social media showing Kurdish and Yazidi women in a secret prison run by the Al-Hamzeh Division. They had reportedly been kidnapped between 2018 and 2020. According to SOHR, four women were released in December 2020, while the whereabouts of seven others remain unknown; SOHR, *"Al-Hamza Division" Releases Fourth Kidnapped Girl from Afrin Appeared in a Video in May*, 11 Dcember 2020, https://bit.ly/3n9C5gZ. See also, Missing Afrin Women Project, *View the Data*, accessed 28 February 2021, https://bit.ly/2Ip6V5y; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, https://bit.ly/32I5EgB, p. 29; Jerusalem Post, *Turkey's Occupation of Kurdish Afrin Targets Women, Minorities*, 2 June 2020, https://bit.ly/2XuqQWc; Kurdistan24, *Syrian Kurds Call for Investigation into Kidnapping of Women in Afrin*, 31 May 2020, https://bit.ly/2U6HwRw; Rudaw, *Fate of Three Kidnapped Yezidi Women in Afrin Remains Unclear*, 1 April 2020, https://bit.ly/3eMOhje. As a result of these kidnappings, VDC reported that "[F]*amilies have forced their daughters to marry relatives to 'protect' them from being kidnapped by armed groups, or accepted demands from the groups themselves*"; Missing Afrin Women Project, *July 2020: Five Women Reported Kidnapped, Violence Increasing*, July 2020, https://bit.ly/2ExypER.

760 See Section III.A.6.

761 In 2020, "[S]*even cases targeted women specifically identified as members of religious minority communities. Five Yezidi women and two Alevi women were reportedly abducted. Several of these kidnappings took place during broader raids by armed groups on certain villages historically home to religious minorities. Five of the seven individuals were reportedly tortured in custody – a higher rate of allegations of torture than seen in general*"; Missing Afrin Women Project, *2020 Report*, 16 January 2021, http://bit.ly/3sCmCIK. "*Using information provided by locals and cross-referencing with other sources we could confirm that at least 47 Yezidis have been kidnapped in Afrin since March 2018.* (…) *Armed groups often demand exorbitant sums of money, as high as $40,000, to secure the release of a single person. Even before the recent devaluation of the Syrian pound, this was an impossible amount to pay for ordinary Syrians. In June 2019, a 10-year old boy with Down syndrome was kidnapped along with his father and grandfather. The rebel group demanded $10,000 as ransom. All three were then killed when the family was unable to pay*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 9-10. "*The DoS* [Department of State] *also stated its concern regarding reports of human rights abuses in Afrin, including desecration of several Yezidi shrines, kidnapping for ransom of Yezidi and Kurdish women, and looting and vandalizing of homes and archaeological sites. The DoS told DoS OIG OIG* [Office of the Inspector General of the Department of State] *that 'as we do not have a presence on the ground, we are not in the position to confirm these reports but many appear to be credible*'; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, https://bit.ly/3hGOeY3, p. 69. See also, SOHR, *Yazidi Woman still Detained by Ankara-Backed Factions in Afrin Countryside, North-West of Aleppo*, 11 February 2021, https://bit.ly/37zagZU; North Press Agency, *Armed Opposition Arrested 20 Persons from Yezidi Village in Syria's Afrin*, 10 December 2020, http://bit.ly/3pVAnAs; SOHR, *2nd Corps Factions Impose Levies on Wheat and Barley Entering Turkey*, 3 September 2020, https://bit.ly/3kJyDII; SOHR, "*Al-Sham Corps" Kills Yazidi Civilian in Afrin's Shirawa*, 14 August 2020, https://bit.ly/2FJ8jPh; SOHR, *Yazidi Civilian Killed by Turkish-Backed Gunmen while Attempting to Force Him Out of His House in Afrin*, 1 April 2020, https://bit.ly/3hG3fby.

762 "*Turkish-backed forces forcibly converted a number* [of] *Yazidis to Islam by bringing them to the mosque, beating and torturing them if they did not pray. Some were even killed. One such victim was 60-year-old Omar Shamo from Khibari village, who was beaten by militiamen in an attempt to force him to say the 'shahada' of Islam – the phrase which, if spoken aloud, is believed to constitute acceptance of Islam. He refused, and so was killed*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 49. "(…) *women belonging to the Yazidi religious minority were also detained by Syrian National Army forces, and on at least one occasion were urged to convert to Islam during an interrogation. Similarly, the Commission is currently investigating reports that at least 49 Kurdish and Yazidi women were detained in both Ra's al-Ayn and Afrin by Syrian National Army members between November 2019 and July 2020*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 56. "*Some of the militias in Afrin have kidnapped Yezidis and forced them to renounce their religion.*" For example: "*On February 5, 2020 a 19-year old Yezidi woman by the name of Laura Hassan was kidnapped in the village of Qara Bash (Faqiran in Kurdish). She was reportedly tortured and forced to renounce her religion. In May 2018, Omar Shamo Mamo, a 66-year old Yezidi man, was killed for refusing to convert to Islam*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, pp. 2, 12. See also, VOA, *Syria's Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, http://bit.ly/3ikAu6s; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, https://bit.ly/3n05F9c.

763 "*The Commission also received reports of forced marriage and the abduction of Kurdish women in Afrin and Ra's al-Ayn, which primarily involved members of Division 24 (the Sultan Murad Brigade) of the Syrian National Army. In January* [2020]*, a woman was abducted by a member of the Brigade, who forcibly married her and divorced her shortly thereafter*"; UN Human Rights

subjected to restrictions in respect to their dress, behaviour and social interactions.[764] Minority religious and cultural sites have been deliberately looted, damaged or destroyed by SNA-affiliated armed groups.[765] SNA-affiliated armed groups have used sectarian language to justify their abuses.[766]

According to observers, the displacement of Kurds and members of other minority communities,[767] coupled with the settlement of Arab and Turkmen from other parts of the country,[768] aims at permanently changing the ethnic and religious make-up of the area.[769]

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Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 62. See also, Missing Afrin Women Project, *View the Data*, accessed 28 February 2021, https://bit.ly/2Ip6V5y; SOHR, *Woman and Girl Flee from Afrin after Threats by Turkish-Backed Militiamen*, 6 January 2021, http://bit.ly/3dNJyRd; SOHR, *Four Members of "Sultan Murad" Rape Girl from Afrin and Bring Her Home*, 30 June 2020, https://bit.ly/3gena11; VDC, *Girl from Afrin Found Dead after Kidnapping by Sultan Murad Division*, 8 June 2020, https://bit.ly/2Yxh4lk; Kurdistan 24, *Allegations of Forced Marriages Emerge in Turkish-Controlled Afrin in Syria*, 21 May 2020, https://bit.ly/2C0lV77.

764 See Section III.A.8.e.

765 "*In April 2020, several Yazidi shrines and graveyards were deliberately looted and partially destroyed across locations throughout the Afrin region, such as Qastel Jindo, Qibar, Jindayris and Sharran, further challenging the precarious existence of the Yazidi community as a religious minority in Syrian National Army-controlled regions, and impacting both the tangible and intangible aspects of their cultural heritage, including traditional practices and rites*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 64. "*More than half of the sacred Yezidi shrines in Afrin have been destroyed or desecrated since the Turkish intervention, making it virtually impossible for Yezidis to openly practice their faith*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 2. During "Operation Peace Spring", SNA-affiliated armed groups reportedly vandalized the Armenian church in Tal Abiyad; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. See also, SOHR, *Turkish-Backed Factions Continue Excavating in Old Neighbourhoods in Ras al-Ain (Sere Kaniye)*, 26 November 2020, https://bit.ly/39maSDL; SOHR, *Turkish-Backed Factions Steal Collections of Church and Seize more Farmlands*, 22 November 2020, https://bit.ly/2JmEdDd; SOHR, *Widespread Security Chaos… Ongoing Violations… and the Canton's Residents the Greatest Victims*, 1 August 2020, https://bit.ly/31bQkrU; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, https://bit.ly/3n05F9c; SOHR, *Turkish-Backed Factions Continue Excavations and Sabotaging Religious Shrines, Searching for Antiques*, 26 May 2020, https://bit.ly/2A0pxoT; Rudaw, *Yezidi Shrines Desecrated by Turkish-Backed Groups in Afrin*, 28 April 2020, https://bit.ly/2Xuy4cy; Bellingcat, *Afrin: Incidents of Desecration and Destruction of Cultural Sites*, 11 July 2019, https://bit.ly/3eGu9is.

766 SNA-affiliated armed are reported to have used sectarian language to describe the YPG/SDF and Kurds more broadly and to justify abuses (e.g. "infidels", "atheists", "pigs"); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54; AP, *Money and Hatred for the Kurds Drives Turkey's Syrian Fighters*, 15 October 2019, https://lat.ms/2UxYkRE. See also, RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, https://bit.ly/32gZ2az, p. 25.

767 "(…) *as a result of Operation Olive Branch by Turkey and Syrian armed groups since March 2018, many Kurds from the Afrin region were forcibly displaced. In a signal of the complexity of property rights and displacement in Syria today, some of those who were settled in formerly Kurdish properties by Turkish proxies had previously been forcibly displaced from the formerly opposition-held Damascus suburb of eastern Ghouta. Kurds have since faced obstacles to return*"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, https://bit.ly/3jkWQoi, p. 5. "*Since Operation Olive Branch was initiated by Turkey in March 2018, the seven districts of Afrin region (Afrin, Sharran, Shaykh Al Hadid, Maabatli, Bulbul, Jindires and Rajo) have witnessed mass exodus of Kurds, as those who remained are very few; only the elderlies, between 40 and 85, and the poor and those who remained in order to protect their property*"; STJ, *Afrin: Shaykh Al Hadid: Intimidation and Economic Tightening*, 9 March 2020, https://bit.ly/2ZH9W7K. "*The operation in Afrin overlapped with the Syrian government's capture of eastern Ghouta, which forced more than 65,000 people to evacuate to the last opposition-held territories in Aleppo and Idlib. Many of those that ended up in Afrin took over the empty homes of the predominately Kurdish owners who had fled. In some accounts, rebel groups have supported the redistribution of properties to Arab families, or have taken properties for themselves to lease*"; SJAC, *Prior Turkish Operations Forebode New Offenses in Northeast Syria*, 24 October 2019, https://bit.ly/2CRVGQm.

768 "*Since the violent displacement of a majority of the population* [in Afrin]*, estimates indicate that up to 75% of the population is now made up of Turkmen and Arab settlers brought in by Turkey. Arab families displaced from Homs, Eastern Ghouta, and other regions of Syria have been resettled into houses that have been confiscated from their Kurdish, Yezidi or Alevi owners. This is despite the fact that prior to the Turkish invasion, Afrin was already home to significant numbers of Arab IDPs fleeing the conflict elsewhere in Syria*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 48. See also, SOHR, *"Peace Spring" a Year on: A New Map of influence…Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, https://bit.ly/2GrnVrm; COAR, *Syria Update: 17 January to 23 January, 2019*, 23 January 2019, https://bit.ly/2CTsfxj.

769 RIC described the process as one of "*Arabization (through the installation of Arab militiamen from elsewhere in Syria and their families in formerly-Kurdish, Yezidi, Christian and Alevi towns and regions), Turkification (via the introduction of a Turkish school curriculum, renaming and rebranding of physical and governmental infrastructure, and establishment of de-facto Turkish control*

UNHCR considers that members of religious and ethnic minority groups who originate from areas under *de facto* control of HTS, SNA-affiliated armed groups and other anti-government armed groups **are likely to be in need of international refugee protection** on the basis of their religion, their ethnicity and/or their political opinion or imputed political opinion, depending on the individual circumstances of the case.

UNHCR considers that in areas with a continued ISIS presence or influence, members of religious and ethnic minority groups **are likely to be in need of international refugee protection** on the basis of their religion, their ethnicity and/or their political opinion or imputed political opinion, depending on the individual circumstances of the case.

UNHCR considers that members of religious and ethnic minority groups originating from areas other than the ones referenced above **may be in need of international refugee protection** on the basis of their religion, their ethnicity and/or their political opinion or imputed political opinion, depending on the individual circumstances of the case.

UNHCR further considers that the *makhtoumeen*, who are not eligible to naturalize under decree 49 of 2011, **are likely in need of international refugee protection** on account of their ethnicity and nationality.

Regarding the international protection needs of Sunni Arabs and Sunni Turkmen perceived to be opposing the government, see Section III.A.1. Regarding the international protection needs of Arabs who, based on their ethnicity, are perceived to be associated with ISIS or to be collaborating with Turkey or the SNA, see Section III.A.4.

#### e) Persons Perceived as Contravening Strict Islamic Rules

In areas under *de facto* control of HTS, the group imposes restrictions on women's and girls' freedom of movement, dress, and ability to work outside the home. In public, women and girls are to be accompanied by a male member of their immediate family (*mahram*) and have to abide by a conservative dress code. Smoking and drinking alcohol are banned, and men and women must abide by gender segregation in public places, restaurants, hospitals and schools. Transgressions are reportedly punished by harassment, physical assault, and detention.[770] In instances such as perceived

*over all aspects of government and civil society), and Islamification (via the school curriculum as well as forcibly by Turkish-controlled armed groups), plus the establishment of a 'Turkmen belt' along the border regions with Turkey*"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, https://bit.ly/3mWJfWc, p. 47. "(…) *kidnappings, extortion, and forced religious conversion are ways to pressure the few remaining Yezidis to leave Afrin. They are methods of forcing demographic change, without actually killing people*"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 12. According to Fabrice Balanche, a Syria expert and an associate professor at France's Lyon II University, " *I don't think that the Turkish army wants to prevent it* [abuses against Kurds] *because the goal is to cleanse the Kurdish population from this area*"; Al-Monitor, *An Insult to Women' Everywhere: Afrin Kidnappings Prompt Calls for Investigation of Turkey-Backed Rebels*, 2 June 2020, https://bit.ly/2zZFrzH. "*Villages belonging to the Yazidi community are facing demographic change after being abandoned during the military operation 'Peace Spring', as well as the theft of their property by Turkish-backed factions.* (…) *On the other hand, Turkish-backed factions, supported and facilitated by the Turkish government, are resettling families of fighters loyal to them in these villages, as they do in other areas under their control*"; SOHR, *Demographic Change in Rural Ras al-Ain: Yazidi Community Face Systematic Violations by Turkish-Backed Factions in more than Ten Villages*, 20 April 2020, https://bit.ly/2FSRSQp. See also, VOA, *Syria's Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, http://bit.ly/3ikAu6s; SOHR, *Widespread Security Chaos… Ongoing Violations… and the Canton's Residents the Greatest Victims*, 1 August 2020, https://bit.ly/31bQkrU; Yazda, *Yazda: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, https://bit.ly/31Wz9Ml; Orient XXI, *Syria: Communitarianism as a Combat Strategy*, 1 April 2020, https://bit.ly/3j59g3q; SOHR, *Turkey's Plans of Demographic Change: Turkish-Backed Factions Kidnap Civilians in Afrin*, 17 January 2020, https://bit.ly/3jlPXmL.

770 "*Throughout areas under its control, Hay'at Tahrir Al-Sham caused severe psychological and physical harm to women, girls, men and boys, by imposing religious dress codes and, in the case of women and girls, denying their freedom of movement without a male relative*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 52. HTS "*has imposed rules regarding clothing, as well as limiting their* [women's] *freedom of movement unless accompanied by male relatives.*" For example, "*women are forbidden from sitting with men in restaurants and offices, publicaly smoking Shisha, or entering any store where the male owner or a male staff is alone*.

heresy or adultery, HTS is reported to have implemented severe punishments, including lashings and executions.[771]

In areas with a continued ISIS presence or influence, incidents of persons being targeted on account of behaviour perceived by the group as contravening its strict interpretation of Islamic principles, norms and values have also been reported.[772] In Al-Hol camp, ISIS sympathizers are reported to enforce strict conservative dress codes and rules, punishing women, even with death, for any transgressions.[773]

(…) *Any violating these extremist proscriptions is subject to fines*"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 23. "*HTS has carried out arbitrary detentions/kidnapping of children in the areas under its control through the Hisbah apparatus, on several pretexts, including, for violating the teachings imposed by HTS, such as preventing gender-mixing in certain areas*"; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 24. "*We also recorded detentions carried out by Hay'at Tahrir al Sham against civilians, who were charged with 'insulting the Divine'*"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, https://bit.ly/34lgZoI, p. 6. "*Throughout areas under its control, HTS continued to employ measures that systematically discriminated against women and girls, subjugating their status in both the private and public sphere. In parts of Idlib governorate, women and girls had to be accompanied by male members of their immediate family (mahram). HTS continued to deny access to public events to unaccompanied women, while infringement of the rules were punished by detention. HTS further interfered with the freedom of movement of women including by chasing them when venturing outside by themselves, and when deemed to be wearing makeup or "indecent clothing". In order to avoid public scrutiny and stigmatization by HTS, many women consciously stopped visiting public* places"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 102. "*In opposition-held regions, no pretense of formal legal equality or legal protections is made. HTS, which controls much of Idlib, excludes women from political bodies and limits their basic freedoms, running gender-segregated schools, enforcing conservative dress codes, and forcing women whose husbands have been killed in the ongoing conflict to move in with a male 'guardian.' These policies are enforced by ISIS-like morality police*"; Wilson Center, *Syrian Women's Leadership in a Fractured State*, 1 April 2020, https://bit.ly/3kJCZQi. See also, ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, p. 22; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 91; ICSR, *HTS's Offline Propaganda: Infrastructure, Engagement and Monopoly*, September 2019, https://bit.ly/2Cm4Vse, pp. 14-15. SOHR reported having obtained a list of banned behaviours such as men and women mingling in restaurants, offices and other places; men selling women's clothes; smoking water pipes in public; and barbers cutting certain haircuts; SOHR, *HTS' "Al-Falah Centre" Forces Owners of Shop Selling Gift on Valentine's Day to Close in Idlib and Salqin Cities*, 14 February 2021, https://bit.ly/3aELIk7.

771 "*Summary punishments for infractions ranged from corporal punishment, such as lashing, to execution*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. For example, in May 2020, a muezzin was physically assaulted for "*heresy*" for not correctly performing the prayer call: SOHR, *Jisr al-Shughour: Radical Members Humiliate Muezzin of Mosque, Accusing Him of "Heresy"*, 15 May 2020, https://bit.ly/3inIhju. "*In July 2019, HTS executed a death sentence against a senior woman in the province of Idlib – the victim was 60 years old mother and grandmother. The detainee was stoned to death for adultery, after which her dead body was handed to her family*"; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k. "*The group* [HTS] *also executed three civilians accused of witchcraft in Anjara and a woman accused of adultery in Idleb city*"; Carter Center, *Weekly Conflict Summary: 25 November - 8 December 2019*, 8 December 2019, https://bit.ly/30hIIsA, p. 3. See also, STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, https://bit.ly/2NL0AkC; Al-Modon, *Artist Adnan Kardash Killed Because of Ramadan Cigarette*, 7 May 2020, https://bit.ly/3iI2CAn; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, https://bit.ly/3eaD77i, p. 76.

772 In February 2021, SOHR reported the execution of a civilian in Al-Shuhayl town [Deir ez-Zour Governorate]. A note was reportedly left with the corpse stating: "*This is a punishment for those who sold their religion and afterlife, and we promise you, you all disbelievers, that you will see the most terrifying days of your lives and the worst is yet to come… The Islamic State*"; SOHR, *Cells Slaughter Young Man in Al-Shuhayl Town, Threatening to Carry Out Similar Operations*, 16 February 2021, https://bit.ly/3pETEWO. According to Syrian journalist Zain al-Abidin, "*people who engage in sorcery, even though they are civilians, are targeted, and these cells often kill secular or non-practicing people, as well as those suspected of having extramarital sexual relations*"; Al-Monitor, *Islamic State Regroups in Syrian Kurdish Region*, 10 November 2020, https://bit.ly/2JZKmpr. In early October 2020, SOHR reported that armed ISIS members warned women working in shops in the town of Busayrah (Deir Ez-Zour Governorate) to comply with Islamic dress code; SOHR, *Two Members Roam Al-Busayrah Streets in Eastern Deir ez-Zor, Urging Women to Dress According to Sharia*, 6 October 2020, https://bit.ly/3iDdv55. See also, SOHR, *ISIS Resurgence: Cells Assassinate "Sorcerer" in Deir ez-Zor Countryside*, 18 August 2020, https://bit.ly/31afzMz; SOHR, *Two Gunmen Kill Civilian Practicing "Magic" in Rural Deir ez-Zor*, 21 April 2020, https://bit.ly/3gJkU2Y; SOHR, *ISIS Cells Kill a Civilian for "Practicing" Witchcraft and Sorcery in Rural Deir Ezzor*, 3 January 2020, https://bit.ly/3cx4Qyd.

773 "*Women loyal to ISIS have formed secret councils inside the camp to monitor the personal lives of camp residents to find out whether or not they are adhering to the group's ideology. ISIS cells inside the camp have also formed a 'Hisbah agency' or the Islamic police, mostly made up of foreign women*"; Washington Institute, *Al-Hawl Camp and the Potential Resurgence of ISIS*, 29 June 2020, https://bit.ly/34xSzHB. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 62; and Section II.B.2.

Using various means of intimidation, SNA-affiliated armed groups are also reported to impose restrictions on women's and girls' dress, behaviour and social interactions.[774] In some instances, persons perceived to having violated these groups' strict interpretations of Islam have also been targeted for detention and physical assault.[775]

Individuals of diverse sexual orientations and/or gender identities are reported to face a heightened risk of targeted violence by conservative and extremist groups and individuals, who consider them to be transgressing Islamic religious norms.[776]

UNHCR considers that individuals perceived as contravening strict Islamic rules in areas under the control or influence of extremist armed groups, including HTS and ISIS, are **likely to be in need of international refugee protection** on the basis of their religion, depending on the individual circumstances of the case.

UNHCR further considers that individuals perceived as contravening strict Islamic rules in areas under the control of SNA-affiliated armed groups and other anti-government armed groups in areas under their *de facto* control **may be in need of international refugee protection** on the basis of their religion, depending on the individual circumstances of the case.

On women and girls perceived as contravening strict Islamic rules by their families, see also Section III.A.9.d.

On the international protection needs of individuals (perceived to be) of diverse sexual orientations and/or gender identities, see Section III.A.11.

774 "*Since 2019, Kurdish women throughout the Afrin and Ra's al-Ayn regions have faced acts of intimidation by Syrian National Army brigade members, engendering a pervasive climate of fear which in effect confined them to their homes*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 59. "*Many of the Turkish proxies who have control of the region seek to establish an Islamic caliphate and law based on the most conservative Islamist principles.* (…) *Accounts also describe brutal punishment for violations of the imposed dress code of full veiling in public. Many women do not leave the house for fear of punishment or abduction*"; RIC, *Turkey's Track Record: The Occupation of Afrin*, 7 November 2019, https://bit.ly/2S5szO8, p. 13. "*Turkish-backed armed groups have arrested women who travel without a male relative – enforcing the same kind of behavioral code as ISIS that required women to travel with a male guardian (mahram). In Afrin, Ahrar al-Sharqiya put up numerous signs instructing women to wear the veil and abide by a conservative dress code*"; Professor Amy Austin Holmes, *U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria*, 10 June 2020, https://bit.ly/2FZLx62, p. 6. "*By targeting almost every aspect of Kurdish women's lives in the Afrin District,* (…) *armed groups generated a palpable fear of violence and duress among the female Kurdish population. This resulted in an undermining of women's ability to meaningfully participate and contribute to their community. Indeed, to avoid being harassed, women described opting to remain at home, relinquish their jobs, or wear a headscarf if venturing outside without a male relative. One interviewee described being sexually harassed and referred to as kafir for not wearing a headscarf by members of armed groups at a checkpoint in the Afrin District. Yazidi women in the Afrin District described similar fears*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 89. In an earlier report, the IICISyria had listed the following armed groups as restricting women's freedom: Ahrar Al-Sham, Faylaq Al-Sham, Jaysh Usud Al-Sharqiyah and Nur Al-Din Al-Zinki. "*Violations include the imposition of strict dress codes for women and girls and limitations on freedom of movement. At the same time, women and girls were harassed by armed group members, in particular when attempting to pass checkpoints*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 63. As in Afrin, "*reports of women in Tel Abyad being forced to wear full veiling and videos of Turkish-proxies shouting jihadist slogans* [are] *emerging from the occupied region*"; RIC, *Turkey's Track Record: The Occupation of Afrin*, 7 November 2019, https://bit.ly/2S5szO8, pp. 18-19. See also, SOHR, *Family Escapes from Afrin after Threats of Killing, Arrest and Rape*, 29 June 2020, https://bit.ly/2AgUIMT.

775 "*In June 2020, the Afrin Human Rights Organization reported that a woman who had been working as a hairdresser in Afrin city was accused of witchcraft by Ahrar al Sharqiya. Militia members threatened to rape her during the interrogation, demanded money, and threatened to kidnap her husband*"; Missing Afrin Women Project, *July 2020: Five Women Reported Kidnapped, Violence Increasing*, July 2020, https://bit.ly/2ExypER. See also, SOHR, *Al-Raqqah: "Ahrar Al-Sharqiyyah" Assaults Person for "Smoking in Public" and not "Observing Ramadan"*, 2 May 2020, https://bit.ly/2ZsZi2T; The New York Review of Books, *Who Are Turkey's Proxy Fighters in Syria?*, 27 November 2019, https://bit.ly/2P3r5lA.

776 See Section III.A.11.

### f) Conversion from Islam to Christianity

Conversion from Islam to other religions is prohibited by law.[777] The civil records of a convert to Christianity would still identify its holder as "Muslim".[778]

As a result of social conventions, religious proscriptions, and the lack of legal recognition, instances of open conversions from Islam to Christianity are reported to be rare.[779] Christian converts are reportedly often forced to keep their faith secret given the widespread animosity towards converts from Islam in Syrian society and the fact that families and tribes would likely interpret conversion by one of their members as an affront to their collective "honour".[780] Open conversion would likely result in ostracism and/or violence at the hands of the individual's community, tribe or family.[781] In areas under control or with a presence of Islamist or extremist armed groups, additional risks would emanate from these groups, who consider conversion as "apostasy" punishable by death.[782]

The 2014 Social Contract adopted by the AANES recognizes the right to convert;[783] however, no further information is available on the treatment of converts and the ability and willingness of the AANES to protect Christian converts against repercussions by non-state actors.

UNHCR considers that persons who converted from Islam to Christianity **are likely to be in need of international refugee protection** on the basis of their religion, depending on the individual circumstances of the case.[784]

777 USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

778 As a result, a female convert to Christianity is legally prohibited from marrying a Christian man, as she would still be considered Muslim by law: "*Per the Personal Status Code, a Muslim man may marry a Christian woman, but a Muslim woman may not legally marry a Christian man*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

779 "*Societal pressure further makes conversion, particularly from Islam to Christianity, relatively rare and forces many converts to flee outside of the country*"; Humanists International, *Freedom of Thought Report: Syria*, last updated 25 September 2020, https://bit.ly/33yOO4l. "*Religious conversions are rare and taboo in Syria, with those who abandon Islam often ostracized by their families and communities*"; NBC News, *Life under ISIS led these Muslims to Christianity*, 3 February 2019, https://nbcnews.to/33DQFVk. See also, USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. According to media reports, some Kurds in Kobane and Afrin converted from Islam to Christianity in response to ISIS' extremist ideology. However, most were unwilling to give their names or be interviewed for fear of reprisals by conservative sectors of society; Reuters, *Christianity Grows in Syrian Town once Besieged by Islamic State*, 16 April 2019, https://reut.rs/3hJUDkB; NBC News, *Life under ISIS led these Muslims to Christianity*, 3 February 2019, https://nbcnews.to/33DQFVk.

780 "*Christians who converted from Islam are often put under pressure by their family, as conversion brings great dishonor to the family. This is particularly true in majority Sunni areas, where converts risk being expelled from their family homes or worse. Pressure from the family is somewhat less intense in Kurdish areas, as the Kurdish Sunnis are generally less radical*"; Open Doors, *2020 World Watch List: Syria*, 2020, https://bit.ly/2FFv0DZ.

781 "[Advocacy groups] *reported societal pressure continued to force converts to relocate within the country or leave the country to practice their new religion openly*"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "*Even in more secure parts of Syria, Christians who have converted from Islam face pressure and discrimination from their communities*"; Open Doors, *2020 World Watch List*, https://bit.ly/34vbnHD, p. 20. See also, Zeit Online (in German), *Mariams Leid*, 7 April 2017, https://bit.ly/3d7zujn.

782 In August 2020 it was reported that more than a dozen Kurdish Christian converts from Afrin had been abducted by SNA-affiliated armed groups; CBN News, *Turkish-Backed Islamists Reportedly Kidnap 14 Christians in Syria*, 25 August 2020, https://bit.ly/2ZIOpeB. In the same month, an SNA-affiliated armed faction arrested a Kurdish civilian from a village in rural Afrin, accusing him of "apostasy" and conversion to Christianity; Kurdistan 24, *Fears for Fate of Syrian Kurd Kidnapped and Accused of Apostasy by Turkish-Backed Islamists*, 15 August 2020, https://bit.ly/3mSVvXU.

783 *The Social Contract for the Democratic Federation of Northern Syria*, 29 December 2016, https://bit.ly/33W7smC. See also Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, https://bit.ly/2E9AcQ6, p. 13.

784 For further guidance on conversion post-departure from the country of origin, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06, www.refworld.org/docid/4090f9794.html, paras 34-36.

### 9) Women and Girls with Certain Profiles or in Specific Circumstances[785]

Throughout the conflict, women have been exposed to a range of human rights violations and abuses.[786] Women have been targeted for arbitrary arrest, abduction, enforced disappearance,[787] torture,[788] rape and other forms of sexual violence, as well as extrajudicial killing[789] 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,[790] their family links,[791] their place of residency or origin,[792] or their religious or ethnic

785 For further guidance on claims for international protection by women, see UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, www.refworld.org/docid/3d36f1c64.html; and UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), *General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women*, 5 November 2014, CEDAW/C/GC/32, www.refworld.org/docid/54620fb54.html.

786 "*While the immense suffering induced by those practices affected Syrians from all backgrounds, women and girls were disproportionally affected and victimized on multiple grounds, irrespective of the perpetrator or geographical area*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 48. "*Syrian women and girls have not been accidental victims of the conflict, but have rather been directly and deliberately targeted*"; SNHR, *Brief Report: On International Women's Day… Syrian Women Continue to Suffer from the Worst Types of Violations*, 8 March 2020, https://bit.ly/3bSOz8v, p. 3. See also Section II.E.

787 By November 2020, SNHR reported that more than 10,500 women remained arbitrarily detained or forcibly disappeared by parties to the conflict, with the vast majority (over 8,400) held by government forces; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 6.

788 Between March 2011 and November 2020, SNHR documented the deaths of at least 91 women as a result of torture, including 73 held in government detention; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 7.

789 "(…) *Syrian women have been subjected to killing, arbitrary arrest, enforced disappearance, torture, sexual violence, forced displacement, and other abuses* (…)"; SNHR, *Brief Report: On International Women's Day… Syrian Women Continue to Suffer from the Worst Types of Violations*, 8 March 2020, https://bit.ly/3h7SQ8Y, p. 1. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 101-108; UNFPA, *Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview (Draft)*, 2 April 2020, https://bit.ly/30AdBUa (hereafter: UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa), p. 13; UN News, *UN Population Fund Sounds Alarm over Dire Situation Facing Women and Girls in Syria, as 10th Year of War Begins*, 16 March 2020, https://bit.ly/2Pyi0le. See also Section II.E.

790 Government forces have targeted "*women active in the political uprising, including those involved in media, educational and research activities against the Syrian regime*", in addition to "*female aid workers and those involved in humanitarian relief work, with dozens of women arrested for 'crimes' such as contributing to the transfer of medical or relief supplies* [to] *besieged people.*" SNHR further reported the detention of women on account of their criticism of HTS, SNA-affiliated armed groups and the SDF, respectively; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, pp. 9, 17, 21, 24. See in particular Sections III.A.1, III.A.4, III.A.5 and III.A.6.

791 "*Many women and girls have been targeted simply because of their kinship with dissidents or opponents of the Syrian regime, with the aim of deterring as many Syrian men as possible from participating in the popular uprising, for fear for their wives, sisters, mothers, daughters or any other female relatives* (…). *It is quite common for the Syrian regime forces to arrest, torture, and often also rape a woman simply because her husband, son, brother, father or old male relative participated in or contributed to the uprising for freedom.*" The SDF has detained women and girls on account of "*a close kinship*" with members of the SNA or ISIS, including following visits in areas under control of the SNA; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, pp. 9, 17. See Sections III.A.1.b, III.A.4, III.A.5 and III.A.6.

792 See Sections III.A.1, III.A.3 and III.A.6.

identity.[793] Parties to the conflict are also reported to have used women as bargaining chips in hostage exchanges.[794]

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.[795] 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,[796] as well as punishments for perceived infringements of hard-line groups' strict interpretations of Islam and Islamic law.[797]

All forms of sexual and gender-based violence are reported to have increased since 2011;[798] however, in all of Syria, cases remain unreported and women often do not seek legal redress,[799] including due to lack of trust in service providers and fear of stigmatization and reprisals;[800] movement restrictions as

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793 See Section III.A.8.

794 SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 11; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 56; STJ, *Syria: "They Coerced Us into Saying that We Are ISIS Wives"*, 30 August 2019, https://bit.ly/31KXiW8. For recent examples, see AGPS, *Palestinian Refugee Released in Prisoner Swap*, 12 August 2020, https://bit.ly/2ZzubDU; SOHR, *Regime Forces and HTS Swap Prisoners in Western Aleppo Countryside*, 12 August 2020, https://bit.ly/3la0Jh4; SOHR, *Turkish-Backed "National Army" and Regime Forces Swap Prisoners in Northern Aleppo*, 12 July 2020, https://bit.ly/3gt1m1i; SOHR, *Regime Forces and "Hurras al-Din" Organization Swap Prisoners in North-Eastern Idlib*, 22 May 2020, https://bit.ly/2YyU6eq; SOHR, *Syrian Regime and Opposition Factions Swap Prisoners in Rural Aleppo*, 27 February 2020, https://bit.ly/31rKMef.

795 "*Criminal, family, religious, personal status, labor, nationality, inheritance, retirement, and social security laws discriminate against women*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, Freedom House, *Freedom in the World 2020: Syria*, 4 March 2020, www.ecoi.net/en/document/2030806.html; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, updated 20 January 2020, https://bit.ly/3auRbrK; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2; Enab Baladi, *Local Organizations Discuss Advancement of Women and Civil Work in Eastern Syria*, 7 February 2020, https://bit.ly/38T9xC7; Enab Baladi, *Personal Status Court in Al-Suwayda Faces Criticism Again*, 10 December 2019, https://bit.ly/2OmDNMm; Chatham House, *New Amendments to Personal Status Law Offer Small Gains for Women's Rights*, June 2019, https://bit.ly/3g0RZGd; Library of Congress, *Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law*, 8 April 2019, https://bit.ly/31shcnJ. Additionally, cultural restrictions can prevent women from accessing justice and result in *de facto* discrimination. Some courthouses do not allow women to enter without a male guardian, which prevents women from accessing justice or seek a divorce; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 54.

796 US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 4; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html. "*Gender-based violence is rampant, data collected by UNFPA this year show. It occurs everywhere – homes, schools, marketplaces, streets*"; UNFPA, *"Life Became a Cage": Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse*, 26 November 2019, https://bit.ly/3jtegiP.

797 See Section III.A.8.e.

798 "*With the start of an armed conflict in 2012, sexual and gender-based violence (SGBV) became a devastating feature of the Syria conflict*"; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 2. Many women and girls "(…) *report that gender-based violence continues to plague their daily lives, including harassment, family violence and domestic violence. Moreover, assessments from late 2019 show that gender-based violence continues to rise, with new forms of violence increasing in their intensity and effect, such as forced puberty* (…)"; UNFPA, *UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis*, 29 June 2020, https://bit.ly/3hyDdaZ. See also, UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 13.

799 "(…) *although women and children face high rates of harassment and sexual and domestic violence, women are taught not to seek help; once these traumatic incidents take place, they are afraid to report such events because of the humiliation and shame associated with it*"; Harvard International Review, *Nowhere to Turn: Women in the Syrian Civil War*, 2 February 2020, https://bit.ly/2Ean25a. See also, Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 45; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; Norwegian Church Aid (NCA), *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/345iyYa, p. 27.

800 "*Lack of trust and stigma in disclosing a GBV incidence to public or private actors providing medical, PSS* [psycho-social support] *and legal services are just two challenges GBV actors face in collecting quantitative data on GBV. In addition, fear of reprisal by perpetrators and their family and community members serves as an impediment to disclosure*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 13. "*Overall, attitudes towards survivors of violence were largely negative, intolerant, and unsupportive, where they faced the rejection of their husbands, families, and community. This stigmatisation is not 'a product of the crisis; it existed before and continues now, especially in cases of rape.'* (…) *Wider community attitudes towards survivors were no different from their families': survivors were scorned, ostracised, and blamed*"; In "*cases of rape, women in all*

well as legal and financial barriers;[801] lack of police and judicial personnel trained to deal with cases of sexual and gender-based violence;[802] and limited availability of specialized services.[803]

Women and girls with certain profiles or in certain situations are at heightened risk of violence, as described in the following subsections:

### a) Sexual Violence

Sexual violence at the hands of state and non-state actors is reported to be widespread[804] and has been used in a wide array of circumstances, including at checkpoints and in situations of abduction and

*governorates avoided reporting in fear of the associated stigma and to preserve their reputation and that of their children, to protect themselves from the harsh judgment and blame of the community around them, and to escape potential household imprisonment or honour killing. Additionally, they neither had sufficient knowledge about the related legal, judicial, or social services, nor about who they could report to*"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/3hH1Nq0, pp. 33, 35. "*Barriers to accessing services include the fear of stigmatization, shame, social isolation and verbal abuse, in addition to structural challenges such as the distance to service delivery points, the lack of transportation and family restrictions. Furthermore, formal justice systems are often non-existent outside of Government-controlled areas*"; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 29 March 2019, S/2019/280, www.ecoi.net/en/document/2006897.html, para. 92. See also, SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, https://bit.ly/2Kp8Yrv, p. 15; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 45.

801 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107. "*Movement restriction is often the primary obstacle in the way of women and girls' access to SGBV-specialised services and is imposed for a variety of reasons including fear of sexual violence and adherence to customs and traditions rooted in patriarchy*"; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14. See also, UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 13; OECD, *Social Institutions and Gender Index: Syria*, 2019, https://bit.ly/346GqLo, p. 7.

802 In 2018, women accounted for only 17% in the judiciary; UN Economic and Social Committee for Western Asia, *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers*, 2019, https://bit.ly/2ENCXHa, p. 28. In the North-West, one study found that: "*The lack of women's representation in justice sector institutions (including police forces, judges, and lawyers) is a significant deterrent for local women.* (…) *Cultural barriers preventing women from accessing formal court systems are reified and exacerbated by a lack of women in the formal court system. When presented with only male lawyers or legal personnel, many women may be disincentivized from bringing forth their cases. Moreover, a lack of female judges coupled with the inconsistent degrees to which male judges are educated suggests that decisions may not be made with a full understanding of women's experiences and specific legal needs*"; Proximity International, *Women and the Justice Sector in North-Western Syria*, October 2018, https://bit.ly/3jv2gMW, p. 33, see also p. 21. See also, Enab Baladi, *"Syria's Route to Justice" Campaign to Provide Redress for Syria's Sexual Violence Survivors*, 27 June 2020, https://bit.ly/3hM4kQ9; FES, *Syrian Personal Status Laws*, December 2018, https://bit.ly/3gQi23k, pp. 2-3.

803 "*GBV-specialized services have remained unavailable in many communities in northwest Syria* (…)"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24,* 26 January 2021, https://bit.ly/3aYZ6PY, p. 8. "*Some organizations have attempted to support women, but their impact is limited due to the absence of legal frameworks that punish perpetrators of domestic violence, as well as social norms in certain areas of Syria, which leave women subservient to men. Developing and implementing protection programs is immensely challenging with no effective or functioning state, police, or justice system to ensure justice for victims*"; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, https://bit.ly/32pi1Ow, p. 3. "*Millions of Syrian women and girls continue to suffer from gender-based violence (GBV), harassment and increasingly restricted access to life-saving sexual and reproductive health services* (…)"; UNFPA, *UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis*, 29 June 2020, https://bit.ly/3hyDdaZ. "*Despite the existence of some services, community members and even some service providers appear to have limited to no awareness about them. There were neither specialised centres and front-liners, nor holistic GBV services that could provide adequate services to survivors*"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/3hH1Nq0, p. 36. See also, US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

804 "*Parties to the conflict resorted to sexual violence as a tool to instil fear, humiliate and punish or, in the case of terrorist groups, as part of their enforced social order. Underreporting or delayed reporting of these flagrant violations is prevalent, thus seriously impacting an assessment of its full magnitude*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 59. SNHR documented over 11,500 incidents of sexual violence against women and girls in Syria, with the vast majority attributed to government forces (over 8,000 incidents) and ISIS (close to 5,000 incidents); SNHR, *Brief Report: On International Women's Day… Syrian Women Continue to Suffer from the Worst Types of Violations*, 8 March 2020, https://bit.ly/3h7SQ8Y, p. 5. See also, Enab Baladi, *"Syria's Route to Justice" Campaign to Provide Redress for Syria's Sexual Violence Survivors*, 27 June 2020, https://bit.ly/2ZQO61J; Syrian Road to Justice, *The Syrian Road to Justice: Statement*, 18 June 2020, https://bit.ly/2PHJtkz; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, pp. 2, 9, 18, 26, 33. See also Section II.E.

detention, in displacement camps,[805] in forced marriages or child marriages;[806] and when women are forced into prostitution or trafficked for sexual purposes.[807] The use of sexual violence during arrest and in government detention[808] is reported to be so widespread and systematic that women detainees frequently face community and family stigmatization upon release based on the assumption that they have been subjected to sexual violence, regardless of their actual treatment.[809] Former detainees often suffer from trauma, and some are reported to have committed suicide as a result.[810]

ISIS is reported to have committed serious human rights abuses as well as war crimes, crimes against humanity, and, in the case of the Yazidi community, genocide, with women and girls particularly singled out for rape, forced marriage, sexual enslavement and other forms of sexual violence.[811] Women and girls who have had children as a result of rape are particularly vulnerable to discrimination and marginalization and may be at risk of "honour" killings.[812]

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805 "*The Commission is currently investigating reports of rape and sexual violence against women and children, including boys, in displacement camps*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107. "*Available information indicates that rape and sexual exploitation are prevalent in internally displaced person and refugee camp settings and conflict-affected areas*"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, S/2020/487, https://bit.ly/2WNgz6v, para. 56. See also, SOHR, *Syrian Girls and Women Sexually Blackmailed by Powerful Officials in Return for Services and Food*, 26 January 2021, http://bit.ly/2ZDZM7a.

806 See Section III.A.9.b.

807 US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 38; SOHR, *On the World Day Against Human Trafficking, More Than 1750 Syrian Civilians Have Been Trafficked within the Syrian Territory, on the Border with Turkey, and at the Sea*, 31 July 2019, https://bit.ly/2EOWeI0; The School for Ethics and Global Leadership, *The International Human Trafficking of Syrian Refugees*, 17 April 2019, https://bit.ly/31KBcTY, pp. 5, 7. "*Women interviewed* (…) *cite instances of security officers abusing their power to drive women into prostitution.* (…) *Suspected female sex workers and women detained for unrelated political or security reasons are often coerced into participating in prostitution rings run by security forces themselves*"; COAR, *Syria Update: Damascus Flails as Syrians Abroad Queue for COVID-19 Vaccine*, 25 January 2021, https://bit.ly/3r79xXw.

808 "*For most women, the horror starts at the moment of arrest. First, the male soldiers touch them inappropriately. On arrival at the prison, they are forced to strip naked. The invasion of their bodies often begins with an aggressive, intimate search by a male guard.* (…) *Sexualized, gender-based violence is one of the most widespread crimes in Syria's government detention facilities, according to international law expert, Alexandra Lily Kather. Yet, it is also one of the most underreported*"; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?*, 19 June 2020, https://p.dw.com/p/3e3Ns. See also, Syria Direct, *Freed from Regime Prisons, Syrian Women Seek Refuge from Social Stigma*, 6 August 2020, https://bit.ly/2E6uGxQ; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, p. 1 and paras 60-62; SOHR, *Incidents of Sexual Harassment and Rape by the Regime's Intelligence Affect Citizen Women in the Eastern Ghouta Including Schoolgirls*, 1 November 2019, https://bit.ly/2rE9BnH; SJAC, *"Do You Know What Happens Here?" An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, https://bit.ly/2WLymeg, p. 1; and Section II.E.

809 "*In Syrian society, it is commonly believed that every woman previously detained has undoubtedly been raped. Families of detained women are consequently ostracized due to the associated stigma. The families of the victims, in turn, shun them in many cases after their release.* (…) *Released women also run the risk of being victims of so-called 'honour killing'* "; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, paras 35-36. According to international law expert Alexandra Lily Kather, "[I]f *a woman has been sexually violated, she is judged to have brought shame on the honor of the family and will be excluded*"; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?*, 19 June 2020, https://p.dw.com/p/3e3Ns. "*Additionally, the prevalence of sexual violence in detention can impact how the community perceives a woman when she returns following detention, regardless of whether she was, in fact, sexually abused*"; SJAC, *"Do You Know What Happens Here?" An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, https://bit.ly/2WLymeg, p. 12. See also, Syria Direct, *Freed from Regime Prisons, Syrian Women Seek Refuge from Social Stigma*, 6 August 2020, https://bit.ly/2E6uGxQ; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 38.

810 SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 37.

811 UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 53, 58; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html, paras 72-89.

812 "*Women and girls who have babies as a result of rape remain at risk of honour killings if it becomes known the child is a result of rape. At the very least, they face divorce and ostracisation from their family and community. Social and cultural stigmas make it extremely difficult to obtain reliable information on these women and the children born of rape*"; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 99. See also, VOA, *Syrian Orphanage Takes in Children Born of IS Rape*, 16 July 2019, https://bit.ly/3f4rSO8. In Al-Hol camp, "*125 survivors* [of sexual slavery have] *been identified to date. It was verified that 39 children born as a result of sexual slavery were subsequently left in orphanages by their mothers.* (…) *the lack of community acceptance of children born of rape is a factor inhibiting return*"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, https://bit.ly/2WNgz6v, para. 57. See also Section III.A.9.d.

While the Penal Code criminalizes both rape and sexual assault outside marriage,[813] in practice, the criminal penalties for non-marital rape and sexual assault are not effectively enforced.[814] Penalties for non-marital rape can be reduced if the perpetrator agrees to marry the victim.[815] Abortion is prohibited by law, including in the case of rape, unless the woman's life is in danger.[816]

Despite the widespread nature of sexual violence, programmes to combat sexual and gender-based violence face restrictions.[817] Women survivors of sexual violence and rape face stigmatization and discrimination.[818] The shame and trauma of rape and sexual violence have driven some survivors to attempt suicide.[819]

The risk, or perceived risk, of sexual violence results in higher rates of forced and child marriage,[820] constrains women and girls' freedom of movement,[821] and is a driving factor for displacement.[822]

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813 "*Article 489 of the Penal Code No. 148 of 1949 criminalizes rape, other than of a female spouse. The death penalty applies to rape if the victim is under 15 years or if the offence took place under the threat of the use of a firearm*"; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma. "(…) *according to the provisions of the Penal Code, criminal conduct includes rape, harassment, indecent assault (indecent touching of intimate areas), and acts intended for pornographic purposes. All such acts are penalized whether they were perpetrated by force, by means of deception, or in return for monetary gain*"; UNFPA, *Syria: Gender Justice & The Law*, December 2018, https://bit.ly/3htjFVH, p. 13. The 1949 Penal Code (Law 148/1949), as amended, is available, in Arabic, at: WIPO, *Syrian Arab Republic, Law No. 148/1949 on the Syrian Penal Code,* http://bit.ly/2rj5PvT.

814 US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. The IICISyria noted a "*near-total absence of accountability*" for perpetrators of sexual violence; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 1.

815 "*There is no provision fully exonerating an offender who marries his victim. However, a perpetrator of rape and certain other crimes may have his penalty reduced if he marries his victim under Article 508 of the Penal Code. A minimum penalty of two years imprisonment applies for rape*"; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2. "*Article 508 is thus a codification of the social pressure felt by female Syrian survivors of rape to enter into forced marriage*"; Layla Abi-Falah, *Reintegration of Female Rape Survivors: The Overlooked Priority of Transitional Justice in the Face of Mass Wartime Rape*, in William & Mary Journal of Race, Gender, and Social Justice, Vol. 26 (2), February 2020, https://bit.ly/2PYSB4v, p. 446.

816 "*Abortion is prohibited by Articles 525-532 of the Penal Code, including for women who have been raped*"; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2. See also, OECD, *Social Institutions and Gender Index: Syria*, 2019, https://bit.ly/346GqLo, p. 3.

817 SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 37; Oxfam / NRC, *Hard Lessons: Delivering Assistance in Government-Held Areas of Syria*, 15 July 2020, www.ecoi.net/en/document/2033934.html, p. 8. See also above pp. 156-157.

818 "(…) *sexual violence has led to serious and severe physical and psychological trauma for the victims, as well as to their stigmatization and ostracism in their social environment*"; SNHR, *28,076 Females Have Been Killed in Syria since March 2011, Nearly 84% of these by Syrian Regime Forces and Its Allies*, 25 November 2019, https://bit.ly/39lEPBD, p. 15. Survivors of sexual violence "*often face shame, abuse, isolation, and abandonment when they return to their communities, as they are perceived to have lost their honor and chastity*"; SJAC, *"Do You Know What Happens Here?" An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, https://bit.ly/3iuH1ub, p. 12. Women will often not share their experience with family and friends, including due to fear of stigma and the lack of services; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 37. See also above pp. 156-157.

819 "*The increase in reported suicides and suicide attempts by GBV survivors is also an alarming emerging trend*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa. In Northwest Syria, after observing an increase in GBV cases, "*GBV partners are warning against severe consequences already observed, such as suicide attempts, especially amongst girls who are being forcibly married off by their families and abused women*"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 13.

820 See Section III.A.9.b.

821 "*Threats of sexual violence have been documented as a recurrent pattern, circumscribing the mobility of women and girls*"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, https://bit.ly/2WNgz6v, para. 57. "*Females have been disproportionally affected by sexual violence and the threat of rape has resulted in restrictions on their movements. Girls have been confined to their homes, removed from school or faced obstacles to access health care*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 2, see also para. 60.

822 "(…) *fear and threats of sexual violence, including in the context of abduction or detention, has been a major factor in inducing displacement and driving families to flee their homes*"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, https://bit.ly/2WNgz6v, para. 56. See also, UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 64.

### b) Forced and Child Marriage

A February 2019 amendment to the Personal Status Law (Law. No. 59 of 1953) sets the legal age for marriage at 18 years for both men and women[823] and requires the consent of both parties.[824] The minimum age can be lowered to 15 years at the discretion of a judge.[825]

Although not a new phenomenon,[826] reports indicate that the practice of child marriage has surged among Syrian girls since the onset of the conflict.[827] Girls as young as 13 have been married.[828] Marriages of girls below the legal minimum age are concluded according to religious customs, which lack official recognition.[829]

Families may force women and girls to marry for the perceived protection of a marriage from real or perceived threats of sexual violence, for economic reasons,[830] or to cover up the shame of sexual

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823 Previously, the minimum age for girls was 17 years; Enab Baladi, *Amendments to the Personal Status Law: Violation of Sharia or Equity for Women?*, 2 March 2019, https://bit.ly/2Y6GzdY.

824 Article 5 of the Personal Status Law (1953), as amended by Law 4/2019. "*Under the Personal Status Law a valid marriage requires the woman's consent. If a woman who has attained the age of 18 years wants to marry, the judge is required to ask her guardian to give his opinion on the marriage within 15 days. If the guardian does not object to the marriage, or if his objection is not convincing, the judge shall authorize her marriage on the condition of competence and dowry*"; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2. However, "*while the law requires consent of both parties to the marriage contract, a minor is not truly able to object to it because the guardian contracts the marriage in the cases of minors. This is also one of the reasons it is difficult to enforce the minimum age for marriage*"; Musawah, *Syria; Overview of Muslim Family Laws & Practices*, updated 20 January 2020, https://bit.ly/3auRbrK, pp. 9-10.

825 Personal Status Law (1953), as amended by Law 4/2019, article 18. See also, SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 26; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, updated 20 January 2020, https://bit.ly/3auRbrK, p. 6; UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2; Enab Baladi, *Amendments to the Personal Status Law: Violation of Sharia or Equity for Women?*, 2 March 2019, https://bit.ly/2Y6GzdY.

826 "*Before the conflict, 13 per cent of Syrian women aged 20 to 25 were married before the age of 18*"; NRC, *What You Need to Know about Syrian Child Marriage*, 11 February 2019, https://bit.ly/3gbAKCd.

827 "*Almost 100 percent of adolescent girls and ninety-four percent of adolescent boys noted that child marriage has become more common since the start of the conflict, while seventy-one percent of all respondents identified conflict and insecurity as the top driver of child marriage*"; WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, p. 4, see also p. 10. "*Among girls, there were alarmingly high rates of forced child marriage (reported by a major 81% in Hassakeh and 27% in Deir Ezzor) and sexual violence in both Deir Ezzor (93%) and Hassakeh (65%)*"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/345iyYa, p. 15. See also, STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, https://bit.ly/3nRB2BO, pp. 3-4; UNICEF, *Syria: Facts and Figures*, June 2020, https://uni.cf/2OolshQ, p. 5; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 35.

828 "*Interviewees, including health personnel, reported that girls as young as 13 are routinely removed from school and many had been subsequently married off, including on occasions to older men*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 108. See also, STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, https://bit.ly/3nRB2BO, p. 15.

829 While a customary marriage of a girl under the age of 15 cannot be registered, the spouses may register the marriage once the girl reaches the age of 15, subject to review by a *Shari'a* judge and the possibility of being subject to the fine prescribed by the penal code for an unregistered marriage. However, the judge may, in practice, accept to register the customary marriage even if the child is below 15 years of age when the judge determines that it would be in the best interest of the child. In this case, the registration will be based on a marriage authentication lawsuit filed before the *Sharia* court; UNHCR Information, December 2020. Unregistered marriages "*leave child brides with little protection, facilitating divorce for husbands and abandonment for girls*"; Brookings, *Forced Displacement and Child Marriage: A Growing Challenge in MENA*, 19 June 2019, https://brook.gs/2CCgLie. "(...) *articles 469-471 of the Penal Code were amended by Law 24 of 2018 by imposing fines for knowingly engaging in out of court marriages. The Penal Code now stipulates that a cleric who concludes an out-of-court marriage, without verifying (wittingly or not) the relevant legal requirements of the personal status law (PSL), is liable to legal punishment. In addition, the spouses, their representatives, and the witnesses are also liable to legal sanction*"; UNFPA, *Format for the Country Programme Performance Summary*, undated, https://bit.ly/3gZfKPu, p. 8. "*Law 24 of 2018 was promulgated to amend Article 469 of the Penal Code and it increased the punishment of any person entering into marriage with a minor outside of court*"; Syrian Arab Republic / Syrian Commission for Family and Population Affairs, *National Report of the Syrian Arab Republic Beijing+25*, undated, https://bit.ly/3lG7g37, p. 34. "*In June 2018, the Syrian Parliament adopted an amendment to the Penal Code, which introduced stricter fines and punishments for anyone entering into a marriage privately without registering it and without all the conditions being met*"; Landinfo, *Syria: Marriage Legislation and Traditions*, 22 August 2018, www.ecoi.net/de/dokument/1454015.html, p. 11. The Arabic text of Law 24/2018 is available here: https://bit.ly/2EUX5qH. See also, Syrian Law Journal, *A Comprehensive Insight into Syrian Family Law*, 3 October 2019, https://bit.ly/311w1hN.

830 "*The Commission continued to receive reports of parents engaging their daughters in early marriage for 'protection' concerns or to alleviate financial burdens further compounded by the conflict*"; UN Human Rights Council, *Report of the Independent*

violence that they may have experienced.[831] There are reports of women and girls being forced into temporary marriages for the purposes of sexual exploitation or trafficking.[832] In a new development, families are reported to have used hormones on pre-pubescent girls as a way to induce puberty for the purpose of child marriage or sexual exploitation.[833] Women and girls who are forced into marriages are reported to be particularly vulnerable to domestic violence.[834]

Women and girls have also been forced to marry members of armed groups in areas under their *de facto* control.[835]

#### c) Domestic Violence

Domestic violence, including at the hands of husbands, fathers, brothers and in-laws, is reported to be increasing in the context of conflict, displacement and economic insecurity,[836] and remains widely accepted in society.[837] There is no adequate legal framework protecting victims from domestic

*International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 108. "*Early and forced marriages are a problem, with displaced families in particular marrying off young daughters as a perceived safeguard against endemic sexual violence or due to economic pressure*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. See also, WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, pp. 4, 10-11; International Review of the Red Cross, *Child Marriage in Armed Conflict*, IRRC No. 911, June 2020, https://bit.ly/3iOKqEo; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 64.

831 Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 16.

832 "*The GBV sub-cluster continues to receive reports about families marrying off their daughters repeatedly for short period in exchange of money*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, https://bit.ly/3ht6AuF, p. 12. "*Temporary marriages in Egypt, Morocco, **Syria**, Yemen and among refugee communities in Jordan and Lebanon are many times a guise towards sexual exploitation and forced prostitution*" (emphasis added); ECPAT International, *Regional Overview: Sexual Exploitation of Children in the Middle East and North Africa*, 15 May 2020, https://bit.ly/31t0qF1, p. 39. "*Experts are also seeing 'serial marriages,' a form of exploitation in which a girl is briefly 'married' to a client to justify transactional sex*"; UNFPA, *"Life Became a Cage": Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse*, 26 November 2019, https://bit.ly/3jtegiP. See also, NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/345iyYa, p. 14.

833 "(…) *assessments from late 2019 show that gender-based violence continues to rise, with new forms of violence increasing in their intensity and effect, such as forced puberty – which involves injecting young girls with hormones to induce puberty for the purposes of child marriage or sexual exploitation*"; UNFPA, *UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis*, 29 June 2020, https://bit.ly/3g18hi9. See also, OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, https://bit.ly/3ht6AuF, p. 12.

834 STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, https://bit.ly/3nRB2BO, pp. 8-9; WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, p. 10; UNFPA, *"Life Became a Cage": Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse*, 26 November 2019, https://bit.ly/3jtegiP. See also Section III.A.9.c.

835 "*The Commission recorded numerous cases of families forced to allow the marriage of their minor daughters with members of armed groups in rif* [Rural] *Damascus. Such alliances often resulted in the girl being abandoned shortly thereafter, and later prevented from returning to her family home as she had been 'dishonoured'* "; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 66. See also, US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; and For information on forced marriages by SNA-affiliated armed groups, see Section III.A.8.d.

836 "*Gender-based violence (GBV), domestic violence, sexual harassment, and sexual violence have increased across the country, with many women reporting that their husbands are quicker to resort to violence as the external conflict takes an increasing psychosocial toll within the home*"; Concern Worldwide, *Syria: 5 Things to Know in 2020*, March 10, 2020, https://bit.ly/32y50ST. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/345iyYa, pp. 13, 14, 24. There are concerns that restrictions related to COVID-19 may further increase women's vulnerability to domestic violence and other forms of sexual and gender-based violence; The National, *Domestic Violence Is the 'Shadow Pandemic' We Need to Fix*, 5 August 2020, https://bit.ly/2YDw6a4; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, https://bit.ly/32pi1Ow, p. 3; UNFPA, *COVID-19: Guidance Note on Gender-Based Violence Service Provision*, 26 April 2020, https://bit.ly/3hBVWmm.

837 "*Physical violence* [in marriage] *is cited as part of the traditions and customs and considered a mechanism of control, especially of adolescent wives.* (…) *Physical violence was also cited as a method to teach women to be upstanding members of the household*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 30. See also, SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 38.

violence.[838] Survivors of domestic violence often face stigmatization and significant psychological trauma.[839] In a new development, women, particularly in the North-West, are in some cases forced to have sex-selective abortions to ensure they give birth to boys.[840]

Discriminatory cultural and legal practices that may deprive divorced women of child custody, alimony, access to the marital home, and inheritance, as well as stigma associated with divorce, are reported to prevent women from leaving abusive relationships.[841]

#### d) "Honour"-Based Violence

Women accused of premarital or extramarital sexual relations, including as a result of rape or other forms of sexual violence, may be killed or subjected to violence because they are perceived to have transgressed cultural, social or religious norms, thereby bringing shame to their family.[842] While the scale of "honour killings" is unknown due to underreporting, it is estimated that several hundreds of women and girls are killed in Syria every year with an increase noted since 2011.[843] "Honour"-based violence is committed in all parts of Syria and is not limited to any particular region or group.[844]

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838 "*The law does not specifically prohibit domestic violence, but it stipulates that men may discipline their female relatives in a form permitted by general custom*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*Some organizations have attempted to support women, but their impact is limited due to the absence of legal frameworks that punish perpetrators of domestic violence, as well as social norms in certain areas of Syria, which leave women subservient to men*"; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, https://bit.ly/32pi1Ow, p. 3. The definition of rape as included in Article 489 of the Penal Code (Law 148/1949, as amended, see above footnote 813) specifically excludes marital rape while Articles 192 and 242 allow for reduced sentences for perpetrators of "honour" crimes, including of women who have been raped; see Section III.A.9.d.

839 Enab Baladi, *Escaping Their Reality… Syrians Resort to Suicide*, 9 June 2020, https://bit.ly/2NeKXlj. "*Women who reported domestic violence were usually divorced by their husbands or faced problems with their extended families*"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/345iyYa, p. 36. See also, AOAV, *Gender and Mental Health in the Syrian Conflict*, 16 October 2019, https://bit.ly/3hEfyGh. See also above pp. 156-157.

840 UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, pp. 8, 30, 38. OCHA also reported that women are forced to have abortions in order to not add further financial pressure onto their families; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, https://bit.ly/3ht6AuF, p. 13.

841 "*The fear of stigma and shame from being divorced is prohibiting women from seeking it, even if it may be in her best interests. The threat of violence is therefore used as a form of psychological violence to force women to do what men want. In addition, divorce can be used as a weapon against mothers from having custody of or access to other children*"; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 30. See also, WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, pp. 18, 22. The mother has custody of the child automatically until they reach the age of 15, after that custody is with the father by law, irrespective of the best interest of the child; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 28; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, updated 20 January 2020, https://bit.ly/3auRbrK, p. 18.

842 "*NGOs working with refugees reported families killed some rape victims inside the country, including those raped by regime forces, for reasons of honor*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "Honour"-based violence may be directed against survivors of sexual assault and rape due to a "*perception that a survivor of violence is at fault or has damaged her and her family's honour*"; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 42, see also pp. 25, 27, 33-34, 61-79. See also, UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, pp. 35, 46. According to women's rights activist Lynne Faisal, "*many women and girls in Suwayda are killed by their own brothers, husbands or other relatives to get their inheritance. The men accuse them of obscene acts to justify their crime as a so-called honor killing*"; Al-Monitor, *Honor Killings Against Women Increase in Southeast Syrian City*, 3 December 2020, https://bit.ly/3qQfo3z.

843 Focus group participants in March 2019 made "*references to fear of women being killed if they are viewed as having committed a transgression.*" And: "*Before the conflict, it was estimated that roughly 300 Syrian women per year were killed by their family*"; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html. "*There were no officially reported honor killings during the year, but reporting from previous years indicated that honor killings increased since the onset of the crisis in 2011*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Focus group participants for the 2019 Voices from Syria report reported "honour"-based violence to occur in Suweida, Damascus, Homs, Idlib and Lattakia Governorates; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 61, 63, 69, 71, 75. See also, Al-Monitor, *Honor Killings Against Women Increase in Southeast Syrian City*, 3 December 2020, https://bit.ly/3qQfo3z; Kurdistan 24, *Female YPJ Fighter in Syria Allegedly Murdered by Relatives in 'Honor' Killing*, 3 September 2020, https://bit.ly/32UCuuJ; Enab Baladi, *New Law Abolishes Honor Killings' Mitigating Excuse in Syria*, 14 March 2020, https://bit.ly/33Oxt9m; STJ, *Figures Show a Rise in Homicides Against Women in Idlib and Hama*, 5 January 2020, https://bit.ly/2PI9UXj.

844 STJ, *Figures Show a Rise in Homicides Against Women in Idlib and Hama*, 5 January 2020, https://bit.ly/2PI9UXj; UNHCR, *Syria: COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria*, 30 September 2019, www.ecoi.net/en/file/local/2018908/5db174a44.pdf (and sources referenced therein), p. 4; STJ, *Syria: Girl, Two Women Murdered in Alleged "Honor Killing"*, 13 July 2019, https://bit.ly/31M10NZ.

In February 2020, the Syrian Parliament repealed Article 548 of the Penal Code, which had allowed for a reduced sentence in murder cases if the perpetrator had found their wife or relative committing adultery or in a "*suspicious situation*".[845] However, Articles 192 and 242 of the Penal Code continue to permit judges to reduce sentences if the defendant asserts an "honour" defence.[846] In practice, "honour"-based violence is often not prosecuted.[847]

#### e) Situation of Women without Male Support

Women without male support provided by their (extended) family, including single women, widows, and divorcees, often face stigmatization from their families and communities[848] and are reported to be particularly vulnerable to further abuse, exploitation and trafficking.[849]

UNHCR considers that women and girls falling in the following categories **are likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-state actors for reasons of their membership of a particular social group, their political or imputed political opinion, and/or their religion, depending on the individual circumstances of the case:

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845 SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 21; Enab Baladi, *How Have Provisions of "Honor Killings" Evolved in Syrian Law*, 19 March 2020, https://bit.ly/2PJLRYep; The Syrian Observer, *Legally, No Honor Killings in Syria after Today*, 13 March 2020, https://bit.ly/33MBw5T. See also, Syrian Law Journal, *Honor Killings Law – Criminal Code (Amendment): Law 2/2020*, accessed 28 February 2021, https://bit.ly/3o3w0n9. Adultery and extra-marital sex are illegal in Syria under the Penal Code (articles 473 and 474). However, for married women, the sentence for adultery could range from three months to two years imprisonment (irrespective of where the act was committed), but adultery by married men is only punishable for prison sentences ranging from one month to one year and only if the act occurred in the marital home; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 24. See also, UNFPA, *Syria: Gender Justice & the Law*, December 2019, https://bit.ly/3g6c0Ma, p. 2.

846 SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, https://bit.ly/32BPt4l, para. 23; Enab Baladi, *How Have Provisions of "Honor Killings" Evolved in Syrian Law*, 19 March 2020, https://bit.ly/2PJLRYep; Freedom House, *Freedom in the World 2020: Syria*, 4 March 2020, www.ecoi.net/en/document/2030806.html.

847 "*The law permits judges to reduce penalties for murder and assault if the defendant asserts an 'honor' defense, which often occurred. The regime kept no official statistics on use of this defense in murder and assault cases and reportedly rarely pursued prosecution of so-called honor crimes*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

848 UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 26. "(…) *widowed or unmarried women are also subjected to a social environment where the cultural mores tend to be heavily stacked against them.* (…) *To be accused of extramarital relations – as could happen to, for example, a widowed mother unable to give evidence of her marriage – is no small matter in Syria. In many Syrian communities, allegations of 'improper' actions by a woman have the potential to damage the social standing of her entire family*"; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html. See also, SJAC, *The Women Left Behind*, 11 June 2020, https://bit.ly/3gqX36M. "*Because divorce is stigmatized in Syria, the children's reputation and future would be compromised if they were children of divorced parents*"; Ahlam Al-Natour *et al.*, *Marital Violence During War Conflict: The Lived Experience of Syrian Refugee Women*, in Journal of Transcultural Nursing, 2019, Vol. 30(1), https://bit.ly/3jaOhvx, p. 36.

849 "*Cases of exploitation of women (both financial and sexual exploitation) have been reported in recent weeks. Alleged perpetrators include camp managers and landlords. IDP women heads of household are especially at risk of this type of exploitation due to situations of (financial) vulnerability as well as societal dynamics. Cases such as these are most frequently reported in IDP sites exclusive to widowed and divorced women and girls (so-called 'widow camps')*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, https://bit.ly/3ht6AuF, p. 12. "*Data gathered suggests that groups such as female-headed households, older women, women with disabilities, and divorced or widowed women are vulnerable to discrimination which could lead to exploitation and abuse, with the situation likely to be exacerbated as the crisis continues and affected people resort to increasingly harmful coping mechanisms*"; OCHA, *HNO 2020*, July 2020, p. 46. "*Online harassment, revenge pornography, sextortion have increased this year throughout the country. Adolescent girls, widowed and divorced women were identified as being more vulnerable as targets for cyber harassment.*" In some cases, men have videotaped intercourse during a short-term marriage and then used the video to blackmail the woman after divorce; UNFPA, *Voices from Syria 2020*, 2 April 2020, https://bit.ly/30AdBUa, p. 33. "*Female- or child-headed households were exposed to higher levels of risk and exposure to different forms of exploitation, including early and forced marriage or child labour. Female-headed households were more vulnerable to food insecurity*"; CARE, *Rapid Gender Analysis North West Syria (Idleb and Aleppo)*, February 2020, https://bit.ly/34wqDFO, p. 8. See also, US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, https://bit.ly/3hH1Nq0, pp. 7, 18, 21; UNFPA, *Unbroken: Stories of Syrian Adolescent Girls*, October 2019, www.ecoi.net/en/document/2018302.html, p. 7; MRGI, *Syria: Current Issues*, last updated June 2019, https://bit.ly/2S0bTYa; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 23; CCCM Cluster *et al.*, *Guidance Note: Mitigating Protection Risks in IDP Sites Exclusive to Widowed and Divorced Women and Girls*, February 2019, https://bit.ly/34wD3xe, pp. 1-3.

a) Survivors and those at risk of sexual violence, domestic violence, or "honour"-based violence;

b) Survivors and those at risk of forced and/or child marriage;

c) Survivors and those at risk of trafficking for the purpose of sexual exploitation and forced prostitution;

d) Women and girls without genuine family support, including widows and divorcees.

State protection from such persecution where the actors of persecution are non-state actors is generally not available.

For women and girls targeted on account of their real or perceived political opinion, their ethnic or religious identity (including for perceived transgressions of *Shari'a* law), or their diverse sexual orientations and/or gender identities, see also other profiles in Section III.A.

### *10) Children with Certain Profiles or in Specific Circumstances*

Children may fall within a number of the other risk profiles contained in these guidelines. In particular, actors to the conflict are reported to target children for abduction, arbitrary arrest and detention,[850] enforced disappearance,[851] torture,[852] rape and other forms of sexual violence,[853] and extra-judicial executions.[854] Children are targeted for a variety of reasons, including their real or perceived

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850 The arrest or abduction of children has been attributed to government forces, the YPG/YPJ/SDF, HTS and anti-government armed groups, as well as groups affiliated with the SNA. The UN in 2019 verified the detention or deprivation of liberty of at least 218 children (216 boys, two girls) "*by YPG/YPJ (194) under the umbrella of SDF, ISF (20), Hay'at Tahrir al-Sham (2) and Syrian government forces (2). In October* [2019]*, the United Nations verified the deprivation of liberty of 150 boys, some as young as 9, of Syrian nationality and of at least 22 other nationalities, by YPG/YPJ under the umbrella of SDF, for alleged association with ISIL*"; UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 174. "*Government forces have also detained boys as young as 12, subjecting them to severe beatings and torture, and denying them access to food, water, sanitation and medical care.* (… ) *Children were detained* [by armed groups] *and used to extract ransom or as bargaining chips to initiate prisoner swaps with government forces and affiliated militias. In some cases, boys were forcibly recruited as fighters by armed groups, including the Kurdish People's Protection Units*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 56-57. While some children are held in juvenile sections or prisons, others are held with adults in government detention centres; LDHR, *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, https://bit.ly/36rFyP9, p. 32.

851 According to SNHR, by November 2020, over 4,950 children remain detained or forcibly disappeared at the hands of parties to the conflict, including the government (3,609 children), SDF/YPG (652), anti-government armed groups / SNA (339), ISIS (319) and HTS (37); SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 7. See also, AGPS, *AGPS: 49 Palestinian Children Syria Forcibly Disappeared in Syrian Prisons*, 3 September 2020, https://bit.ly/2GT6vUp.

852 SNHR recorded the deaths of 179 children between March 2011 and November 2020 as a result of torture, the majority of which (173) have been attributed to government forces. SNHR found that government forces subjected children to the same forms of torture and detention conditions as adults. SNHR also recorded incidents of torture and ill-treatment of children at the hands of HTS and SNA-affiliated armed groups; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, pp. 8, 11, 24, 35. "*In detention, as in the case for adults, children* (…) *were subjected to torture or other cruel, inhuman or degrading treatment. Chilling accounts collected from victims and witnesses over the years demonstrate blatant violations of children's rights, including perpetrating sexual violence and torture as well as beatings with objects such as pipes. On occasions, children were also deprived of food and vital medical care, whipped and used to coerce confessions from their parents.* (…) *The Commission has documented cases of children as young as seven dying in State custody.* (…) *Children witnessed the torture or other inhumane treatment inflicted on family members, and, on occasions, were forced to inflict torture on other detainees*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 52-54. LDHR documented the detention and torture of children in 20 government prisons and detention facilities across Syria; LDHR, *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, https://bit.ly/36rFyP9, p. 16. See also Sections II.E and III.A.1.b.

853 "*In* [government] *detention centres, but also more broadly, rape and sexual violence was used against boys and girls as a tool to punish, humiliate and instil fear among affected communities. Such acts resulted in movement restrictions on girls, with many being removed from school, and compelled families to relocate abroad*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 56. "*Syrian regime forces regularly commit sexual violence against children in detention centres and during raids and inspections*"; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 15. "*Sexual violence perpetrated against children and attributed to parties remained underreported. The United Nations verified 11 cases of sexual violence against girls in detention by government forces, which occurred in previous years and were verified at a later date*"; UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 176. "*Both boys and girls were subjected to different forms of sexual violence in Syria by pro-government forces. Some of these survivors were returned to their communities to then be stigmatized as 'victims of rape' in an effort to encourage rejection by their families. In this instance, sexual violence was used intentionally to bring shame to families and perhaps as a measure to force people from their homes*"; Ecpat International, *Regional Overview: Sexual Exploitation of Children in the MENA*, 2020, https://bit.ly/2YYiabg, p. 24.

854 See Section II.E.

participation in political activities[855] or in combat support roles,[856] and their real or perceived association with other parties to the conflict, including on account of their familial relations,[857] their area of origin, and/or their religious or ethnic identity.[858]

Children born in areas previously or currently outside of government control,[859] children born to women with real or alleged familial links to ISIS fighters,[860] and children born out of wedlock or to parents whose marriage was not officially registered, including in the case of rape,[861] are reported to face obstacles to be registered with the competent authorities.[862] As a result, many do not hold any recognized documentation of their identity, family composition or nationality, impeding access to basic services,

855 HRW, *The Children of Syria: Young Lives Damaged by War*, 13 March 2020, https://bit.ly/3e2kpP5; The New Arab, *Syrian Regime Detains Children at Palestinian Camp for Allegedly Tearing Down Assad Poster*, 7 January 2020, https://bit.ly/301nt8u; Raseef 22, *"They Were Subjected to all Forms of Torture"... The Systemic Jailing of Syrian Children*, 18 October 2019, https://bit.ly/3dDEF9y. See also Section III.A.1.a.

856 See Section II.E.

857 "*In the majority of incidents, children were abducted* ***owing to the alleged affiliation of relatives with opposing groups*** *or as a precursor to their recruitment*" (emphasis added); UNGA/UNSC, *Children and Armed Conflict,* 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 179. "*The COI* [IICISyria] *noted regular reports of detention and torture of children younger than 13, in some cases as young as 11, in regime detention facilities. Officials reportedly targeted and tortured children because of their* ***familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups.*** (…) *Reports from the COI and NGOs detailed abuses against children committed by the Assad regime and armed militia groups and described the prevalence of shabeh* [suspending detainees by their wrists for prolonged periods]*, lynchings, beatings, rape, and forced sexual acts among children, among other abuses*. (…) *According to reliable witnesses, authorities continued to hold a number of children* ***to compel parents and other relatives associated with opposition fighters to surrender to authorities***" (emphasis added); US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 11; Mercy Corps, *Adolescence Lost: Forced Adulthood and a Fragile Future for Syria's Next Generation*, February 2020, https://bit.ly/2YJa5Hf, p. 8; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 50-58. See also Section III.A.1.b.

858 See Sections III.A.1.a, III.A.3 and III.A.8.

859 "*Girls and boys born in former opposition-controlled areas also faced numerous obstacles to obtain civil registration, since documents provided by armed groups are not recognized by competent Government authorities*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95; Enab Baladi, *Marriage in Idlib: Unrecognized Contracts and Children with no IDs*, 12 October 2019, https://bit.ly/3eKv3Lk; UN Committee on the Rights of the Child (CRC), *Concluding Observations on the 5th Periodic Report of the Syrian Arab Republic*, 6 March 2019, CRC/C/SYR/CO/5, www.ecoi.net/en/document/2003454.html, paras 23(a) and (b).

860 "*Syrian women with familial links to ISIL fighters continued to face obstacles in registering their children with the competent authorities upon their return to government-controlled areas*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95. "*The situation of displaced children, in particular girls and boys persisting in al-Hol or al-Roj camps with familial links to ISIL fighters, is particularly precarious. Of some 45,000 children who were at al-Hol camp at the time of writing, including those born as a result of rape, a large number lack birth registration documents, either due to lost documents or an inability to register*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77.

861 "*Syrian women moreover have faced difficulties in registering their children, as Syrian nationality is conferred to a child through his or her Syrian father. Despite some limited exceptions to that rule in certain circumstances, for example for children born out of wedlock and in cases of rape, they appeared to be utilized rarely, likely owing to social norms and the stigma attached*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 65. "*Alongside this, gender-discriminatory provisions embedded into Syrian legislation and the present context of conflict and displacement are generating new cases of children at risk of statelessness. Women whose children are born with no legally established paternity continue to face problems in passing their Syrian nationality to the next generation*"; ENS, *Statelessness Among Syria's Displaced: Still Unidentified*, 27 February 2020, https://bit.ly/2Zf1Q5V. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 93; CRC, *Concluding Observations on the 5th Periodic Report of the Syrian Arab Republic*, 6 March 2019, CRC/C/SYR/CO/5, www.ecoi.net/en/document/2003454.html, paras 23(c) and (d). See also, STJ, *"I Don't Know if I'll Tell Her the True Story or Not"*, 22 July 2019, https://bit.ly/2NI5PSc. For information about obstacles to accessing legal remedies, see also UNHCR, *COI Note on the Treatment of Women with Children Born out of Wedlock in Syria*, 30 September 2019, www.refworld.org/docid/5db174a44.html (and sources referenced therein).

862 "*One of the major protection concerns for children in Syria was the civil registration and the right to acquire nationality. This was a long-standing issue which had been aggravated by the armed conflict and displacement, with some groups of children continuing to be at high risk of not being registered and documented at birth, for example children born to non-married parents or in mixed religion marriages, and children born out of situations of sexual violence or in contested or isolated areas*"; CRC, *Committee on the Rights of the Child Reviews the Situation of Children in Syria*, 16 January 2019, https://bit.ly/2VuBpHd.

including health, education and employment; limiting freedom of movement;[863] and leaving them at heightened risk of statelessness,[864] exploitation and abuse.[865] Due to prevailing social norms, which are unaccepting of children born outside wedlock, such children are also subjected to stigmatization and discrimination.[866]

Children are also reported to be at risk of child-specific forms or manifestations of persecution, including sexual violence;[867] forced and/or child marriage;[868] domestic violence;[869] "honour crimes";[870] worst forms of child labour such as under-age recruitment,[871] trafficking, forced labour and commercial sexual exploitation;[872] as well as hazardous work likely to harm their health, safety or morals such as begging,

863 UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 76. See also, STJ, *"I Don't Know if I'll Tell Her the True Story or Not"*, 22 July 2019, https://bit.ly/2NI5PSc.

864 A lack of identification documents "*puts a substantial fraction of them, especially newborns and children, at grave risk of statelessness and long-lasting social marginalization*"; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 35. See also, UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 76-77.

865 "*They remain vulnerable to exploitation through child labour or child marriage, often as a result of the death or disappearance of male parental figures*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 61. See also, UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77.

866 "*Both children with unknown parents and foundlings face a severely negative stigma, due to the belief that they are the product of extramarital relationships*"; Syria Direct, *In Idlib, Children Are Cast into the Unknown*, 20 February 2020, https://bit.ly/3ipMPpE. See also, STJ, *"I Don't Know if I'll Tell Her the True Story or Not"*, 22 July 2019, https://bit.ly/2NI5PSc; UNHCR, *COI Note on the Treatment of Women with Children Born out of Wedlock in Syria*, 30 September 2019, www.refworld.org/docid/5db174a44.html (and sources referenced therein).

867 See Section III.A.9.a.

868 See Section III.A.9.b.

869 "*In one survey of Syrian adults in 2017, 50 percent reported that they believed that instances of domestic violence had grown in their communities since 2011. Another found that about 17 percent of Syrian communities report that violence against children in the home is a common or very common occurrence in their neighbourhoods*"; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, https://bit.ly/3dJHpCi, p. 17. "*The law does not specifically prohibit child abuse, but it stipulates that parents may discipline their children in a form permitted by general custom. According to a 2017 UNFPA report, violence against children, especially girls, was pervasive and increasing due to the conflict and the lack of economic opportunity for men*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also Section III.A.9.c.

870 See Section III.A.9.d.

871 "*Syrian government forces, pro-regime militias, and armed non-state actors* (…) *recruit and use boys and girls as child soldiers. Jabhat al-Nusra and ISIS also have used children as human shields, suicide bombers, snipers, and executioners. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or 'shabiha,' forcibly recruit children as young as six years old*"; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. "*Children, most frequently boys, but also on occasion girls, have been used in hostilities by parties to the conflict for combat roles, to acts as spies, informants, or to serve at checkpoints, in violation of international humanitarian law*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 31. See also, Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, https://bit.ly/3dJHpCi, p. 17; UNICEF, *Almost 5 Million Children Born into War in Syria, 1 Million Born as Refugees in Neighbouring Countries*, 15 March 2020, https://uni.cf/3hakKIs. On child recruitment by various actors, see Section II.E.

872 "*Syrians that remain displaced in the country and those living as refugees in neighboring countries are extremely vulnerable to traffickers. Syrian children are reportedly vulnerable to forced early marriages, including to members of terrorist groups such as ISIS – which can lead to commercial sexual exploitation and forced labor – and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings*"; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. "*The law provides for the protection of children from exploitation in the workplace and prohibits the worst forms of child labor.* (…) *The regime generally did not make significant efforts to enforce laws that prevent or eliminate child labor.* (…) *Child labor occurred in the country in both informal sectors, such as begging, domestic work, and agriculture, as well as in positions related to the conflict, such as lookouts, spies, and informants*"; US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*Children may be at risk of being forced to work, with boys being particularly exposed to heavy labor and abuse, while girls are at extreme risk of sexual exploitation and verbal and sexual harassment when forced to work or beg*"; UNFPA, *Overview of Gender-Based Violence in Syria: Advocacy Brief*, November 2019, https://bit.ly/2LGgTyu, p. 3. See also, SOHR, *Child and Women Begging in NW Syria: Destitution, Exploitation and Lack of Oversight*, 10 February 2021, https://bit.ly/3aDAxI5; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 75. AGPS also reported the exploitation of Palestinian children and youth by illegal drug trafficking networks in Neirab camp in Aleppo Governorate; AGPS, *AlNeirab Camp Residents Caught Between the Hammer and Barrel*, 17 January 2021, http://bit.ly/3pTapxs.

street vending, collecting garbage, domestic work, and working on construction sites.[873] IDP children,[874] children from socio-economically disadvantaged backgrounds,[875] undocumented children, children with disabilities as well as orphaned, abandoned and separated children[876] are reported to be particularly vulnerable to different forms of exploitation, including underage recruitment, child labour, forced and/or child marriage, sexual exploitation, and trafficking.[877]

In areas where schools are systematically targeted by airstrikes or bombardment by parties to the conflict, children are regularly deprived of their right to education as schools have been closed,

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873 Despite laws against child labour, large numbers of children are compelled to work to be able meet their and their families' basic needs. Incidents of child labour have been reported in 84% of assessed communities in all 14 governorates; OCHA, *2020 HNO*, July 2020, p. 20. "*The impact of the SYP devaluation exacerbates an already dire humanitarian situation for children in northwest Syria. This is resulting in a steep increase in child labour, including in its worst forms. Reports from the field confirm increase in the numbers of children in the street until very late at night begging or hoping for casual labour*"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 17*, 13 July 2020, www.ecoi.net/en/document/2033561.html, p. 12. "*Boys have been compelled to take up the role of the main breadwinner, especially in female-headed households. While armed groups created financial incentives for boys to join their ranks, others engaged in petty jobs to secure an income for their families such as selling peanuts or working in mechanic shops.* (…) *children have been used for other forms of work that is highly detrimental to their development, including boys being used as smugglers, as workers at construction sites or as porters. Homeless children have also regularly been forced to beg*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 75. See also, VOA, *Neglect Drives Child Labor in Syria*, 24 February 2021, http://bit.ly/3svbXzx; SOHR, *Child and Women Begging in NW Syria: Destitution, Exploitation and Lack of Oversight*, 10 February 2021, https://bit.ly/3aDAxI5; North Press Agency, *Displaced Children Dropped Out of School in Syria's Aleppo Result in Illiterate Generation*, 21 September 2020, https://bit.ly/3juJ6Gy; Enab Baladi, *Families of Northern Syria Risk Their Lives by Scavenging on Rubbish Dumps to Earn a Living*, 24 August 2020, https://bit.ly/3gGE8oS; SOHR, *Idlib: Agricultural Entrepreneurs in Countryside Take Advantage of Poverty, Sending Children to Work near Frontlines with Regime Forces*, 20 July 2020, https://bit.ly/2OHEeRB; Enab Baladi, *Child Labor in al-Raqqa Street Markets in Northern Syria*, 5 June 2020, https://bit.ly/2ZgnwNN; Al-Monitor, *Many in Northern Syria Live Off Rubbish Dumps*, 1 April 2020, https://bit.ly/3887uJR; MEE, *Syrian Children in Idlib Work to Feed Families after Bombs End Their Schooling*, 28 March 2020, https://bit.ly/3gdfDQh; Al-Monitor, *Syrian Children Labor to Support Families Torn Apart by War*, 2 February 2020, https://bit.ly/3g0DpP6.

874 "*For children, displacement often means that school-aged children are not attending school and the risk of other protection concerns – e.g. early and forced marriage – is increased*"; WVI, *Northwest Syria Gender Analysis*, 5 May 2020, www.ecoi.net/en/document/2026268.html, p. 8. "*Displaced people are especially vulnerable to labor exploitation and human trafficking* (…)"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Adolescent girls* [in displacement camps] *were disproportionally affected by sexual and gender-based violence, child marriage and exploitation*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 70.

875 "*Four out of five people in Syria live below the poverty line, leading to recruitment into fighting, child labor, and child marriage*"; HRW, *The Children of Syria: Young Lives Damaged by War*, 13 March 2020, https://bit.ly/36rRSk1. See also, OCHA, *Recent Developments in Northwest Syria: Situation Report No. 16*, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 12.

876 According to reports, cases of abandonment of newborns have increased significantly during the conflict; however, no official statistics are available. Poverty is reported to be one of the reasons contributing to the increasing numbers, especially in displacement camps in north-western Syria. Other cases of abandonment reportedly concern children who were born out of wedlock, including out of rape or (forced and/or child) marriage with a foreign fighter. STJ reported that abandoned "*children have no safeguards against child labor, including the recruitment and use of child soldiers.*" It further reported that abandoned children in Idlib were not allowed to enroll in school but to only attend as "*listeners*", leaving them with no official school records. Furthermore, according to STJ, HTS specifically called for the recruitment of abandoned children; STJ, *"I Don't Know if I'll Tell Her the True Story or Not"*, 22 July 2019, https://bit.ly/2NI5PSc. See also, SOHR, *Nearly 70 Cases Documented by SOHR since Early 2020: An Alarming Rise in the Number of Babies of Unknown Parentage in North Syria*, 21 February 2021, http://bit.ly/37MHJA9; SOHR, *Abandoned Children: Residents Found Baby Left in front of a Mosque in Ariha City*, 21 February 2021, https://bit.ly/2NJbZVe; SOHR, *Abandoned Children: A Phenomenon that Threatens Syrian Society,* 13 November 2020, https://bit.ly/3o5sfwE; Syria Direct, *In Idlib, Children Are Cast into the Unknown*, 20 February 2020, https://bit.ly/3ipMPpE.

877 "*Girls and boys* (…) *are vulnerable to exploitation through child labour or child marriage, often as a result of the death or disappearance of male parental figures.*" And further: "*Owing to pre-established gender norms, boys have been expected to take on the role of a breadwinner, especially within female-headed households, following the arrest, detention or disappearance of male parental figures.*" And further: "*Adolescent girls* [in displacement camps] *were disproportionally affected by sexual and gender-based violence, child marriage and exploitation*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, p. 2, para. 39. "*Boys were identified as working in construction, factories, selling fuel, carpentry, car mechanics and blacksmithing.* (…) *Often in these various places of employment that use child labour, children are at risk of, and experience, sexual harassment, exploitation and violence*"; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 45-46. See also, US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; Al-Monitor, *Many in Northern Syria Live Off Rubbish Dumps*, 1 April 2020, https://bit.ly/3887uJR; Al-Monitor, *Syrian Children Labor to Support Families Torn Apart by War*, 2 February 2020, https://bit.ly/3g0DpP6; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95.

damaged or destroyed, or because parents fear for the safety of their children.[878] In areas under *de facto* control of HTS and other hard-line or extremist Islamist groups, girls are reported to be banned from schools if they do not abide by these groups' dress codes.[879] Other reported reasons for which children may be denied access to education include the lack of civil documentation; the need to work and provide for their families; forced recruitment (mostly boys); movement restrictions due to families' fear of kidnapping and sexual violence (mostly girls);[880] as well as forced and child marriages (mostly girls).[881]

The government is reported not to recognize school diplomas issued by non-state authorities in areas previously outside of government control.[882] Students from areas outside government control who seek to travel to government-held areas in order to sit for national school exams are reported to be at risk of harassment and intimidation and of exposing their families' names to the authorities.[883] Others have been prevented by anti-government armed groups, including HTS, from travelling to areas under government control in order to sit for their exams.[884]

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878 "*Children's right to education has been denied by all parties to the conflict.* (…) *A large number of schools have been the site of protests and were subsequently targeted by Government forces. This resulted in schools gradually closing down across the country due to fears of military attack.* (…) *the Commission received credible information that some 70 schools in the demilitarized zone of Idlib have been destroyed or damaged by hostilities, depriving over 200,000 pupils of formal education*. (…) *Armed groups and terrorist organizations struck schools indiscriminately and often used them for military purposes, including as depots, barracks, or launching sites, further endangering children's lives by changing the institutions' protected statuses, and hindering children's access to education*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 42, 43, 44, 47. See also, SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, https://bit.ly/3agi2tv, p. 15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 94; and Section II.E.

879 "*In areas under the control of the Hay'at Tahrir Al-Sham terrorists, many girls were prevented from attending school* (…)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 59. "*In Idlib Governorate, members of HTS issued decrees in schools emphasising that female students who did not abide by the dress code would be banned from attending classes*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 49. "*ISIS and the HTS reportedly imposed their interpretation of sharia on schools and discriminated against girls in the territories they controlled*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, https://bit.ly/3eZzK4k; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, p. 10. See also Section III.A.8.e.

880 "*Girls, in particular, may be denied education due to parents' concern over their safety, or due to early/forced marriage, the latter being necessary to preserve family honor and reputation. Sexual violence and sexual harassment risks are often the main reasons cited for girls to drop – or be taken – out of school by their parents.*" And further: "*Parents may not allow girls to go to school for fear of abduction or sexual harassment on the way there and back*"; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 35, 43. See also, UNHCR, *Critical Needs for Syrian Civilians in Rukban, Solutions Urgently Needed*, 15 February 2019, https://bit.ly/3g5IXHG.

881 "*Once married, girls are often forced to drop out of school and face additional restrictions of freedom and movement*"; Protection UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 30. See also Section III.A.9.b.

882 "*Reports indicate that Government authorities have accepted the attendance of younger children, however, they are allegedly refusing to acknowledge school certificates provided by armed groups to students in grade nine and above. This is forcing thousands of students to repeat classes and retake exams in order to be enrolled in public schools*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 46.

883 "*According to reports, in at least two separate incidents, non-state armed group members denied dozens of students safe transit through checkpoints in Idleb and Aleppo governorates while en route to examination centers. Other reports indicate that elsewhere, including in Ar-Raqqa governorate, students have been subject to harassment and intimidation*"; OCHA, *Joint Statement on Safe Access for Students to Sit Final Examinations*, 19 June 2020, https://bit.ly/3eMMfQv. See also, Enab Baladi, *Controversy in Idlib about Sitting Exams of High and Middle School Diplomas in Hama*, 30 June 2020, https://bit.ly/2BpZtnF. "*Only government-affiliated schools provide widely recognized certification and displaced children in opposition-held areas seeking access to examinations in government-held schools face risks, including exposure of their families' names to government authorities, physical security threats at checkpoints and the insecurity of areas between zones of control*"; UNESCO, *Global Education Monitoring Report, 2019: Arab States; Migration, Displacement and Education*, 26 November 2019, https://bit.ly/3ieRdYr, p. 6. Similarly, girls from Eastern Ghouta may not be able to sit for national exams in Damascus as their parents fear harassment at government checkpoints; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, https://bit.ly/306HdJO, p. 11.

884 "*On 17 June 2020, Hay'at Tahrir al-Sham (HTS) issued a decision preventing male and female students from leaving Idlib to regime-held areas in Hama to sit for their final exams, scheduled on 21 June 2020. That decision impacted more than 200*

UNHCR considers that children falling in the following categories **are likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of state or non-state actors for reasons of their membership of a particular social group (including the particular social group of "children in Syria"), their religion, and/or their political or imputed political opinion, depending on the individual circumstances of the case:

a) Survivors and those at risk of sexual violence, forced and/or child marriage, domestic violence, or "honour crimes";

b) Survivors and those at risk of under-age recruitment;[885] trafficking; and other worst forms of child labour.[886]

UNHCR considers that depending on the individual circumstances of the case, children falling in the following categories **may be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-state actors for reasons of their membership of a particular social group or other relevant Convention grounds:

a) Children engaged in labour likely to harm their health, safety or morals ("*hazardous work*"), depending on the particular child's experience, his/her age and other circumstances;[887]

b) School-age children who are systematically denied from accessing education, including as a result of targeted attacks against schools, lack of civil documentation, disabilities, or discriminatory practices inhibiting access to education by girls on account of their gender;

c) Children who are denied or at risk of being denied access to birth registration or other civil documentation, and for whom legal remedies are either not accessible or ineffective.

Regarding the international protection needs of children at risk of being arrested, abducted, tortured, or extra-judicially killed on account of their real or perceived affiliation with a party to the conflict, see Sections III.A.1, 3, 4 and 5.

Claims for international protection submitted by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including any examination of exclusion considerations for former child soldiers.[888]

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*students* (…). *Reportedly, when students tried to leave Idlib to take their exams in the village of alTrenbah near the city of Saraqib, HTS members started shooting in the air and beating them with hands and sticks. Further, two students confirmed being detained for hours by HTS during which they were beaten with sticks and plastic hoses and had their heads shaved in a humiliating way, while others said that they had their exam cards confiscated for expressing objection to HTS' decision.*" Furthermore, "*the Directorate of Education of the Syrian Interim Government* (…) *also prevented over 1.000 primary and secondary students from accessing regime-held areas to sit their final exams through the Turkish-backed Syrian National Army's (SNA) checkpoints in northern and western rural Aleppo, which led some students to take clandestine and circuitous routes to reach government areas. In the same vein, the Interim Government's Directorate of Education in Aleppo passed other arbitrary decisions, as in July 2020 it issued a circular calling for the dismissal of male and female workers who sent their sons to sit their exams in regime-held areas in 2020. Accordingly, more than 50 teachers and workers in the educational sector were fired for violating the circular under two decisions issued successively by the Directorate of Education in Aleppo in August and July 2020*"; STJ, *Denial of Education Robs Hundreds of Students' Future*, 19 November 2020, https://bit.ly/3dM8Ejg, p. 3. "(...) *in at least two separate incidents, non-state armed group members denied dozens of students safe transit through checkpoints in Idleb and Aleppo governorates while en route to examination centers. Other reports indicate that elsewhere, including in Ar-Raqqa governorate, students have been subject to harassment and intimidation*"; OCHA / UN RC/HC Syria, *United Nations Resident Coordinator and Humanitarian Coordinator in Syria, Imran Riza, and Regional Humanitarian Coordinator for the Syria Crisis, Kevin Kennedy – Joint Statement on Safe Access for Students to Sit Final Examinations*, 18 June 2020, http://bit.ly/3q3Wk0a.

885 "*A child's consent to enlist, and therefore join military ranks voluntarily, is not a valid justification to the use and recruitment of children in armed conflict*"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 31 (with reference to: *The Prosecutor vs. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (the AFRC Accused)*, SCSL-04-16-T, Special Court for Sierra Leone, 20 June 2007, www.refworld.org/cases,SCSL,467fba742.html).

886 For further guidance, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, para. 29.

887 *Ibid.*, para. 30.

888 *Ibid.*

### 11) Persons of Diverse Sexual Orientations and/or Gender Identities (SOGI)

Article 520 of the 1949 Penal Code prohibits same-sex sexual acts, even between consenting adults, defined as "*sexual intercourse contrary to nature*", and provides for up to three years of imprisonment as a criminal sanction.[889] Although no prosecutions under Article 520 have been reported in recent years,[890] police have reportedly arrested persons of diverse sexual orientations and/or gender identities (SOGI) based on an arbitrary and discriminatory interpretation of crimes such as committing acts against public decency, or selling, buying, or consuming illegal drugs.[891]

Transgender individuals are generally not permitted to undergo gender affirming surgery and/or to legally change their name and the gender marker on their identity documents to match their gender identity.[892]

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889 "*Every sexual intercourse contrary to nature is punishable by imprisonment for up to three years*"; Unofficial translation of Article 520 of the 1949 Penal Code. The Penal Code (Law 148/1949,) as amended, is available, in Arabic only, at: WIPO, *Syrian Arab Republic, Law No. 148/1949 on the Syrian Penal Code,* http://bit.ly/2rj5PvT. See also, Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UNHCR, *Syrian Refugee Lovers, Risking Death, Flee for the Sake of Each Other*, 17 May 2019, https://bit.ly/33Yk5xj; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 118. Art. 520 is reported to be applicable to both men and women; Human Dignity Trust, *Syria*, accessed 28 February 2021, http://bit.ly/3aPpWKq. "*Syrian law reinforces discrimination and violence against LGBT people*"; HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html), p. 24.

890 "*There were no reports of prosecutions under the law during the year* (…)"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. See also, GlobalGayz, *Syria*, accessed 28 February 2021, https://bit.ly/39xjAeA. It is of note that Art. 520 has been excluded from amnesty decrees issued in the past years, including Legislative Decree No. 6 of 22 March 2020 and Legislative Decree No. 20 of 15 September 2019; see footnote 251.

891 "*Article 517 criminalises any 'act against public decency', which is an act carried out in a public or open area where one could possibly see, intentionally or accidentally, the act. It is punishable with imprisonment of three months to three years*"; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia: 2020*, 15 December 2020, https://bit.ly/3dMcXes, p. 137. "*The article* [520 of the Penal Code] *is rarely applied; instead LGBT individuals are prosecuted under other petty charges, such as disturbing public order*"; Syria Direct, *At Home and Abroad, LGBT Syrians Fight to Have Their Voices Heard*, 11 October 2020, https://bit.ly/3nk3DAe. "*Article 517 of the code punishes crimes 'against public decency' that are carried out in public with imprisonment of three months to three years. Terms such as 'indecency,' 'immoral acts,' and 'acts against public decency' may be arbitrarily interpreted to prosecute LGBT people for consensual sexual conduct between adults. Therefore, while article 517 does not specifically mention homosexual conduct, it may be used to imprison LGBT people in Syria. Human Rights Watch does not have evidence that these articles of the Syrian penal code have been used to prosecute same-sex sexual acts*"; HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 24. "*NGO reports indicated the regime arrested dozens of LGBTI persons since 2011 on charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting 'obscene' parties*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. According to Fadi Saleh, researcher at the Institute for Cultural Anthropology and European Ethnology, University of Göttingen, Germany, who has collected testimonies from persons of diverse sexual orientations and/or gender identities [SOGI] in/from Syria, "[A]t *different points since 2016, there have been many reports of arrests of individuals of diverse sexualities and gender identities and expressions in Syria.* […] *charges of 'public indecency' and being part of 'indecent' networks* [are] *part and parcel of the charges pressed against trans women and gender non-conforming people specifically. There have been different reports of random arrests of trans women and men with non-normative gender expressions which do not necessarily amount to a 'court case', but which become a weekly [regular?] happening in their lives. Since 2018, there has been a significant increase in sensational journalistic reports about various raids on areas with clubs, bars, and large populations of sex workers, including cis-women, trans women, and gay men. The most recent of such reports came out this last July 2020, in which a cis-female sex worker and her 'effeminate' friend, who was also engaging in sex work, were allegedly arrested in Damascus City.*" Mr Saleh further noted that he was made aware of "*multiple stories about how many gay male and trans women sex workers are the subject of constant police harassment, arrests, random raids, and violence at the hands of clients as well, especially in areas that are at the outskirts of the capital*"; E-mail communication with Fadi Saleh, 24 August, 10 September and 14 December 2020 (e-mails on file with UNHCR). The July 2020 article referenced by Mr Saleh was published by Her Majesty News on 4 July 2020 and is available (in Arabic) at: https://bit.ly/3jKzgB4.

892 E-mail communication with Fadi Saleh, 24 August 2020 and 10 September (e-mails on file with UNHCR). In February 2018, the Civil Status Court reportedly permitted an intersex individual to change both name and assigned gender from female to male, instructing the civil registry to change the individual's civil records to match his gender identity; SY24, *First Gender Reassignment Surgery to Be Performed in Syria*, 8 February 2018, https://bit.ly/2UxA4iE. The individual was reported to have faced difficulties at military checkpoints due to the gender marker on his identity documents not matching his gender identity; The New Arab, *Syria Allows Intersex Person to Register New Gender Status*, 10 February 2018, https://bit.ly/2UTWJVy. According to Fadi Saleh, the

Discrimination and harassment of individuals of diverse SOGI, and individuals perceived to be of diverse SOGI,[893] by both state and non-state actors is reported to pre-date the conflict, but observers note that the situation has deteriorated as a result of the conflict.[894] Gay and bisexual men, as well as transgender women, are reported to be at particular risk of physical and sexual violence at the hands of both State and non-state actors,[895] including in particular at checkpoints,[896] in detention centres and prisons,[897]

state's treatment of intersex and transgender individuals differs as it only permits gender affirming surgery and subsequent changes to a person's legal identity if the state deems it necessary for the physical health of the individual concerned. As such, transgender individuals are generally not permitted to undergo gender affirming surgery and/or to legally change their name as their request is based on self-identification rather than strictly medical reasons. However, it is not uncommon in Syria for sex reassignment surgeries to be performed on very young intersex children, whose assigned gender and name are subsequently also changed. In Mr Saleh's opinion, the 2018 case relating to an intersex individual may stand out given that the concerned individual was an adult who initiated the legal changes on his own behalf; E-mail communication with Fadi Saleh, 24 August, 10 September 2020 and 14 December (e-mails on file with UNHCR).

893 "*According to interviewees, gay and bisexual men and transgender women are subject to increased and intensified violence based on actual* ***or perceived sexual orientation or gender identity***" (emphasis added); HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 1-2.

894 "*Since 2011, LGBTIQ Syrians have been particularly vulnerable to violence as the government, militia groups, and religious extremist groups vie for power throughout the country. Many of these rival groups, including ISIS and Hayat Tahrir al-Sham, have targeted LGBTIQ people, subjecting them to arrests, beating, torture, and execution*"; Outright International, *Syrian Arab Republic: At a Glance*, accessed 28 February 2021, https://bit.ly/3bG6q0w. "*Sexual and gender minorities in Syria have suffered discrimination and persecution exacerbated by state-sponsored homophobia long before the war began*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 24. "*During the conflict, the LGBTIQ+ community has not only faced violence from different armed rebel groups, but also from the regime and civilians, not at least their own families*"; Lisa Bergsten, *Violence Against LGBTIQ+ Individuals in the Syrian Arab Republic*, University of Uppsala, 11 January 2019, https://bit.ly/2UPWgVo, p. 15. "*ASP* [All Survivors Project] *interviewees spoke about human rights abuses against LBGT+ people by armed actors and highlighted broader problems of harassment, discrimination and violence against them by their families and communities. This is consistent with previous research, which has highlighted the increased vulnerability of LBGT+ persons to sexual violence in Syria as a result of the armed conflict. Yet the conflict has merely exacerbated a pre-existing problem of discrimination and persecution against LBGT+ people.* (…) *UN investigators and human rights organisations have documented serious human rights violations against LBGT+ persons that are specifically related to the conflict, including cases of summary execution, arbitrary detention, torture, rape and other forms of sexual violence, as well as harassment, discrimination and exploitation of men and women because of their sexual orientation and gender identity, both by Syrian government security forces and non-state armed groups*"; University of California Los Angeles / All Survivors Project (ASP), *"Destroyed from Within": Sexual Violence Against Men and Boys in Syria and Turkey*, September 2018, www.ecoi.net/de/dokument/1453362.html, p. 21. See also, UNHCR, *"We Keep It in Our Heart": Sexual Violence Against Men and Boys in the Syria Crisis*, October 2017, www.refworld.org/docid/5a128e814.html, p. 28.

895 "(…) *authorities used individuals' sexual orientation to blackmail, harass and eventually abuse members of the LGBT community. Law enforcement officers have (officially) zero tolerance toward the LGBT community*"; GlobalGayz, *Syria*, accessed 28 February 2021, https://bit.ly/2UOfwkV. "*Both state and non-state actors continue to target men, boys, transgender women, gay and bisexual men, and nonbinary people, subjecting them to rape and other forms of sexual violence*"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "*Since the Syrian conflict began in March 2011, men and boys and transgender women have been subjected to rape and other forms of sexual violence by the Syrian government and non-state armed groups, including the extremist armed group Islamic State (also known as ISIS). Heterosexual men and boys are vulnerable to sexual violence in Syria, but men who are gay or bisexual – or perceived to be – and transgender women are particularly at risk.* (…) *The sexual violence described included rape, sexual harassment, genital violence (beating, electric shock and burning of genitals), threat of rape of themselves or female family members, and forced nudity by state and non-state armed groups*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 1-2, and see also p. 25.

896 "*Cases that Human Rights Watch documented show that although men and boys are stopped at checkpoints regardless of their sexual orientation and gender identity, gay and bisexual men and transgender individuals were often sexually and verbally harassed and sexually abused on the basis that they were 'soft looking'. Some interviewees told Human Rights Watch that they would adopt self-censoring behavior to conceal their sexual orientation or gender identity in order to protect themselves at checkpoints or while they were serving in the military*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 27, see also pp. 38-39. See also, Raseef22, *The Story of a Trans Woman in Wartime Syria*, 18 May 2017, https://bit.ly/39SGeOP.

897 "*Men and boys* (…) *were subject to sexual assault and rape in detention centers and checkpoints. Interviewees believed that perpetrators increased or intensified the violence once they learned that the interviewees were gay, bisexual, or transgender*." Multiple interviewees reported being raped multiple times in detention; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 32, see also pp. 33-37, 43. "*Sexual violence, mainly in detention settings, is a primary reason cited by lesbian, gay, bisexual, transgender and intersex civilians for fleeing the Syrian Arab Republic*"; UNSC, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 23 March 2018, S/2018/250, www.refworld.org/docid/5b29148d7.html, para. 76.

and in the military.[898] Individuals of diverse sexual orientations are reported to be at risk of arbitrary arrest, torture and killings at the hands of government and pro-government forces,[899] and at the hands of anti-government armed groups, including HTS.[900]

In addition, individuals of diverse SOGI are reported to be subjected to multiple forms of societal discrimination,[901] including in relation to access to employment, housing and basic services.[902] They are also reported to be at risk of social exclusion, harassment, death threats, intimidation, forced

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898 "*Evidence gathered by Human Rights Watch show that GBT individuals in the military were specifically targeted on the basis of their sexual orientation and/or gender identity. Interviewees told Human Rights Watch that GBT men and boys who serve in the army are often subject to rape and other forms of sexual violence in military prisons, or by other soldiers in the army* (…) *Interviewees said this was common knowledge and that most GBT people fled the country due the fear of joining the army. Interviewees said that they or their friends who served in the army were taken to Tadmur Prison and Palestine Branch* [a detention facility run by Syrian Military Intelligence] *because they were GBT*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 27, 37. Zeynep Pınar Erdem, the author of the HRW report, told Al Jazeera: "*They were perceived as being effeminate by the perpetrators in the detention centres and in the ranks of the Syrian army, and were therefore subjected to increased violence*"; Al Jazeera, *Gay, Bisexual Men and Trans Women Speak of Sexual Abuse in Syria*, 29 July 2020, https://bit.ly/3bm6qni.

899 "*Local media and NGOs reported instances in which regime and proregime forces used accusations of homosexuality as a pretext to detain, arrest, torture, and kill civilians. The frequency of such instances was difficult to determine, since police rarely reported their rationale for arrests*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

900 "*Along with the state and pro-state militias, rebel organizations in Syria committed widespread violence against GSM* [gender and sexual minorities]. (…) *Several Syrians report sexual exploitation by militants in return for their gender identity or sexual orientation being kept private*"; Meredith Loken / Jamie J. Hagen, *Violence Against Gender and Sexual Minorities During Civil Conflict*, University of Massachusetts, unpublished draft, accessed 28 February 2021, pp. 21, 22. "*The terrorist HTS regularly detained, tortured, and killed LGBTI individuals in the territories they controlled* (…)"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*Individuals suspected of same-sex relations are at risk of execution in areas held by extremist groups*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*In Syria, al-Qaida's local branch as well as other Islamic insurgent groups battling ISIS, have also killed gays and some homosexuals have had to flee the country for their own safety*"; AP, *Islam and Homosexuality: What Does the Koran Say?*, 17 May 2018, http://bit.ly/2mOt1V3. "*Throughout the Syrian conflict, the Commission* [IICISyria] *has regularly received allegations of members of extremist and terrorist groups imposing medieval punishments on men accused of homosexuality. In early 2016, two men, accused of being homosexuals were thrown from the third floor of a building in Khan Sheikhoun (Idlib). Their hands were tied behind their backs and Jabhat al-Nusra militants announced the accusations of homosexuality over loudspeakers. In September 2016, militants of the newly self-styled Jabhat Fatah al-Sham in concert with armed group fighters executed seven men in Rastan city (Homs) via fusillade whom they accused of being homosexual. An unauthorised court, functioning on behalf of all armed groups in the area, had ordered the executions*"; UN Human Rights Council, "I Lost My Dignity", 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 65. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 52, 53; The New Arab, *Horror but Little Shock as Transgender Refugee Feared Dead after Deportation to Syria*, 23 August 2019, http://bit.ly/2n04EU9. Individuals of diverse sexual orientations and those accused of engaging in consensual same-sex acts have also been detained, tortured and executed by ISIS in areas previously under its control; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 28-29; UN Human Rights Council, *"I Lost My Dignity"*, 8 March 2018, www.ecoi.net/en/document/1433339.html, paras 72, 77, 128.

901 "*Syria's laws de facto criminalise same-sex sexual relations, while social, cultural and religious attitudes create a hostile environment towards individuals who do not conform with accepted gender norms*"; University of California Los Angeles / All Survivors Project (ASP), *"Destroyed from Within": Sexual Violence Against Men and Boys in Syria and Turkey*, September 2018, www.ecoi.net/de/dokument/1453362.html, p. 21. Members of Syrian society are reported to generally perceive individuals of diverse sexual orientations as "abnormal". For example, conservative imam and member of the Sharia' Council in Idlib, Abo Abdulrahman al-Ansari, told NBC News that there are no homosexual Muslims and that homosexuality was punishable by death; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, https://nbcnews.to/2JpijvE. "*LGBTIQ identities are stigmatized in Syria and are often framed as 'un-Islamic' and 'immoral,' leading to social rejection, discrimination, harassment, and violence by private individuals and organized groups*"; Outright International, *Syrian Arab Republic: At a Glance*, accessed 28 February 2021, https://bit.ly/3bG6q0w. "*Homophobia is also widespread for religious and social reasons*"; Al-Modon, *Controversy Around Homosexuality in Syrian Curriculum*, 6 December 2018, https://bit.ly/2JwBHH2.

902 "*Human rights activists reported there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Syria has a score of 19 on a scale that measures countries' discrimination against lesbian, gay, bisexual, transgender, and queer (LGBTQ) people (on a scale from 0 [best] to 26 [worst]); Chelsea Lee and Robert L. Ostergard Jr., *Measuring Discrimination Against LGBTQ People: A Cross-National Analysis*, in: Human Rights Quarterly Vol. 39(1), February 2017, https://muse.jhu.edu/article/647800/pdf, p. 59. According to Fadi Saleh, "*while some LGBTIQ people are capable of hiding their gender identities and sexual orientations and have more access to jobs and money, many whose livelihoods depend on 'being seen', primarily sex workers, cannot afford to hide their gender identity or sexualities and thus expose themselves not only to the danger of being out in public space, but also in finding housing without being exploited regarding how much they have to pay in exchange for 'safe' housing, which might become unsafe at any moment, depending on the discretion of the landlord*"; E-mail communication with Fadi Saleh, 24 August, 10 September and 14 December 2020 (e-mails on file with UNHCR).

conversion therapy, as well as physical and sexual violence by members of their own family.[903] Survivors described how in some instances family members have deliberately exposed their identity to government forces or armed actors in order to have them " *'fixed' or killed*".[904] Most individuals of diverse SOGI are under pressure to keep their sexual orientation or gender identity secret.[905]

According to sources, individuals of diverse SOGI refrain from reporting instances of discrimination, threats and violence to the police or other state authorities for fear of further harm at the hands of the authorities or others, including their SOGI being disclosed and the risk of being arbitrarily arrested, detained, and potentially prosecuted.[906] Similarly, persons of diverse SOGI who are survivors of sexual violence are reported to avoid seeking medical or mental health care, for fear of further stigmatization.[907]

Lesbian, gay, bisexual and transgender and intersex (LGBTI) organizations are not active inside Syria, leaving persons of diverse SOGI without access to counselling and support.[908]

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903 "*LGBT people are often seen as shameful and a disgrace to their families, which leads to rejection and, in some cases, death threats and being targeted for 'honor killings.'* (…) *gay and bisexual men and transgender women told Human Rights Watch that LGBT individuals in Syria are rejected, ostracized, and subject to violence by their family members. Hostility from families is a compounding factor for vulnerability to violence, including sexual violence. Gay and bisexual men and transgender women interviewed by Human Rights Watch described being severely beaten by their parents, locked in their rooms and thrown out of their homes*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 24-25, 29. "*Syria Direct communicated with seven other LGBT Syrians living in Damascus, Latakia, Suwayda and Homs provinces, and with the exception of one, all had experienced some form of physical and verbal abuse, public humiliation or had received threats from their peers*"; Syria Direct, *At Home and Abroad, LGBT Syrians Fight to Have Their Voices Heard*, 11 October 2020, https://bit.ly/3nk3DAe. Women are also at risk of murder carried out in the name of defending or restoring the family's "honour". Women suspected to be lesbians by their family may also be forced into marriage despite the fact that forced marriage is prohibited under the Personal Status Law. According to Syrian LGBTI activist Amira al-Tabbaa, "[W]*omen who reveal their nontraditional sexual orientation to their families often get beaten for 'bringing shame on the family*.' She explained that they risk being confined to their homes and have their communications monitored by their families in an attempt to control them. Al-Tabaa further said that some families resort to seeking out conversion therapy; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, https://nbcnews.to/2JpijvE. A transgender woman told HRW, "[M]*y uncles were beating me and threatening my life because they were afraid over their reputation. My uncle broke my nose, my teeth, and stabbed me in the eye. When he found out that I'm in Lebanon, he said, 'I will slaughter you' "*; HRW, *"Don't Punish Me for Who I Am": Systemic Discrimination Against Transgender Women in Lebanon*, 3 September 2019, www.ecoi.net/de/dokument/2015685.html. See also, UNHCR, *Overcoming Hate: An Activist's Journey from Syria to San Francisco*, 20 March 2018, https://bit.ly/39D4Wms.

904 HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 30. The reports includes a testimony from a gay man who uses female pronouns and who was handed over by her family to Syrian intelligence at age 13. She was kept in solitary confinement for a week before being transferred to a government prison where she experienced regular sexual violence and rape and where she was held until age 17; *ibid.*, p. 35. See also, AP, *Islamic State Group Targets Gays with Brutal Public Killings*, 13 June 2016, http://apne.ws/1UvX3jI.

905 On the need to keep one's sexual orientation and gender identity secret from family and wider society, see NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, https://nbcnews.to/2IoAIbJ; Raseef22, *Sick or Bewitched: The Life of Three Homosexuals in Idlib*, Syria, 19 August 2019, https://bit.ly/31CoV0u; Wiener Zeitung (in German), "*Ich Werde Niemals Zulassen, dass Du als Schwuler Lebst*", 18 September 2018, https://bit.ly/2USprWL. "*Threatening to label someone as homosexual is weaponized. The topic of SOGI is so taboo that focus group facilitators refused to ask any questions that could even be construed as being about SOGI*"; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, 11.

906 "*Laws that criminalize same-sex conduct not only render LGBT people vulnerable to violence by expressing official antipathy toward the population, but also prevent victims from reporting crimes to officials due to the fear of being punished rather than being protected*"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 22-23. See also, SNHR / ASP, *Syrian Arab Republic: Submission to the United Nations Human Rights Committee 130th Session, 12 October - 6 November 2020*, August 2020, https://bit.ly/2QO9Rdi, p. 4; and footnote 891.

907 "(…) *shame, fear of stigma, and a lack of trust in the health care system*" were reported to be among the reasons for which men and boys, transgender women, and non-binary survivors of sexual violence would not seek medical or mental health care. A number of survivors told HRW that they had contemplated or attempted suicide; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 2, see also pp. 46-50.

908 "[T]*here were no known domestic NGOs focused on LGBTI matters*"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "*OutRight Action International, a U.S.-based nonprofit that works to defend human rights for LGBTQ people around the world, said they have found that Syria is one of 30 countries in the world where no LGBTQ organizations could be found, whether registered or unregistered – meaning there is no concerted advocacy for change. It said it also means LGBTQ Syrians don't have any groups to turn to for advice, knowledge, information or support, making their lives that much more challenging*"; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, https://nbcnews.to/2JpijvE.

UNHCR considers that persons of diverse sexual orientations and/or gender identities **are likely to be in need of international refugee protection** on account of their membership of a particular social group and/or other relevant grounds, depending on the individual circumstances of the case.[909]

It should be borne in mind that persons of diverse sexual orientations and/or gender identities cannot be expected to conceal their identity in order to avoid persecution.[910] Furthermore, the existence of significant criminal sanctions for consensual same-sex sexual acts and frequent violence at the hands of state law enforcement officials are a bar to state protection, including where persecutory acts are perpetrated by non-state actors such as armed groups and members of society.[911]

### *12) Palestinian Refugees*

Palestinian refugees' legal status and access to rights and services depends on their registration with GAPAR[912] and on their date of entry into Syria or, for those born in Syria, that of their parents or grandparents. The vast majority who arrived between 1948 and 1956 were officially identified as 'Palestine refugees' by GAPAR.[913] Those registered as Palestine refugees with GAPAR between 1948 and 1956 are largely afforded the same rights as Syrian nationals, subject to some restrictions.[914] They hold temporary residency cards, which serve as official proof of identity, and are entitled to apply for travel documents.[915] The majority are also registered as Palestine refugees with UNRWA.[916]

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909 For policy guidance related to determinations of refugee status based on sexual orientation and/or gender identity, see UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html (hereafter: UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html).

910 UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html, paras 30-33. See also, for example, Court of Justice of the European Union, *X, Y, Z v Minister voor Immigratie en Asiel*, C-199/12 to C-201/12, 7 November 2013, www.refworld.org/docid/527b94b14.html.

911 Even in the absence of enforcement of the legal provisions criminalizing homosexual acts, the pervading or generalized climate of homophobia, as evidenced by societal attitudes etc., can be considered an indication of the risks faced by individuals of diverse SOGI in Syria. See UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html.

912 According to government statistics, as of 5 January 2021, over 557,000 Palestinian refugees were registered with GAPAR, a department of the Ministry of Labour and Social Affairs which administers matters relating to Palestinian refugees in Syria. However, the number does likely not consider the number of Palestinian refugees that have fled the country or have been killed since 2011; Palestinian Return Centre, *Over 557,000 Palestine Refugees Registered with GAPAR in Syria*, 26 January 2021, http://bit.ly/3sfczc8.

913 "*Palestinians who settled in Syria in the period from the Arab-Israeli War (1948) to the Suez Crisis (1956) were eligible for registration in the civil registry of the General Authority for Palestine Arab Refugees (GAPAR).* (…) Palestinians who moved to Syria as a result of subsequent conflicts are not all registered with GAPAR"; Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, p. 11.

914 "*As of 1949, the Syrian government had adopted a series of laws that place Palestinians on virtually equal footing with Syrian nationals. The main instrument that gives Palestinians substantial legal rights and protection in Syria 'while preserving their original nationality' is Law 260 of 1956; subsequent laws and administrative regulations have further expanded these rights. Accordingly,* [these] *Palestinian refugees* (…) *can work, including access to governmental services, except that they 'can only take government jobs based on temporary work contracts'. They can also own property and businesses, access the same education and universal healthcare as Syrian citizens, travel internationally, and enrol in the army. They do not have the right to buy arable land and to own more than one house, and, last but not least, unlike other persons from Arab countries, they cannot apply for Syrian citizenship*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 222-223. Palestinian refugees registered with GAPAR have generally performed their compulsory military service in the PLA; see footnote 557.

915 Travel documents for Palestinian refugees registered with GAPAR are issued by the Immigration and Passports Directorate / Ministry of Interior and are valid for six years. They in principle entitle the holder to leave and return to Syria without a re-entry visa. "*However, in practice freedom to travel outside the country has depended on political considerations – both domestic and with regard to inter-Arab relations – that have varied over time. In pre-war Syria, Palestinians who wanted to leave the country needed the same special authorization that Syrian citizens were required to obtain*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 223. See also, Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, pp. 12, 16-17.

916 "*Palestinian refugees who met UNRWA's definition of Palestine refugees were also simultaneously registered with UNRWA. This is the case for the vast majority of them, even though there are some who are registered with GAPAR only and not UNRWA:*

An estimated 25,000-45,000 Palestine refugees residing in Syria are not registered with GAPAR, but are registered with UNRWA in one of the Agency's other fields of operation (i.e. Jordan, Lebanon, the Gaza Strip and the West Bank, including East Jerusalem).[917] Some may be recognized by the authorities and allowed to reside legally; however, they typically need to apply for a work permit valid for one year subject to the payment of fees, and their status and ability to travel depends significantly on whether they hold and are able to renew documents with the relevant embassy.[918]

Some further 10,000-15,000 Palestinian refugees are neither registered with GAPAR nor as Palestine Refugees with UNRWA.[919] The legal status of this group is precarious, and they must apply for residence and work permits in Syria, which requires valid identity documents, and face restricted access to government services, as this would normally require proof of registration with GAPAR.[920]

Palestinian refugees face the same threats as Syrians, including on account of their real or perceived support for or affiliation with parties to the conflict.[921] According to reports, a number of Palestinian armed factions as well as some Palestinian individuals have been drawn into the conflict, supporting one or the other party to the conflict, thereby placing the larger community at risk of reprisals and abuse on account of their perceived political opinion.[922]

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*these include Palestinians who were expelled by Israel from one of the Demilitarized Zones (DMZ) between Syria and Israel in 1956. They were not registered by UNRWA as no new refugees were being registered as of July 1952. They were registered by GAPAR, however* (…); Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 222. "*Historically, the largest displacement of Palestinian refugees to Syria occurred during the Arab-Israeli conflict in 1948 at the time of the creation of the Israeli state. Other waves of Palestinian Refugees arrived to Syria during subsequent periods of conflict in the region, particularly the Six Day War in 1967.* (…) *Most Palestinian Refugees from Syria (PRS) are registered with UNRWA* (…)"; ISI *et al.*, *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*, https://bit.ly/3jaD0vr, p. 8. "*Most of the Palestine refugees who fled to the Syrian Arab Republic in 1948 were from the northern part of Palestine, mainly from Safad and the cities of Haifa and Jaffa. A further 100,000 people, including Palestine refugees, fled from the Golan Heights to other parts of Syria when the area was occupied by Israel. A few thousand refugees fleeing war-torn Lebanon in 1982 also took refuge in Syria* "; UNRWA, *Where We Work: Syria*, accessed 28 February 2021, http://bit.ly/3skVL3E.

917 UNRWA, *UNRWA Fields of Operations Map 2020*, 9 June 2020, https://bit.ly/3btLrzG.

918 These Palestine refugees "*arrived at different stages, including in 1970 from Jordan, after 1982 from Lebanon, in the 1990s from Libya and Kuwait, and from the occupied Palestinian territory. They do not enjoy the same status as those registered with GAPAR, though they may become registered with GAPAR either by presidential decree or in the case of Palestinian refugee woman* [sic] *marrying GAPAR-registered refugees.*" And further: "*As UNRWA-registered Palestine refugees, they are temporarily in Syria (i.e. not as permanent residents) and as such have no official residency permit issued by the Syrian authorities; however, they are allowed to reside legally in the country as long as they are 'registered with the PLO and have a PLO document accepted by the Syrian government'. To travel abroad, they need to apply for a PA passport (without number) through the Palestinian Embassy in Syria. Temporary residency may be lost in case of absence from the country for more than six months*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 224-225. "*According to the Austrian Bundesamt fur Fremdenwesen und Asyl, or Federal Office for Immigration and Asylum, Palestinians who are not registered with GAPAR can apply for travel documents at the diplomatic representation of the Palestinian Authority in Damascus*"; Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, p. 12.

919 "*The majority of them arrived in the aftermath of the 1967 War from the West Bank and Gaza Strip (first time refugees), others in 2003 from Iraq. Those from the Gaza Strip, who carried Egyptian TDPRs* [Travel Document for Palestinian Refugees]*, were treated by Syrian law as foreigners, while those from the West Bank carrying Jordanian passports were considered Arab nationals. About 4,000– 5,000 Palestinians fled from Iraq in the aftermath of the fall of the regime of Saddam Hussein in 2003; they were initially not allowed to stay in Syria, but the policy changed as of 2006. Others arrived in the following years triggered by the continuous instability in Iraq, and a number of those could not afford to enter Syria legally*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 225.

920 "*This group endures a complex legal and security situation and does not enjoy many basic civil rights. They have to register with the Ministry of Interior and periodically renew their temporary residence permits, must apply for work permits and are restricted from working in the public sector*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 225.

921 SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, pp. 3, 4.

922 "*From August 2011, government forces attacked several Palestinian refugee camps as opposition members were suspected to be among the refugees. Palestinians soon started to face threats from Syrian opposition groups as well*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 226. "*As the Syrian uprising gained strength*

As part of the government's crackdown on any form of dissent since 2011, Palestinian refugees opposing or perceived to be opposing the government, including protestors,[923] activists, humanitarian workers, medical staff, journalists, artists, as well as draft evaders and defectors,[924] have been among those subjected to arbitrary arrest and detention, enforced disappearance, torture and other forms of ill-treatment, and extra-judicial executions.[925] Hundreds of Palestinian refugees, including women and children, are reported to have died as a result of torture in government detention centres since 2011.[926] In January 2020, it was reported that government forces had arrested dozens of Palestinian children between the ages of 10 and 16 in Yalda (southern Damascus) over claims that they had torn down a poster of President Al-Assad.[927]

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*throughout 2011, and the government responded with increasing violence, many residents of Yarmouk strove to remain uninvolved in the conflict. Gradually however, the Syrian regime started to assign security and intelligence operations to the Palestine Liberation Army (PLA) and other Palestinian factions loyal to the regime. This essentially negated Palestinian neutrality* (…). *Yarmouk's growing instability and strategic location started to attract Syrian opposition groups who saw the camp as a potential support base for the civil uprising*"; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, https://bit.ly/2TZym9d, p. 3. "*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*"; Minority Rights Group International (MRGI), *World Directory of Minorities and Indigenous Peoples – Syria: Palestinians*, March 2018, www.refworld.org/docid/49749c9f39.html. "*The conflict's parties contributed to the harm caused to the Palestinians. The Syrian regime has harshly taken revenge on the Palestinian refugees, as they – by majority – have not taken its side to oppress the Syrian people. That is, the majority refused to help the regime fight against the revolution, believing in its righteousness*"; Syrian Center for Legal Studies and Researches, *The Palestinian Liberation Army in the Syrian War*, 2 November 2018, https://bit.ly/2ZX9TVZ. See also, AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2020, https://bit.ly/3hFcCtk; and Sections III.A.1 and III.A.3.

923 For example, "*Syrian security forces view Al-Ramal Al-Janoubi* [unofficial Palestinian camp in Lattakia] *as an anti-government hotspot, after residents joined early demonstrations against the government in 2011*"; The Syria Report, *Demolitions Target Palestinian Refugee Camp in Lattakia*, 8 July 2020, https://bit.ly/2Bib9Jj.

924 See for example, AGPS, *Dozens of Palestinian Journalists Killed, Arrested in War-Torn Syria*, 31 December 2020, http://bit.ly/3q2nW5Y; AGPS, *On World Humanitarian Day: Hundreds of Palestinian Volunteers Forcibly Disappeared, Killed in Syria*, 19 August 2020, https://bit.ly/3c1f7E8; SNHR, *Photo of Detainee Released by Syrian Regime Forces Shows Signs of Torture*, 15 June 2020, https://bit.ly/3bh49dg; SOHR, *3 Residents of Palestinian Refugee Camp in Syria Tortured to Death in Sednaya Military Prison*, 30 May 2020, https://bit.ly/2UWPtJo; AGPS, *Palestinian Refugee Released after 20 Months in Syrian Jail*, 3 May 2020, https://bit.ly/2UWr0DP. See also Section III.A.2.

925 According to SNHR, at least 2,663 Palestinians, including 23 women and ten children, remained detained or forcibly disappeared by July 2020; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, pp. 5, 6-7. According to AGPS, the whereabouts of nearly 1,800 Palestinian refugees, including women and children, remain unknown following their arbitrary arrest by government forces; AGPS, *Over 1,800 Palestinian Refugees Secretly Held in Syrian Prisons*, 30 August 2020, https://bit.ly/2FBS9XK. See also, AGPS, *Residents of Palestinian Refugee Camp in Syria Summoned over Social Media Posts*, 5 September 2020, https://bit.ly/3lstrsS; AGPS, *Residents of Palestinian Displacement Camp in Syria Summoned to Questioning*, 7 May 2020, https://bit.ly/3fD08Az; AGPS, *18 Palestinian Journalists Killed in War-Torn Syria*, 4 May 2020, https://bit.ly/2N3WSSP; AGPS, *Palestinian Journalist Muhannad Omar Forcibly Disappeared by Syrian Gov't*, 18 March 2020, https://bit.ly/37EYrju; AGPS, *Palestinian Refugee Fatally Tortured in Syria's Penal Complexes*, 15 March 2020, https://bit.ly/37HnPoO; AGPS, *110 Palestinian Women Forcibly Disappeared in Syrian Prisons, 34 Fatally Tortured*, 9 March 2020, https://bit.ly/2AFW586; AGPS, *Palestinian Activist Ali AlMuslih Secretly Held in Syrian Jails for 7th Year*, 24 February 2020, https://bit.ly/311mRlM; AGPS, *Palestinian Doctor Nizar Kassab Forcibly Disappeared in Syria*, 29 November 2019, https://bit.ly/3dfvHz4; AGPS, *Remembering Palestinian Artist Abu AlRuz Fatally Tortured in Syrian Jail … One Year On*, 17 September 2019, https://bit.ly/3hFBzVw; AGPS, *On World Humanitarian Day: Hundreds of Palestinian Volunteers Forcibly Disappeared in Syria*, 22 August 2019, https://bit.ly/3fExH5n. See also Section III.A.1.a.

926 Between March 2011 and February 2021, AGPS recorded the deaths of nearly 630 Palestinians, including women and children, under torture in government detention centres. "*Affidavits by ex-detainees have provided evidence on the involvement of Syrian government officers in harsh torture tactics, including electric shocks, heavy beating using whips and iron sticks, and sexual abuse against Palestinian prisoners*"; AGPS, *629 Palestinian Refugees Tortured to Death in Syrian Prisons*, 16 February 2021, http://bit.ly/3dFdhvs. SNHR recorded the death of 491 Palestinians under torture, including 49 who were identified based on an analysis of the so-called "Caesar" torture photos, between March 2011 and July 2020; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, p. 5. For example, in November 2019, Palestinian doctor Osama Omar Al Khaled reportedly died as a result of torture in a government prison. He had reportedly provided free medical services to orphans and others in need in the previously opposition-held areas of Al Shajara (Dera'a Governorate) and treated wounded protestors; AGPS, *Palestinian Doctor Osama Omar Khaled Tortured to Death in Syrian Jail*, 27 November 2019, https://bit.ly/2YM0wpV. See also, AGPS, *12 Palestinian Refugees Tortured to Death in Syrian Regime Prisons in 2020*, 30 December 2020, http://bit.ly/2ZVU8Nw; and Section III.A.1.a.

927 Syrian authorities reportedly accused the arrested children of affiliation with ISIS, an accusation the children's families have denied; COAR, *Syria Update:13 January 2020*, 13 January 2020, https://bit.ly/3ckC7fB; The New Arab, *Syrian Regime Detains Children at Palestinian Camp for Allegedly Tearing Down Assad Poster*, 7 January 2020, https://bit.ly/2MjVAmo; SOHR, *Regime Security Services Arrest Nearly 40 Children from Yarmouk Camp for "Belonging to Caliphate Cubs"*, 5 January 2020, https://bit.ly/3eE1uL4.

Throughout the conflict, many Palestinian camps and areas with Palestinian communities have temporarily come under the control of anti-government armed groups and/or ISIS,[928] including Yarmouk Camp (Damascus Governorate),[929] Neirab Camp[930] and Ein El-Tal Camp (both in Aleppo Governorate),[931] and Dera'a Camp (Dera'a Governorate).[932] These refugee camps and other urban and

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928 "*While from 2013 onwards, Yarmouk came to epitomize the tragedy of Palestinians trapped in the Syrian conflict, other refugee camps and gatherings also fell under siege and/ or became hard to reach, were completely or partially destroyed, or became inaccessible to UNRWA*"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 226.

929 Before 2011, Yarmouk, which is an unofficial refugee camp located within the city parameters of Damascus City, was home to approximately 160,000 Palestinian refugees (in addition to more than one million Syrians), making it the largest Palestinian community in Syria. Since 2012, Yarmouk has been under the control of various anti-government armed groups, including FSA-affiliated groups, HTS, Jaysh Al-Islam, and, as of April 2015, ISIS, and has been subjected to sustained military campaigns and a prolonged siege by government forces. Yarmouk, which the UN in 2015 said resembled a "*death camp*", was largely emptied of its inhabitants, many of whom moved to the adjacent areas of Yalda, Babila and Beit Saham in southern Damascus, which similarly came under the control of non-state actors. Government forces retook control of Yarmouk and the adjacent areas in May 2018. Yarmouk and adjacent areas have reportedly seen extensive looting by government forces. A damage assessment undertaken in Yarmouk showed that the housing stock suffered significant destruction while all of UNRWA's 23 installations, including schools and health centres, require either major repair or total reconstruction. Government efforts to remove rubble and dead bodies and to rebuild the camp's infrastructure have been minimal. At the time of writing, the majority of the 160,000 former residents of Yarmouk remain in displacement and the camp hosts only some families who had stayed throughout the conflict as well as some 400 families who had returned as at early November 2020 despite the destruction and lack of basic infrastructure and services; UNRWA, *UNRWA Mobile Health Clinic Brings a Sign of Hope to the Devastated Yarmouk Camp*, 11 January 2021, http://bit.ly/3em6F5F; UNRWA, *UNRWA Commissioner-General Makes Official Visit to Syria, Reviews Palestine Refugee Massive Humanitarian Needs*, 4 November 2020, https://bit.ly/2U82nU6; UNRWA, *Syria: Progress Highlights January-June 2020*, 7 October 2020, https://bit.ly/3iAvtoQ; AGPS, *Property-Theft Ongoing in Yarmouk Camp*, 13 January 2021, http://bit.ly/3kplMft; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, pp. 11-13; AGPS, *Families Displaced from Yarmouk Camp Face Mysterious Fate*, 21 May 2020, https://bit.ly/2APCBhh; MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, https://bit.ly/2XO0Nbp; AGPS, *Yarmouk Residents Appeal for Removal of Dead Bodies*, 29 April 2020, https://bit.ly/2CekAtb; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, https://bit.ly/3ekek1o; Arab Reform Initiative*, Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, https://bit.ly/2TZym9d; UNRWA, *Acting UNRWA Commissioner-General Makes Official Visit to Syria*, 11 December 2019, https://bit.ly/34jJ7p7; UNRWA, *Yarmouk (Unofficial Camp*)*, 1 January 2019, https://bit.ly/2GBPBdd. As at November 2020, a return process to Yarmouk had been launched, see footnote 208.

930 Neirab Camp is the largest official camp in Syria and hosted more than 20,000 Palestinian refugees before the conflict. Given its strategic location close to Aleppo international airport and Neirab military airport, the camp has repeatedly been exposed to armed conflict, especially after 2013. Between late 2012 and October 2013, Neirab camp was under siege by government forces. As at 1 January 2019, the camp hosted some 18,000 refugees in addition to Syrians displaced as a result of the conflict. On 14 May 2019, the camp was hit by several rockets launched by anti-government armed groups, killing at least ten civilians and wounding more than 30; UNRWA, *UNRWA Condemns the Killing of 10 Civilians in the Palestine Refugee Camp of Neirab in Aleppo*, 16 May 2019, https://bit.ly/3hAmTHp; UNRWA, *Neirab Camp*, 1 January 2019, https://bit.ly/3jGntUJ. AGPS recorded the arbitrary arrest and enforced disappearance of 98 Palestinian refugees from Neirab camp between March 2011 and March 2020; AGPS*, 3 Palestinian Refugees Arrested by Syrian Security Forces in Aleppo*, 12 March 2020, https://bit.ly/2YefpSJ.

931 The unofficial Ein El-Tal Camp (also known as Handarat Camp) hosted around 7,000 residents before the conflict. In April 2013, anti-government armed groups took control of the camp, forcibly displacing the entire population. The camp has changed hands multiple times and was finally retaken by government forces in September 2016. The camp has been almost completely destroyed, including its three schools and the health centre, and lacks basic infrastructure and services. Small numbers of extremely vulnerable refugees started to return as of mid-2017; "*however, basic infrastructure such as water supply and electricity has not been fully restored, preventing more families from returning and delaying plans for the rehabilitation of UNRWA facilities*"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12. See also, Palestinian Return Centre, *Civilians Left under Threat of War Remnants in Syria's Handarat Camp for Palestinian Refugees*, 12 May 2020, https://bit.ly/3eabcFj; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, https://bit.ly/3ekek1o; AGPS, *Displaced Families in Handarat Camp for Palestine Refugees Continue to Appeal for Reconstruction*, 11 October 2019, https://bit.ly/3ebb4Ft; AGPS, *Civilians Left Under Threat of War Remnants in Syria's Hadarat Camp*, 6 September 2019, https://bit.ly/3deQS40; UNRWA, *Ein El Tal (Unofficial Camp*)*, 1 January 2019, https://bit.ly/3jHPrPQ. According to AGPS, as at May 2020, 32 Palestinian refugees from the camp remain forcibly disappeared: AGPS, *32 Palestinian Residents of Handarat Camp Forcibly Disappeared in Syrian Gov't Jails*, 19 May 2020, https://bit.ly/3hBN9kx. AGPS also reported that members of the pro-government "*Liwa Al-Quds*" militia coerced refugees to sell their houses "*at very low prices*"; AGPS, *Pro-Govt Squad in Syria Purchases Houses in Handarat Camp for Palestinian Refugees*, 8 May 2020, https://bit.ly/2N6PFRJ.

932 Dera'a Camp is located inside Dera'a City and was home to 10,500 refugees before 2011. The camp and its surroundings were under control of anti-government armed groups until the area was retaken by government forces in mid-2018. Conflict resulted in the displacement of 90% of the camp inhabitants and resulted in large-scale destruction, including of all UNRWA's premises. As at the time of writing, some 865 families had returned to the camp with basic services partially restored. Unexploded ordnance

suburban areas where Palestinian refugees had settled were successively retaken by government forces through a combination of military campaigns, sieges and "reconciliation agreements".[933] Hundreds of Palestinian refugees from southern Damascus and the refugee camps of Khan Eshieh, Yarmouk, and Dera'a have been forcibly displaced under "evacuation agreements" to opposition-controlled areas of Idlib and SNA-controlled parts of Aleppo (Afrin, Azaz).[934] Many of the camps have reportedly seen extensive looting following the retaking by government forces.[935] As in other government-held areas, and in particular in retaken areas, Palestinian men, including those who had signed a "reconciliation agreement", are reported to be at risk of arbitrary arrest[936] and forced

in and around the camp continues to pose a risk to camp inhabitants; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, https://bit.ly/2NTblVB, p. 12; Enab Baladi, *Rubble Accumulation in Daraa Camp of Palestinian Refugees Exacerbates its Residents' Suffering*, 1 September 2020, https://bit.ly/2TLJfeg; UNRWA, *UNRWA Shocked by the Death of Two Palestine Refugees in Dera'a, Appeals for Safety of Civilians: Statement*, 3 March 2020, https://bit.ly/2UXC0AV; AGPS, *Civilians Left under Threat of War Remnants in Syria's Daraa Camp for Palestinian Refugees*, 6 October 2019, https://bit.ly/3dnwheh. According to AGPS, 268 Palestinian refugees from the camp have died since 2011, including due to shelling, snipers, small arms fire and extra-judicial executions. Four refugees were recorded to have died as a result of torture in government detention; AGPS, *268 Palestinian Residents of Daraa Camp Pronounced Dead in War-Torn Syria*, 30 March 2020, https://bit.ly/30VzM8P.

933 SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, p. 9. See also Section II.A.1.

934 AGPS, *Displaced Palestinian Families in Northern Syria Push for Urgent Humanitarian Action*, 13 June 2020, https://bit.ly/3ebjkVS; MEE, *'Poverty Everywhere': Palestinians in Syria Living in Desperate Conditions*, 20 February 2020, https://bit.ly/2TUZvdd; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, https://bit.ly/3gJ8GaI; Atlantic Council, *The Potential Loss of Refugee Status for Palestinian-Syrians in Afrin*, 1 April 2019, https://bit.ly/2U22jWi. On the organized evacuations of fighters and civilians from formerly opposition-held areas and their qualification by the IICISyria as "forced displacements", see Section III.A.1.d.

935 "*Almost immediately after* [the retaking of Yarmouk]*, pro-government fighters went in and looted just about everything they could find: kitchen appliances, copper wiring, even the frames of the windows and doors. Former residents going to check on their homes found soldiers looting their belongings*"; MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, https://bit.ly/2XO0Nbp. "*Activists told AGPS that pro-government gunmen in Syria have been raking through Palestinian displacement camps and stealing refugees' belongings under the security pretext. This has been the case in the refugee camps of Yarmouk, AlHusainiya, AlSabina, Khan Eshieh, AlAyedeen in Hums, and AlRaml in Latakia*"; AGPS, *Palestinian Refugees Denounce Property-Theft in Syria*, 12 May 2020, https://bit.ly/3eecyih. "(…) *properties have often been looted or destroyed*"; UNRWA, *2020 Syria Regional Crisis Emergency Appeal*, 31 January 2020, https://bit.ly/2Sf4eFc, p. 6. See also, AGPS, *Displaced Residents of Yarmouk Camp Denounce Property-Theft, Call for Urgent Return to Their Homes*, 22 November 2020, https://bit.ly/3ndqL3r; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, p. 14; AGPS, *Property-Theft Ongoing in Yarmouk Camp for Palestinian Refugees*, 12 July 2020, https://bit.ly/2XoDi9h; AGPS, *Displaced Palestinians Warn of Property-Theft South of Damascus*, 23 February 2020, https://bit.ly/2NflZlr; AGPS, *Property-Theft, Security Turmoil Reported in Handarat Camp for Palestine Refugees*, 26 September 2019, https://bit.ly/3fFAZW0. On the reported widespread looting of homes and shops in areas retaken by government forces, see also Section III.A.1.d.

936 "*Security patrols arrested dozens of young men in the town of Babila south of Damascus earlier this month* [October 2020] *under the pretext of searching for opposition sleeper cells and drug dealers, according to pro-opposition news site Sowt Al-Asimeh. Out of dozens of arrests, 12 targeted Palestinian men displaced from the neighbouring city of Al-Hajjar Al-Aswad. The 12 men were likely targeted for arrest deliberately, after they reportedly underwent security checks as part of their applications to return to their homes in Al-Hajjar Al-Aswad* [Rural Damascus]. *The arrests illustrate the dangers of formally requesting to return home to areas such as Al-Hajjar Al-Aswad.* ***Particularly at risk are those who security forces suspect of being opposition sympathisers, and who remained in former rebel-held areas after the regime retook control****"* (emphasis added); Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, https://bit.ly/3lA4bkE. In May 2019, HRW reported the arrest of 15 Palestinians in Rural Damascus Governorate, including in Babila, Qudsieh and Yalda, which had come back under government control in May 2018. Two of the arrested Palestinians were arrested from the headquarters of a Palestinian relief organization where they both worked. Both individuals had signed reconciliation agreements with the government and "*neither was required for military service or had participated in any anti-government armed action*"; HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html. See also, AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2021, http://bit.ly/3sAncqh; AGPS, *Palestinian Breakaway Rebels Held in Syrian Prisons*, 28 December 2020, http://bit.ly/3uEB8RV; AGPS, *Palestinian Refugees Subjected to Crackdowns in Southern Damascus*, 6 November 2020, https://bit.ly/33p6K23; AGPS, *Palestinian Refugee Yaser Kareem Released from Syria Jail*, 18 November 2019, https://bit.ly/3dft6VQ; AGPS, *4 Palestinian Refugees Arrested in Southern Damascus Manhunt*, 26 October 2019, https://bit.ly/3egRurp; AGPS, *Palestinian Civilians, Activists Held in Syria's State-Run Jails*, 2 October 2019, https://bit.ly/2NaBWcC; SOHR, *Including Palestinians…the Regime's Security Services Continue the Campaign of Arrests in Qudsaya in the Countryside of the Capital Damascus*, 15 September 2019, https://bit.ly/2XPaRAL; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, https://bit.ly/3gJ8GaI. See also Section III.A.1.d.

conscription by government forces.[937] Palestinians in southern Damascus are reported to face movement restrictions and require security clearance to enter Damascus City, which is only granted if an individual can prove his/her loyalty to the government.[938]

Camps and communities located near frontlines remain at risk of airstrikes, rocket and mortar attacks by government[939] and anti-government armed groups, including HTS.[940] In light of deteriorating security conditions in Dera'a Governorate, Palestinian refugees in Dera'a Camp, Al-Muzayrib and Jilin have been caught up in violence and face sporadic movement restrictions.[941] In Dera'a Governorate,

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937 "*Those who refuse conscription are subjected to crackdowns, abductions and even executions. As a result, thousands fled the tension-stricken country in the hunt for a safer shelter* "; AGPS, *Syrian Regime Threatens Property-Confiscation Against Military Draft Evaders*, 6 February 2021, http://bit.ly/37YUreX. "*Palestinian refugees in Syria have been reluctant to join pro-regime squads after it turned out that they have been involved in war crimes against civilians all the way through the Syrian warfare*. (…) *Hundreds of refugees have been kidnapped at government-run checkpoints and forced to carry out mandatory conscription. Dozens more were kidnapped from their homes and shelters to that very end*"; AGPS, *Palestine Refugees Distressed as Pro-Gov't Battalion in Syria Calls for Military Conscription*, 2 August 2019, https://bit.ly/3hGwyvX. Palestinians have been conscripted by both the PLA and Palestinian pro-government groups such as Liwa Al-Quds; see for example, AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2020, https://bit.ly/3eDVstN. Syria Call, *The Assad Regime Arrests 54 Young Men in Rural Damascus*, 7 October 2020, https://bit.ly/35zNYFf; AGPS, *PLA Push for Military Conscription in Syria*, 16 June 2020, https://bit.ly/30NKeiV; AGPS, *Arrest Sweep Targets Displaced Palestinians in Qudsaya*, 14 February 2020, https://bit.ly/2BoGObt; AGPS, *Palestine Liberation Army Launches Calls for Military Conscription in Syria*, 10 February 2020, https://bit.ly/3fyGRjZ; AGPS, *Palestinians Refugees Arrested in Southern Damascus Sweep*, 25 November 2019, https://bit.ly/2NbM0Cs; AGPS, *Number of Migrants among Palestinians Sheltered in Syria Refugee Camp Growing Rapidly*, 23 August 2019, https://bit.ly/2UQH9KU; AGPS, *28 Palestinians Killed in Pro-Gov't Battles in Syria*, 19 July 2019, https://bit.ly/2CaOX3K; AGPS, *Palestinians in Syria Raise Concerns over Forced Military Conscription*, 27 June 2019, https://bit.ly/3dmVrcB; AGPS, *Dozens of Palestinian Youths Forced to Join PLA in Syria*, 3 June 2019, https://bit.ly/2zO4HsN. See also Section III.A.2.

938 "*In* (…) *Yalda, many members of the 2,000 displaced families still face movement restrictions*"; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, https://bit.ly/3ekek1o. According to Fayez Abu Eed, Director of AGPS, "[M]any *Palestinians want to travel to the capital in order to go to school or university, but first we have to present documents to state security and prove our loyalty to the Assad regime. We must prove to them that we have supported the regime and have been on 'good behavior' throughout the civil war*"; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, https://bit.ly/3gJ8GaI.

939 AGPS, *Palestinian Child Killed in Earlier Strike by Syrian Gov't Forces*, 5 April 2020, https://bit.ly/30UGn3m; AGPS, *Displaced Palestinian Families Panic-Stricken as Syrian Gov't Strikes Daraa*, 20 March 2020, https://bit.ly/3dcy99A; AGPS, *Mortar Shell Slammed into Palestinian Neighborhoods in Daraa*, 19 March 2020, https://bit.ly/2YI7eNw; AGPS, *Heavy Shelling Rocks Civilian Homes in Idlib*, 19 July 2020, https://bit.ly/310XQY2. See also Section III.A.1.

940 On 14 May 2019, Neirab camp was hit by several rockets launched by anti-government armed groups, killing at least ten civilians, including five children, and wounding many others. The UN's Board of Inquiry found in April 2020 that "*it was probable that the strike was carried out either by armed opposition groups or by Hayat Tahrir al-Sham*"; UN Secretary-General, *Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents in Northwest Syria*, 6 April 2020, https://bit.ly/3fFy1Ru, para. 63. See also, AGPS, *Rocket Slammed into Palestinian Refugee Home in Aleppo*, 18 July 2019, https://bit.ly/2zPNrDw; AGPS, *2 Civilians Injured as Rocket Hits AlRaml Camp for Palestinian Refugees in Latakia*, 26 April 2019, https://bit.ly/3ekCKHU; AGPS, *Rocket Hits Palestinian Family's Home in Aleppo*, 18 April 2019, https://bit.ly/3ekxtjw. See also Section III.A.3.

941 "*On the evening of 28 February* [2020]*, two Palestine refugees were killed by an improvised explosive device (IED) while walking back to their home in Dera'a camp. Tension between government forces and non-state armed groups has mounted in Dera'a governorate, with reconciliation agreements being increasingly fragile. On 19 March* [2020]*, an UNRWA staff member was killed following an outbreak of armed violence in Jillin rural Dera'a; the same incident claimed the lives of a 13 year-old UNRWA student, together with his 10 year-old cousin*"; UNRWA, *Syria: Progress Highlights January-June 2020*, 7 October 2020, https://bit.ly/3iAvtoQ. See also, AGPS, *Palestinian Refugees Distressed Following New Assassination in AlMuzeireeb*, 20 February 2021, http://bit.ly/3kev5ia; AGPS, *New Assassination Attempt Reported in Deraa Camp for Palestinian Refugees*, 5 February 2021, http://bit.ly/3pZzN4Q; AGPS, *Palestinian Refugee Families in Syria Raise Concerns over Simmering Assassinations, Abductions*, 20 January 2021, http://bit.ly/3srA0PA; AGPS, *Palestinian Refugees Terrified as Mortar Shells Hit Southern Syria*, 10 November 2020, https://bit.ly/3nkiD10; UNRWA, *COVID-19 Weekly Update 8 - 21 June 2020*, 29 July 2020, https://bit.ly/316Gfxr, p. 24; AGPS, *Palestinian Refugee Assassinated South of Syria*, 15 July 2020, https://bit.ly/3i31ENE; SOHR, *Unidentified Gunmen Assassinate Palestinian Civilian in Daraa Countryside*, 16 July 2020, https://bit.ly/3hcJDMy; AGPS, *Palestinians in AlMuzeireeb Town Facing Mass Displacement*, 15 May 2020, https://bit.ly/2UZL48k; AGPS, *Palestinian Refugees in Gilin Town Raise Concerns over Mass Displacement*, 10 May 2020, https://bit.ly/2YddzSa; AGPS, *Palestinian Families Flee AlMuzeireeb Town to Daraa Refugee Camp*, 6 March 2020, https://bit.ly/30YMJPy. On the security situation in southern Syria, see Section II.B.1.b.

incidents of individuals having been targeted for assassination on account of their alleged pro- or anti-government affiliations have been reported.[942]

Palestinian refugees who previously resided in Syria are reported to be among those who have been arrested and/or forcibly conscripted upon their return to government-held areas in Syria.[943]

Under the 1951 Convention, Palestinian refugees falling within the personal scope of Article 1D, who have been excluded under Art. 1D(1) (who are receiving or are eligible to receive protection or assistance from UNRWA) and who are subsequently included under Art. 1D(2) (when that protection or assistance has ceased) are *ipso facto* entitled to the benefits of the 1951 Convention, provided Articles 1C, 1E or 1F of the 1951 Convention do not apply.[944]

Asylum claims of Palestinians who do not fall within the scope of Article 1D should be adjudicated under Article 1A(2) of the 1951 Convention. In addition to the information included in this risk profile, the other risk profiles included in this document (Sections III.A.1 to III.A.11) provide relevant country of origin information and eligibility guidance.

## B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is found not to be for reason of a Convention ground, or if otherwise the threshold for applying the 1951 Convention definition is not met, should broader international protection criteria as contained in UNHCR's mandate and regional instruments be examined, including subsidiary protection.[945]

In view of the serious violations of international humanitarian law and violations and abuses of human rights law and ongoing armed conflict in Syria, UNHCR continues to characterize the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention. Likewise, Palestinians from Syria are likely to fulfil the requirements of Article 1D and would be ipso facto entitled to the benefits of the 1951 Convention.[946]

Given the fluid nature of the situation in all parts of Syria, applications by Syrians and former habitual residents of Syria for international refugee protection under UNHCR's broader mandate criteria or under the regional instruments, or for forms of complementary protection, including subsidiary

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942 "*Activists have accused pro-government militias of assassinating opposition affiliates south of Syria in violation of the reconciliation accords struck between the two sides*"; AGPS, *5 Palestinian Refugees Assassinated South of Syria in 2020*, 8 January 2021, http://bit.ly/3bHfljO. On 12 April 2020 AGPS reported that a Palestinian refugee was shot dead on account of his pro-government affiliation; AGPS, *Palestinian Refugee Fatally Shot South of Syria*, 12 April 2020, https://bit.ly/2YSU1Bo. See also, AGPS, *Tension Running High in AlMuzeireeb's Palestinian Refugee Community Following Reports of 2 Assassination Attempts*, 29 February 2020, https://bit.ly/2AQsIW0; AGPS, *Member of Pro-Gov't Squad Killed in War-Torn Syria*, 20 October 2020, https://bit.ly/2Z4HXNV. See also Sections III.A.1.d and III.A.3.

943 "*Those who have returned to the Syrian territories have been subjected to arbitrary crackdowns and forced conscription with pro-government battalions*"; AGPS, *Thousands of Palestinian Families from Syria Torn Apart*, 30 January 2020, https://bit.ly/2CcQGFI. See also, AGPS, *Palestinian Journalist Rafat Nabhan Released from Syrian Prisons*, 1 September 2020, https://bit.ly/2GT6L5P; AGPS, *Palestinian Woman Wahiba Abu Jamous Forcibly Disappeared in Syrian Jail*, 7 January 2020, https://bit.ly/3hA71Vn; Foreign Policy, *A Deadly Welcome Awaits Syria's Returning Refugees*, 6 February 2019, https://bit.ly/2HYBK0r; AGPS, *Palestinian Refugee Amjad Mootassem Held in Syrian Jail for 5th Consecutive Year*, 23 December 2019, https://bit.ly/2UWtMc9; AGPS, *Palestinian Refugee Najib Sweiti Secretly Held in Syrian State Jail*, 26 January 2019, https://bit.ly/2NdLDan. See also Section III.A.1.e.

944 See, UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html.

945 See UNHCR Executive Committee, *Conclusion on the Provision on International Protection Including Through Complementary Forms of Protection, No. 103 (LVI) – 2005*, 7 October 2005, www.refworld.org/docid/43576e292.html.

946 See Section III.A.

protection under Article 15 of the 2011 EU Qualification Directive,[947] should each be assessed carefully in light of the evidence presented by the applicant and other current and reliable information about the situation in Syria.

## C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative (IFA/IRA)

### 1) Introduction

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), also referred to as internal protection alternative,[948] is contained in the UNHCR Guidelines on International Protection No. 4: "*Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*.[949]

An assessment of the possibility of relocation requires an assessment of the relevance as well as the reasonableness of the proposed IFA/IRA.[950] In cases where a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative for the individual concerned requires an assessment over time, taking into account not only the circumstances that gave rise to the risk feared, and that prompted flight from the area of origin, but also whether the proposed area provides a safe and meaningful alternative in the future. The personal circumstances of the individual applicant and the conditions in the area of relocation need to be considered.[951]

If an IFA/IRA is considered in asylum procedures, a particular area of proposed relocation must be identified and all relevant general and personal circumstances regarding the relevance and reasonableness of the proposed area of relocation for the particular applicant must be established to the extent possible and must duly be taken into account. The applicant must be given an adequate opportunity to respond to the purported relevance and reasonableness of the proposed IFA/IRA.[952]

The guidance provided in this Section applies to IFA/IRA assessments in the context of determinations of the need for international refugee protection under the 1951 Convention (Section III.A), or, as applicable, UNHCR's broader mandate criteria, and the Cartagena Declaration. The guidance provided in this Section also applies to internal protection assessments under Article 8 of the EU Qualification

947 European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, www.refworld.org/docid/4f197df02.html, Article 15.

948 European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, www.refworld.org/docid/4f06fa5e2.html, Article 8.

949 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.refworld.org/docid/3f2791a44.html (hereafter: UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html.

950 In relation to applications for international protection in EU Member States, Article 8 of the 2011 Qualification Directive applies. It includes both a relevance and reasonable test. 2011 Qualification Directive, Article 8.

951 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In relation to applications for international protection in EU Member States, see also Article 8(2) of the 2011 Qualification Directive, which provides that: "*Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.*"

952 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

Directive. The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the OAU Convention.[953]

### 2) Areas of Syria where an IFA/IRA Is not Available

UNHCR considers that an IFA/IRA is not available in areas currently or formerly outside of government control in light of ongoing conflict, military operations, insecurity and human rights abuses;[954] the risks of future shifts in territorial control; and the high levels of destruction to civilian infrastructure and humanitarian needs in these areas.[955] Some of these areas also remain inaccessible due to security restrictions or are accessible only for former residents holding a security clearance.[956]

UNHCR further considers that an IFA/IRA is not available in areas that have seen systematic confiscation of properties and/or deliberate displacement in view of the risk of exacerbating these dynamics through population movements.[957]

### 3) Population Groups for which an IFA/IRA Is not Available

In light of the ongoing COVID-19 pandemic and the inability of Syria's health system to respond to it,[958] UNHCR considers that for persons at heightened risk of contracting a severe form of the disease (including persons over the age of 60 and persons with certain underlying medical conditions),[959] an IFA/IRA would not be relevant.

### 4) Assessment for the Availability of an IFA/IRA in Government-Held Urban Areas

In the following sections, UNHCR offers detailed guidance on assessing the availability of an IFA/IRA in Damascus City,[960] as the capital and the largest urban area that has mostly remained under government control throughout the conflict.

To assess the availability of an IFA/IRA in other government-held urban areas, a similar analysis would have to be conducted.

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953 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 5. Article I(2) of the 1969 Convention extends the refugee definition to "*every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality*" (emphasis added). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention.

954 See Sections II.B.1.b to II.B.4 and Sections II.E.2 to II.E.5.

955 See Section II.F.

956 This includes certain neighbourhoods of Damascus city such as Jobar, Barzeh, Qaboun and Yarmouk, which remain inaccessible to former residents, or are contingent on obtaining a security clearance; see footnote 553.

957 See Sections II.D.3, III.A.6 and III.A.8.

958 See Section II.F.1.

959 WHO, *Coronavirus Disease (COVID-19)*, 12 October 2020, https://bit.ly/3dNaE92. "*All are susceptible. However, the elderly; people with underlying health conditions; vulnerable IDPs and refugees; and healthcare workers with inadequate personal protective equipment (PPE) are at greater risk*"; OCHA / WHO, *Syrian Arab Republic: COVID-19 Humanitarian Update No. 21*, 30 November 2020, https://bit.ly/2VQPui3, p. 1.

960 Damascus city contains fifteen municipal districts divided into ninety-five neighbourhoods contained entirely within Damascus Governorate. While many suburbs are contiguous with Damascus city, they are in the Governorate of Rural Damascus ("*Rif Dimashq*" in Arabic) and are not considered part of Damascus city. Throughout the rest of this section, Damascus city is used to refer only to the city itself and not to its environs. See, for example, the description and map found in Y. Abdin, *The Fragility of Community Security in Damascus and its Environs*, International Review of the Red Cross 99(3) (2019), https://bit.ly/2RBJgjJ, pp. 900, 901, 912. For a map of Damascus Governorate's districts, see Syria Report, *New Draft Zoning Plan in Polarised Damascus District*, 10 February 2021, http://bit.ly/3kz9EZc.

### 5) *Relevance Analysis in Relation to Damascus City*

#### a) Assessing whether the applicant would be exposed to the original risk of being persecuted

Damascus city would not be relevant as a proposed area of IFA/IRA if the applicant were to be exposed to the original risk of being persecuted there.

Where the applicant has a well-founded fear of persecution at the hands of the State or its agents, there is a presumption that consideration of an IFA/IRA is not relevant.

In cases where the applicant has a well-founded fear of persecution at the hands of non-state actors, the relevance of a proposed IFA/IRA must be assessed taking into account the profile of the individual and whether the persecutor is both able and motivated to pursue the applicant in Damascus city. In addition, the evidence provided in Section II.E.1 needs to be taken into account regarding the limitations on the ability and willingness of the State to provide protection from human rights abuses at the hands of non-state actors.

Where the applicant has a well-founded fear of persecution at the hands of family, tribe, or community as a result of harmful traditional practices or religious norms of a persecutory nature, including on account of preserving family "honour", there is a presumption that consideration of an IFA/IRA is not relevant in light of the available evidence that such actors are motivated and capable of pursuing the applicant in Damascus city, including, for example, through tribal, family or other links; the endorsement of such norms and practices by large segments of society; and the limitations of the State to provide protection against such abuses.

#### b) Assessing whether the applicant would be exposed to new risks of being persecuted, or to other forms of serious harm

In addition to the considerations above relating to the original form of persecution in the applicant's home area, the decision-maker must also establish that the applicant would not face any new form of persecution in the proposed area of IFA/IRA, nor any other serious harm. As UNHCR has noted in its Guidelines on International Protection No. 4:

> "a person with an established fear of persecution for a 1951 Convention reason in one part of the country cannot be expected to relocate to another area of serious harm. If the claimant would be exposed to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination, an internal flight or relocation alternative does not arise, irrespective of whether or not there is a link to one of the Convention grounds. The assessment of new risks would therefore also need to take into account serious harm generally covered under [broader refugee criteria or] complementary forms of protection."[961]

The assessment must be based on up-to-date country of origin information, including in relation to the security situation in Damascus city.[962] In relation to persons originating from areas (currently or formerly) under control of non-state actors, it would have to be carefully assessed whether they may be at risk of persecution or other serious harm in Damascus city on account of their perceived affiliation with anti-government armed groups, including for reason of their place of origin and/or their family affiliation.[963]

In respect of men of military age who are liable being called up for mandatory or reservist military service, new risks of persecution may arise in Damascus city in relation to military service.[964]

961 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 20.
962 See Section II.B.1.a.
963 See Section III.A.1.
964 See Section III.A.2.

Single, widowed or divorced women who do not or who are not perceived to have male protection through members of their family may also face new risks of serious harm, including trafficking, exploitation and other forms of abuse.[965]

### c) Assessing whether Damascus City is practically, safely and legally accessible

In cases where Damascus city has not been ruled out as a relevant IFA/IRA on the basis of considerations described above under a) and b), it would still need to be assessed whether Damascus city is practically, safely and legally accessible to the individual.

For persons going to Damascus city, the main entry points into Syria are the official border crossings with Lebanon and Jordan, or by air via Damascus International Airport.[966] At the time of writing, most official border crossings remain closed for non-commercial travel due to COVID-19-related restrictions.[967] Entry via official border crossings and airports requires identification documents and entails security checks and possible questioning.[968] Men of military age will also have their military status checked.[969] Persons of certain profiles who return to Syria without security clearance risk being arrested at the border or airport.[970] In the past years, there have been several attacks against Damascus Airport and its environs.[971]

Travel overland from the Lebanese border to Damascus city, or from Damascus International Airport to the city is generally considered safe but entails passing fixed and mobile security checkpoints *en route* and at the entrance to Damascus city,[972] requiring identification documents.[973]

### d) Conclusion on the relevance of Damascus city as a proposed IFA/IRA

In light of the foregoing, UNHCR considers that an IFA/IRA in Damascus city is **generally not relevant** for the following individuals:

- Individuals who would return to Syria without identity documents;
- Individuals who are required to "settle their status";
- Individuals who originate from areas previously or currently outside of government control, and who may be perceived as opposing the government;
- Men of military-age who object to military service for reasons of conscience and/or who object to participation in activities that constitute violations of international humanitarian, criminal or human rights law;

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965 See Section III.A.9.e.

966 While Damascus Airport is operational, only a limited number of airlines operate regular flights, including Syrian Air, Cham Wings Airlines and Taquan Air, which fly to/from Abidjan, Amman, Beirut, Doha, Dubai, Erbil, Khartoum, Kuwait, Teheran, and Yerevan, among others; Flight Radar, *Damascus International Airport: Syria*, accessed 28 February 2021, https://bit.ly/2IQn7h2. See also, Al-Monitor, *Syria Resumes Commercial Flights out of Damascus*, 1 October 2020, https://bit.ly/3kksvGu.

967 "*Border crossings remain impacted as Syria and neighboring countries continue implementation of precautionary measures. Most land borders into Syria remain closed, with some limited exemptions including commercial and relief shipments.* (…) *The GoS requires individuals arriving from official border crossing points with Lebanon to present a negative PCR certificate obtained within the past 96 hours at accredited laboratories. Those unable to present such a document are quarantined*"; OCHA / WHO, *COVID-19 Humanitarian Update No. 23*, 1 February 2021, https://bit.ly/2ZF9JB2, p. 2. See also, UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 33.

968 All civilian airports are under control of the Airforce Intelligence; SNHR, *Syrian Security Branches and Persons in Charge*, undated, https://bit.ly/3cDGp1N, p. 8. On reported arrests of individuals returning via official border crossings and Damascus airport, see Section III.A.1.e.

969 See Sections II.B.1.a (footnote 49) and III.A.2.

970 See Section III.A.1.e.

971 Garda World assessed in July 2020 that "[T]*he security situation at Damascus International Airport has improved significantly over the past 12 months, although there remains an elevated risk of collateral damage to aircraft on the ground from Israeli airstrikes against the Iranian presence*"; Garda World, *Syria Country Report*, last updated 15 July 2020, http://bit.ly/2nlk99n. See also, Times of Israel, *Israeli Airstrikes Said to Hit Targets near Damascus*, 15 February 2021, http://bit.ly/3kiDWiT; UPI, *Israeli Missiles Kill 2, Injure 7 in Damascus Air Strike, Syria Reports*, 31 August 2020, https://bit.ly/3dhfGdA; Reuters, *Hezbollah Fighter Killed in Israeli Strike near Damascus*, 22 July 2020, https://bit.ly/2lf47lg; AFP, *Israel Claims Air Strikes on Bases of Militant Group near Damascus Airport Area*, 24 February 2020, https://bit.ly/33QGnTm; Times of Israel, *Satellite Images Show Major Damage at Damascus Airport Following Airstrikes*, 17 February 2020, https://bit.ly/30Z13GS.

972 On possible risks encountered at checkpoints, see Section II.B.1.a.

973 See Section II.F.2.b.

- Individuals who have a well-founded fear of persecution at the hands of a state actor or at the hands of family, tribe, or community as a result of harmful traditional practices or religious norms of a persecutory nature; and
- Single, widowed or divorced women who do not or who are not perceived to have male protection through members of their family.

### 6) *Reasonableness Analysis in Relation to Damascus City*

#### a) The Applicant's Personal Circumstances

Whether Damascus city offers a reasonable IFA/IRA must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, gender, health, disability, family situation and relationships, their educational and professional background, as well as any past persecution and its psychological effects.[974]

The particular circumstances of **children** as well as the legal obligations of States under the Convention on the Rights of the Child – in particular the obligations to ensure that the bests interests of the child are a primary consideration in all decision-making affecting children and to give due weight to the views of the child in light of his or her age and maturity – need to be taken into account in assessing the reasonableness of an IFA/IRA involving children.[975] Adjudicators need to give due consideration to the fact that what is considered merely inconvenient for adults may constitute undue hardship for a child.

These considerations take on additional importance in relation to **unaccompanied and separated children**.[976] In the case of unaccompanied and separated children from Syria, UNHCR considers that in addition to a requirement of meaningful support of the child's own (extended) family in the area of prospective relocation, the best interests of the child must be a primary consideration in assessing the availability of an IFA/IRA for the child, in accordance with Article 3(1) of the Convention on the Rights of the Child.[977]

To determine the reasonableness of a proposed IFA/IRA for **persons with specific needs**, including persons with disabilities and elderly persons, it would be particularly important to establish that members of their (extended) family in the area of prospective relocation are willing and able to provide durable support to meet the person's identified needs in a sustainable – and where necessary permanent – manner.

In light of the serious human rights situation for **women** in Syria (see Section III.A.9), as well as social norms that restrict women's freedom of movement, and the generally low employment rates for women in Syria, UNHCR considers that an IFA/IRA is not reasonable for women who are single heads of household and who do not or who are not perceived to have male protection through members of their family.

#### b) Safety and Security

A proposed IFA/IRA in Damascus City would only be reasonable if the applicant is able to live there in safety and security, free from danger and risk of injury.[978] These conditions must be durable, not illusory or unpredictable.[979] In this regard, information presented in Section II.B regarding the security situation in government-held areas must be taken into consideration.

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974 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26. On the high prevalence of mental health concerns among the Syrian population, see also Section II.F.1.

975 UNGA, *Convention on the Rights of the Child*, 20 November 1989, United Nations Treaty Series, Vol. 1577, www.refworld.org/docid/3ae6b38f0.html, p. 3.

976 UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 53-57.

977 UNGA, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, www.refworld.org/docid/3ae6b38f0.html, p. 3.

978 UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 27.

979 *Ibid*.

### c) Respect for Human Rights and Economic Survival

For a proposed IFA/IRA in Damascus city to be reasonable, the applicant must be able to exercise his or her basic human rights, and the applicant must have possibilities for economic survival in dignified conditions.[980]

*General humanitarian situation*

To assess whether Damascus city provides a reasonable IFA/IRA, decision-makers must consider the current economic crisis affecting all government-held areas,[981] and the high levels of poverty and attendant humanitarian needs.[982] In Damascus city, out of an estimated population of 1.84 million people, 1.1 million people are in need of humanitarian assistance.[983] Large-scale displacement due to conflict[984] significantly limit the city's absorption capacity.[985] The cost of living is reported to be highest

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980 *Ibid.*, paras 29-30.

981 Syria faces an economic crisis driven by the collapse of its currency, which affects government-held areas the most, and has resulted in the degradation of living standards and state services. "*Whereas administrative actors in northwest and northeast Syria have mitigated the effects of currency collapse by resorting to foreign currency, the Government of Syria cannot make such a pivot. Consequently, as needs are rising, its capacity is diminishing. The result is likely to be misery on a deeper and more widespread basis for Syrians living in Government-held areas. The collapse of the pound will have a pronounced impact in Government of Syria held areas in two crucial respects: state services and household income*"; COAR, *Cash Crash: Syria's Economic Collapse and the Fragmentation of the State*, 13 July 2020, https://bit.ly/32DtHyN, p. 8. See also, Atlantic Council, *2021 Budget Reveals the Depth of Syria's Economic Woes*, 1 December 2020, https://bit.ly/2Nu4Yb5; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, pp. 26-27.

982 According to Philip Spoerri, head of the ICRC delegation in Damascus, "[T]*hese last months have been an economic nightmare for Syrians on top of almost a decade of brutal and unrelenting conflict. At a conservative estimate, there are hundreds of thousands of newly vulnerable people being pushed towards poverty and hunger*"; ICRC, *Syria: As Economic Crisis Bites, Lack of Humanitarian Access Costs Lives Every Day*, 30 June 2020, https://bit.ly/319nERa. One teacher in Damascus said that: "*If I don't buy masks or medicine, I may die or survive, but if I don't buy bread for the family, we will all die of starvation* (…) *The choice is between bread and masks*"; The Independent, *'A Choice Between Bread and Masks': Syrians Face Calamity as Trump's New Sanctions Combine with Surging Coronavirus*, 21 August 2020, https://bit.ly/2RKVsyS. "*After eight years of civil war, Damascus is faced with an enormous humanitarian crisis: nearly a million internally displaced persons from unsafe areas have settled temporarily or permanently in the city, whereas a large share of the residential properties in the formerly rebel-held eastern and southern fringe of the city is destroyed. The social demand for housing is huge, whereas the market supply for housing is limited due to economic uncertainties. At the same time, Damascus reaches its environmental limits, and the absorption of many newcomers might overstretch the city's social resilience*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus: How the Geography- and Political Economy of Warfare Affects Housing Patterns*, Habitat International 96 (2020), https://bit.ly/3hIlayz (hereafter: B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz), p. 12. See also Section II.F.1.

983 Up from 700,000 people in 2020; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, https://bit.ly/3shgULZ, p. 4; OCHA, *2020 HNO*, July 2020, p. 37. No official statistics are available, but the Syrian government estimated a higher population (2,011,000) for Damascus in 2016; Syria / Central Bureau for Statistics, *2017 Yearbook: Estimate of the Population in Syria by Governorates*, 2017, https://bit.ly/2Tif6ms. See also, CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, p. 11.

984 "*The proportion of IDPs and returnees remained particularly high in Damascus Governorate; IDPs and returnees constitute an estimated 33 per cent of the total population in Damascus*"; OCHA, *2020 HNO*, July 2020, p. 39. There were an estimated 625,000 IDPs in Damascus as of June 2020; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 7.

985 The conflict has resulted in significant displacement to urban areas, including Damascus. "*Although the armed conflict has ended in the surroundings of the capital city, it has left tremendous scars in the social structure and the urban fabric: a majority of homes in the Eastern and Southeastern fringe of the city are destroyed or severely damaged, whilst other parts of the city have absorbed nearly a million domestic migrants who fled from other parts of the Syrian territory*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 1. "*The conflict has deepened the process of urbanisation, forcing many from rural areas to be displaced. It is estimated that 72.6 percent of the population (13.7 million people) lived in urban areas in 2019, compared to 56 percent of the population in 2010. Latakia, Tartous and some areas of Damascus, witnessed a significant influx of people, while eastern Aleppo and Homs experienced an exodus. Of a total population estimated at around 20.8 million in February 2020, a bit more than 15 million were living in regime-controlled areas*". The government's policies of targeting opposition-held urban areas "*forced masses of displaced civilians to travel to government-controlled areas to look for better security and public services*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, pp. 6-7. "*Acute needs stemming from a lack of access to basic services, livelihoods and economic opportunities, combined with high levels of destruction to critical civilian infrastructure, including health facilities, water systems and schools, are also observed in* (…) ***overburdened host communities in Damascus*** *and Rural Damascus*" (emphasis added); OCHA, *Global Humanitarian Overview: Syria*, accessed 28 February 2021, https://gho.unocha.org/syria.

in Damascus city,[986] and many inhabitants of the city depend on their social networks inside Syria and abroad to cover their daily expenses.[987]

*Access to adequate shelter*

While Damascus city escaped the levels of destruction seen in other governorates, some neighbourhoods suffered extensive damage and destruction of residential property and infrastructure, including Jobar, Qaboun and Yarmouk, with little or no reconstruction to date.[988]

The economic crisis, destruction of housing and influx of IDPs, combined with rapid inflation, have resulted in high rental prices throughout Damascus city.[989] Landlords often require tenants to pay rent for one year in advance.[990] Additionally, real estate prices have risen steeply, leaving many caught between unaffordable rental prices and the inability to buy even modest accommodation.[991]

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986 "*The cost of living (food, housing, education, health and clothing) is most expensive in Damascus and has continuously risen with inflation. The monthly requirements for a family of five in Damascus increased from 380,000 SYP in January 2020 to 430,000 SYP (between $331 and $358) in April 2020, while the average monthly public wage did not exceed 60,000 SYP (between $46 and $50 per month)*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/31nZNxA, p. 12. By December 2020, the monthly requirement of 380,000 Syrian pounds had increased by 93% to 732,000 Syrian Pounds; Syria Report, *Tensions Rise as Syria's Cost of Living Surges by 93 Percent*, 20 January 2021, http://bit.ly/3022aos.

987 B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 12. On limitations on remittances from abroad, see Section II.F.1.

988 "*The al-Qaboun neighborhood witnessed systematic destruction since the Syrian regime re-controlled it in mid-2017 through dozens of bombings that targeted the remaining houses and buildings in separate areas of the neighborhood*"; Enab Baladi, *After Expanding Area of Destruction… Regulatory Plan of al-Qaboun Neighborhood Ignores Residents' Property Rights*, 10 November 2020, https://bit.ly/36iA4Jf. "*As of 3 December 2017, 93% of structures in Jobar neighbourhood were damaged or destroyed*" and "*rubble and unexploded remnants of war have yet to be removed, in addition to the re-establishment of basic civilian infrastructure, including electricity and water as more than 80% of all buildings in Yarmouk camp and its surrounding areas were destroyed*"; REACH, *Syria Cities Damage Atlas*, 16 March 2019, https://bit.ly/2H3uC2L, pp. 17, 23. See also Syria Report, *Imminent Return? What Barzeh, Qaboun and Jobar May Have in Common*, 28 October 2020, https://bit.ly/35AlY5F; and Sections II.F.1 and III.A.12.

989 "*Latakia and Damascus welcomed a significant number of IDPs from different areas of the country. In both cities, IDPs increased the pressure on existing availability of housing, infrastructure and services. This situation increased housing prices, especially rentals, preventing many IDPs from finding accommodation.* (…) "*In Damascus, many IDPs turned to 'collective centres' (public buildings and factories used to house five or more IDP families) or informal settlements where they faced poor access to basic services*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 8. In December 2019, prior to the acceleration of the Syrian pound's decrease in value, one resident of Damascus said: "*the price hikes in Damascus are obscene, especially the cost of accommodation. Now the situation is even worse, and salary increases do not achieve anything because the Syrian lira is unstable*"; Syria Direct, *Residents of Damascus Suffer under Rising Prices and Economic Slowdown*, 8 December 2019, https://bit.ly/2Eaixrv. See also, Enab Baladi, *House Rents Rise to Record Levels in Damascus… What Are the Reasons?*, 7 May 2018, https://bit.ly/33A1sjn. "*As landlords profited from a saturated real estate market, those seeking refuge faced extortionary rental costs. A flat in a working-class neighborhood of central Damascus could fetch $250 per month – roughly three times the salary of a typical civil servant – even when it had no kitchen or windows. Owners sometimes demand a year's rent in advance, in hard currency*"; Synaps, *No Damascus Like Home*, 10 February 2020, https://bit.ly/32Hun5V. "*Tens thousands of families were displaced from their demolished hometowns to Damascus, Lattakia, Tartous and Hama where they could find secure safe homes to live in*"; Syria Times, *Real Estate Sector in Damascus*, 21 June 2020, https://bit.ly/2S5YQEB. See also, Fanack, *Risk of Tensions as Cost of Living Surges in Syria*, 8 February 2021, https://bit.ly/37C7Jhq; Syria Report, *Cost of Living Increased Again Significantly Last Year*, 15 January 2020, https://bit.ly/3iYbAZ6.

990 Synaps, *No Damascus Like Home*, 10 February 2020, https://bit.ly/32Hun5V; Enab Baladi, *House Rents Rise to Record Levels in Damascus… What Are the Reasons?*, 7 May 2018, https://bit.ly/33A1sjn.

991 "*A few months ago, Damascus city and its suburbs witnessed astronomical rise in the prices of real estate because the deterioration of Syrian currency with the American-European sanctions on Syria and Lebanon's instability situation. Working class and governmental employees cannot buy a small flat in a suburb close to Damascus city because its price reach to 60 million Syrian Pound. 'I have 40 million Syrian Pound. I cannot find a suitable flat to buy. What can I do? I cannot take a loan from a governmental or private bank and I cannot borrow some money from my old parents who* [hardly] *can buy their food. I and my wife make 130. 000 SP monthly salaries,' Rami, 34-year-old, an electricity engineer works at the Ministry of Electricity and his wife a governmental teacher said to Syria Time*"; Syria Times, *Real Estate Sector in Damascus*, 21 June 2020, https://bit.ly/2S5YQEB. "*Owning a property – a necessary step to start a family – remains a far-fetched dream for young people in the regions under the regime's control. Property prices have also risen along with the dollar, though at a slower rate, and have become very expensive. Any apartment in a suburban area would cost about USD10,000. Although the regime's banks are offering mortgage loans, they are still not nearly enough to buy a house, and their long-term premiums seem impossible to pay:*

IDPs have generally moved into informal settlements or squatted on the fringes of the city, not having access to the more expensive housing markets of many city neighbourhoods.[992] Informal settlements are often overcrowded and lack regular access to public infrastructure and services.[993] Security measures also prevent IDPs and other low-income persons from having access to other neighbourhoods for housing or services.[994]

Securing accommodation, including temporary accommodation,[995] in Damascus also involves legal and security procedures, which may, depending on the profile of the person, entail security risks such as questioning or arrest. They may also not obtain the security approvals required for renting or buying an apartment.

**Rental contracts** (and extensions) need to be formalized at the Governor's Office (Citizen Service Office, or *Maktab khidmet al-muwathineen*) and the process incurs a small fee.[996]

In 2018, the Ministry of Interior removed the requirement of obtaining a security approval for rental contracts. Instead, the citizen service office notifies the police station about the rental contract and the

*a 5m Syrian Lira loan will cost the borrower an additional 90,000 Syrian Lira over 15 years, which seems impossible in a country with a per capita income of not more than 80,000 Lira for all workers in both private and public sectors*"; Reform Initiative, *No Homeland, No Future: Alawite Youth As the Backbone of the Assad Regime*, 4 August 2020, https://bit.ly/3662qqp. On 9 September 2020, the Ministry of Domestic Trade and Production raised the price of cement by 50% to keep up with increasing informal market prices, which will cause an increase in home prices. "*On the consumer level, the increasing prices (both a reflection of inflation and the runaway depreciation of the Syrian pound) will raise home prices and the costs of rehabilitation and repair activities*"; COAR, *Syria Update: 14 September 2020*, 14 September 2020, https://bit.ly/2ESLGI6. The Ministry raised the price again in December 2020 by 80%; COAR, *Syria Update: 4 January 2021*, 4 January 2021, https://bit.ly/3dxJrsN. See also, Syria Report, *Syria Hikes Cement Prices Again, Production Stable*, 23 December 2020, https://bit.ly/2MlJD2Z; Enab Baladi, *Formalities and Increased Prices of Building Materials Hinder Restoration in Damascus Old City*, 21 January 2021, https://bit.ly/3dybkAU; Enab Baladi, *Damascus… Renting Costs Less than Restoring War-Affected Houses*, 8 September 2020, https://bit.ly/35c0LO6.

992 "(…) *three districts, located at the western side of the old city, are characterized by a high social status: Malki, Kafar Sousah and Mazzeh.* (…) *Other districts with a relatively high social status are Mazzeh and the old city and its northern surroundings. The districts with the lowest social status can be found in the southern and eastern fringe of the city. It concerns districts with a high degree of informal housing in the Ghouta oasis, such as Duma, Harasta and Arbin* [Rural Damascus Governorate]*, and the former Palestinian refugee camp Yarmouk and its surroundings.* (…) *during the Syrian war, IDPs have mainly migrated to neighborhoods with a relatively low social status, and a high degree of informality.* (…) *the housing shortage among IDPs is enormous*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 11. One researcher estimated in March 2019 that 60% of IDPs in Damascus lived in informal settlements; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, https://bit.ly/2RBJgjJ, p. 911.

993 "*These informal settlements are characterized by their high population density, ranging from 400 to 1,200 persons per hectare. Most of them are irregularly connected to public infrastructural services such as sewers, drinking water, electricity, telephones and roads.* (…) *Social services such as health and educational facilities and police stations are totally non-existent*"; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, https://bit.ly/2RBJgjJ, pp. 917-918. "*In these areas, there is access to basic services such as sanitation, water and electricity, however, the infrastructure is vulnerable and a slight amount of damage can affect the whole area*"; DIS, *Syria: The Socio-Economic Situation in Damascus City*, March 2019, https://bit.ly/2HdnHUV, p. 8.

994 "*The present-day security barriers and checkpoints have entrenched the division of the residential districts in the city and its peaceful environs along religious, regional and ethnic lines and even on the basis of economic class. These security measures have made the districts even more introverted than before and have prevented any residential intermixture, especially in regard to accommodation of the refugees flooding into Damascus and its environs, who are distributed in accordance with a security agenda consistent with the identity and characteristics of each residential district*"; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, https://bit.ly/2RBJgjJ, p. 916.

995 Individuals seeking to stay in a hotel require a passport, ID card, family booklet or civil extract with the personal photo of its holder to check in. Families must present a family booklet or a family civil extract that shows the legal relation between the family members. Hotels are obliged to provide lists of occupants with their personal details ("*Waraqat Al-Amn*") to the Political Security Directorate on a daily basis. The information is also circulated among other security/intelligence agencies. UNHCR information, December 2020.

996 The landlord needs to provide ownership documents; last electricity bill; the original and a copy of his/her ID card, while the tenant needs to provide the original and a copy of his/her ID card; family booklet (in case a family is renting the apartment); and copies of the ID card of any other adult family member who will be residing at the apartment; UNHCR information, December 2020.

latter sends a notification to the concerned branch of the Political Security Directorate (*Idarat Al-Amn Al-Siyasi*).[997]

Landlords normally require a rental contract in order to protect their premises from being occupied by tenants under informal arrangements, with legal procedures for their eviction being lengthy and cumbersome. Landlords may also be reluctant to rent their premises to persons unknown to them, especially if they originate from areas currently or formerly outside government control, as they fear possible questioning by security agencies or being held responsible for any offenses committed by the tenant.[998]

**Buying an apartment**: Both buying and selling residential real estate require prior security approval by the Political Security Directorate. Persons who are wanted by the authorities, including on account of (perceived) opposition activities or draft evasion, are denied security approval.[999]

*Access to essential services*

Public infrastructure in Damascus city is strained and access to services can be intermittent for residents.[1000] The presence of IDPs is reported to put further pressure on available infrastructure and

997 UNHCR information, December 2020. "(…) *in 2018, the Ministry of Interior released Decree No. 2744, which cancelled the requirement to obtain security approval in order to make lease contracts. However, the new decree did impose several security measures that would have to be followed when leasing. Involved parties are required to register the rental contract with an administrative unit such as a municipal council. Copies of the contract must then be sent to local police to check the legal status of the tenant and see if they are wanted by security forces or the judiciary. Then, police must send a copy of the contract to the local Political Security branch in charge of the area to conduct a security background check. In practice, Decree No. 2744 did not really remove the security approval requirement for leasing, but rather tied the process to the police*"; Syria Report, *Explained: Security Approvals and Infringements on Property Rights*, 23 September 2020, https://bit.ly/2Tmk1Tp. "*In respect of a leasing arrangement the applicant must submit the lease to the municipality, which refers it to the closest police station to the property. The police are then responsible for providing the application to the intelligence services who will perform a cross-check of the applicant's name. If security issues are detected, approval is denied and the application is subsequently investigated. This security clearance provides an additional level of control by the Syrian government on everyday property transactions, further hindering the rights of non-Syrians, IDPs and refugees and especially affecting anyone who may have issues with an intelligence service*"; PAX, *Legal Obstacles to Housing, Land and Property Rights in Syria*, 6 March 2019, https://bit.ly/34oImhU, p. 6.

998 UNHCR information, December 2020.

999 "*The exclusion of those deemed disloyal to the state is being realized through the creation of a legal architecture of citizenship and personhood that denies 'disloyal' Syrians various rights, including rights of residency,* ***property ownership,*** *bank accounts, and so on. The aim of these laws is to effectively cast out segments of the population that are constituted as real or potential threats*" (emphasis added); POMEPS, Syria, *Crisis Ecologies, and Enduring Insecurities in the MENA*, 27 October 2020, https://bit.ly/3a1aESS. "*In Syria, real estate sales, inheritances or transfer of ownership require clearance from the Ministry of Finance. With the issuance of Circular No. 463* [in 2015]*, obtaining this clearance requires obtaining security approval. Often this is done by submitting a request to the Political Security branch in charge of the area where the real estate is located. In cases where the prospective buyer or seller is wanted for security reasons – such as anti-regime activities, having not done mandatory military service, having previously committed a crime or having been sentenced to prison – authorities will not grant the approval*"; Syria Report, *Explained: Security Approvals and Infringements on Property Rights*, 23 September 2020, https://bit.ly/2Tmk1Tp. "*The regime's government justified the circular under the pretext of preventing the purchase or lending of real estate by 'terrorists' who take it as headquarters and to protect property documents from loss or* forgery. (…) *if security issues were detected for the seller or buyer for whatever reason, or they were deserters of mandatory enlistment or reserve military service, have previously committed an offense or a misdemeanor, or have been sentenced to imprisonment, they would be denied the security clearance.*" Enab Baladi reported that "[A]*ccording to people working in the real estate field, the rate of security clearance applications that are met with refusal is estimated at 60 percent*"; Enab Baladi, *"Security Clearance"… Property Protection Tool or Disruption to Citizens' Lives*, 17 July 2020, https://bit.ly/2To4jaz. See also, Syria Direct, *After Stealing their Dream of Freedom, Damascus Goes after Syrians' Assets*, 7 November 2019, https://bit.ly/31Jr0uu; FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, p. 76.

1000 "*Even those who haven't been displaced and live in less destroyed cities and towns are suffering under deteriorating living standards and shortages of basic services and goods. Inhabitants of cities like Sweida,* ***Damascus****, Tartus and Latakia have reported a lack of electricity supply; shortages of heating oil and cooking gas; scarcity and inflated prices of basic products, in particular the high price of bread. Moreover, public health and education facilities are increasingly ill-equipped, lack skilled personnel and function poorly*" (emphasis added); FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1.

services.[1001] Access to goods and services, even when available, often requires informal personal connections ("*wasta*") and/or financial means to make payments to corrupt officials.[1002]

**Food:** Government-controlled areas experience fluctuations in the availability of subsidized and non-subsidized goods, including staple items,[1003] and Syria is facing a severe wheat and bread shortage.[1004]

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1001 OCHA estimates that 87% of all IDPs reside in urban centres, which compounds "*the stress on often overstretched resources, infrastructure and services*". Many urban communities, including Damascus, are "*overburdened*", meaning that over 30% of their population is made up of IDPs; OCHA, *2020 HNO*, July 2020, pp. 13, 39. See also, GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 8. "*Two informal settlements close to the Old City that have remained relatively undamaged during the war (Mazzeh 86 and Rukn Eddin) have attracted many IDPs. These settlements have not increased in size, but have densified during recent years due to overcrowding and the addition of new floors. Another area that has received many IDPs during the conflict is located on the former frontline between government forces and rebel factions in the eastern side of the city: Dwellaa and Jaramana. The results clearly show that the presence of IDPs is low in districts that have only recently been subject to open warfare, such as Qaboun, Duma, Harasta, Arbin and Darayya. This means that the incoming IDPs have increased the pressure on the existing housing stock and the facilities in these neighborhoods*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 11. "*Vulnerability to food insecurity in the Syrian Arab Republic is very similar across urban and rural areas. This is in line with previous surveys, mainly because people in urban areas have better access to markets and to more potential income opportunities. However, IDPs are mostly concentrated in urban areas, which creates pressure on urban services*"; United Nations Food and Agriculture Organization (FAO), *Special Report: FAO/WFP Crop and Food Security Assessment Mission to the Syrian Arab Republic*, 5 September 2019, www.ecoi.net/en/document/2017140.html, p. 53. See also, International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, https://bit.ly/2RBJgjJ, pp. 911-912.

1002 "*The difficult living conditions, coupled with the lack of accountability, have led to the proliferation of corrupt officials in different state entities at all managerial levels. Corruption dominates the mechanisms of service provision in regime-controlled areas*"; Chatham House, *Assessing Control and Power Dynamics in Syria*, November 2020, https://bit.ly/2K3xAWP, p. 21. "*In order to receive COVID-19 care, patients have had to pay bribes for hospital admission, as well as for their own oxygen supplies*"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8. In Damascus, "[O]*nly the well-connected get hospital beds*", if sick with COVID-19; The Economist, *Victory for Bashar al-Assad Has Meant more Suffering for His People*, 26 September 2020, https://econ.st/3ahk4cO. In January 2019, one student stated that "*You've got to get gas using wasta* [connections] (…) *That's if you can find it all*"; Syria Direct, *'Waiting for a Place in the Gas Line': Residents of Government-held Syria Voice Discontent over Fuel, Electricity Shortages*, 30 January 2019, https://bit.ly/33HfaRE. See also, The Telegraph, *'The War Riche': Syrian Elites Skirt US Sanctions amid Economic Turmoil*, 15 November 2020, https://bit.ly/37gxq7q; Enab Baladi, *Coronavirus Opens New Door to Corruption in Syria*, 11 September 2020, https://bit.ly/34akrSR. As in 2019, the annual Corruption Perceptions Index (CPI) for 2020 ranked Syria 178th out of 180 countries. In comparison, in 2010, the year before the Syria conflict began, Syria ranked 127th; Transparency International, *Corruption Perceptions Index*, 28 January 2021, http://bit.ly/3kjc4v2.

1003 "*In government-controlled areas, prices on staple items can rise several times over the course of a day, forcing many stores to close as they simply can't cope with the chaos. Some essentials, including sugar and rice, are being rationed by the government. But even those, along with medicines, are becoming harder and harder to find at all*"; CBS News, *As Their Country Crumbles, Syrians Wrestle with the "Terrifying" Prospect of Life as Refugees*, 17 September 2020, https://cbsn.ws/35NVlec. "*Inhabitants of cities like Sweida, Damascus, Tartus and Latakia have reported a lack of electricity supply; shortages of heating oil and cooking gas; scarcity and inflated prices of basic products, in particular the high price of bread*"; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1. See also, SOHR, *As Fuel, Electricity and Bread Crises Continue in Regime-Held Areas: Syrian Pound's Value Hits New Record Low, and Commodity Prices Rise Again*, 11 February 2021, https://bit.ly/3uifanE; SOHR, *Damascus: Fight Outside Bakery Leaves Three People Wounded in Al-Dwel'a Area*, 7 February 2021, https://bit.ly/2Nl0LXl; Syria Report, *Government Faces Various Challenges to Meet Food Import Needs*, 12 August 2020, https://bit.ly/35Zznoy.

1004 "*The capital, Damascus, and all provinces under the control of the Syrian regime have experienced a worsening bread crisis, as regime authorities have been unable to find proper solution to the most stifling crisis ever in Syria*"; SOHR, *Major Violations and Severe Crises Deprive Civilians of Their Most Basic Rights…Renewed Israeli Attacks, amid Simmering Iranian-Russian Conflict*, 7 December 2020, https://bit.ly/37l0Ydb. In December 2020, "*the Ministry of Domestic Trade and Consumer Protection decreased the quantities of wheat flour distributed to the bakeries across the country by 16 percent, leading to a dramatic reduction in amounts available and causing longer queues at bakeries*"; Syria Report, *Tensions Rise as Syria's Cost of Living Surges by 93 Percent*, 20 January 2021, https://bit.ly/37HcGFS. "*The past couple of weeks have seen growing queues across state bakeries in Syria, highlighting the government's difficulties securing and distributing a key element of the Syrian diet. Besides queueing – in some cities there are reports that people are waiting up to three hours before they can buy their bread – a growing number of Syrians are complaining of the poor quality of the bread, and of the fact that they are being extorted by some bakeries and have to pay between SYP 300 and SYP 800 per pack*"; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, https://bit.ly/3m0FAWf. "*The worsening bread crisis has resulted in the closure of many bakeries in regime-controlled cities, after failing to get their allocations of flour. This, in turn, led to the rise of corruption and emergence of new 'black market' for selling bread*"; SOHR, *Hardship in Regime-Controlled Areas: "Smart Card" Fails to Contain Bread and Fuel Crises, Placing Additional Burdens on Syrian People*, 24 September 2020, https://bit.ly/2H3v69r. In September 2020: "*The Syrian government ordered that daily family bread rations be reduced after failing to provide subsidized bread and gasoline to the people*"; Asharq Al-Awsat, *Damascus under Fire for Poor Handling of Bread, Gasoline Shortages*, 20 September 2020, https://bit.ly/3hNIcEc. See also, SOHR, *Damascus: Fight Outside Bakery Leaves Three People Wounded in Al-Dwel'a Area*, 7 February 2021, https://bit.ly/2Nl0LXl; Washington Post, *Syria's Bread Lines Are so Long that Children Have to Skip School to Wait in Them*, 26 December 2020, http://wapo.st/3b0ib4R; SNHR, *Citizens Throng in Front of a Bakery amid COVID-19 Pandemic while Ruling Regime is Wholly Indifferent to the People's Suffering even if Bread Becomes a Dream*, 18 October 2020, https://bit.ly/37gdli5; Enab Baladi, *Residents of Damascus Suffer Difficult Access to Bread: Limited Quotas and Long Bread Lines*, 18 October 2020, https://bit.ly/3dGt7E7.

In September 2020, it was reported that shortages of gasoline and bread were "*defining features of government-held regions.*"[1005] Food prices have risen significantly,[1006] which affects urban areas more than rural areas, especially because urban areas contain more public sector employees, whose salaries have devalued along with the Syrian pound.[1007] Soaring food prices across Syria have also impacted Damascus,[1008] where nearly a third of the population reported "*inadequate food consumption*" during the six months period from July to December 2020.[1009] Across Syria, including in Damascus, high numbers of people engage in negative coping strategies for food consumption, such as buying less and lower quality food, limiting portion sizes, reducing the number of meals, or borrowing food or money.[1010]

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1005 Syria Direct, *How Does the Assad Regime Create and Benefit from the Deteriorating Living Conditions in Syria?*, 24 September 2020, https://bit.ly/3kLvp6Z. "*Syria is seeing a twin supply crisis of both bread and oil, which is generating rising tensions among the population and highlighting the dysfunction of the government. The fact that these twin crises are occurring while the winter has not yet started does not bode well for the coming months. The shortages are a consequence of numerous factors, including the longer term accumulated fallout of the war, the destruction of the economy and dysfunction of the Syrian state*"; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, https://bit.ly/3m0FAWf. "*The international community should anticipate that the Syrian government will be unable to procure wheat at needed levels for the foreseeable future. Logistical challenges, financing shortfalls, and issues stemming from freight and insurance are proximate factors in the current wheat shortage, while tertiary factors such as gas and fuel shortages and rising prices have also squeezed bakeries. However, the root cause of Damascus's wheat woes is the inability to capture more of the nation's domestic output*"; COAR, *Syria Update: 12 October 2020*, 12 October 2020, https://bit.ly/3kiBQyH. Altercations and fights outside bakeries and gas stations have been reported from government-held areas; SOHR, *Damascus Starving, as Government Keeps Mishandling the Crisis*, 15 November 2020, https://bit.ly/38LJJcZ; SOHR, *Public Discontent Grows among Civilians over Poor Living Conditions in Syrian Regime-Held Areas, as Bread and Fuel Crisis Deepen*, 19 October 2020, https://bit.ly/31qAN8r; SOHR, *Child Injured in Indiscriminate Gunfire by "Air-Force Intelligence" Service in Rural Daraa*, 13 October 2020, https://bit.ly/35judSg; SOHR, *Fuel Crisis: Civilian Killed in Hama Following Disputes over Priority to Gas Up Cars*, 14 September 2020, https://bit.ly/34b2xzN; SOHR, *Three People Injured after Disputes over Priority to Gas Up Their Cars,* 6 September 2020, https://bit.ly/2IO8TwP.

1006 "(…) *markets in Latakia, Homs, Hama, Damascus, Daraa, Al-Sweida and Tartus provinces have seen a significant rise in the prices of all goods, in addition to the disappearance and unavailability of a large number of goods and commodities*"; SOHR, *"Caesar Act" in Regime-Controlled Areas: Ordinary Syrians Are Victims of Severe Sanctions and Al-Assad Government Is Trying to Improve Its Image*, 20 June 2020, https://bit.ly/2H2UgVs. See also, SOHR, *New Increase in Foodstuffs Prices and Public Transportation Hardship: Popular Anger Grows over Chronic Crises in Regime-Held Areas*, 9 December 2020, https://bit.ly/374EB2x; The Arab Weekly, *Woes Compounded by Pandemic, Economic Crisis in War-Stricken Syria as Holy Month Begins*, 26 April 2020, https://bit.ly/377Vcmv. See also Section II.F.1.

1007 "*While both urban and rural areas in Syria have been affected by the recent increase in the price of commodities, it is the urban households who seem to be less able to absorb the increase in prices. This is largely due to the types of employment in urban areas. The most affected were public sector workers who mentioned that they could ill afford the increase in prices with limited alternatives to increase their income to match the increase in prices*"; WFP, *Syria: Review on the Impact of Rising Food Prices*, March 2020, https://bit.ly/3ndacFi. "[T]*he composition of the labour force* [in Latakia and Damascus] *is dominated by public sector employment, services and commercial activities and to a lesser extent manufacturing*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 8. See also, Enab Baladi, *How Do Employees Earn their Living in Damascus these Days? Through Legitimate or Twisted Ways?*, 21 February 2020, https://bit.ly/32OUM1R.

1008 Between January 2020 and January 2021, the price of WFP's reference food basket increased by 229% in Damascus Governorate. During the same period, in the informal exchange rate market in Damascus, the Syrian pound depreciated by 64%; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 74*, 23 February 2021, https://bit.ly/3qS87zW, pp. 1, 4. In Damascus, "*most of its residents complain about high prices and their inability to cope with a living reality that is getting worse day after day*"; Enab Baladi, *Retired Government Employees in Damascus Are Not Taken into Account by Syrian Government*, 14 September 2020, https://bit.ly/33AjLoB. One NGO worker in Syria stated that: "*No food disappeared, but it's impossible to afford*". Financial Times, *Syria's Children 'Go to Bed Hungry' as Prices Soar*, 24 May 2020, https://on.ft.com/3mvKo6U. According to one reporter, the price of tomatoes in Damascus doubled between March and April 2020; Middle East Online, *Food Prices Across Syria Double in a Year*, 28 April 2020, https://bit.ly/2FPTfiI.

1009 WFP, *Syria mVAM Bulletin 51*, 11 January 2021, https://bit.ly/3asU91I, p. 2. See also Section II.F.1.

1010 *Ibid.*, p. 5. "*But the situation is also worsening in government-held areas, where people are now increasingly talking about the risks they face of going hungry, said Matt Hemsley, a Damascus-based policy and communications advisor at Oxfam, who says the lack of jobs and money is driving people to the brink. 'We have anecdotal reports that people are taking quite desperate measures. People talking to us, telling us they're gathering, boiling, and eating weeds,' Lowcock said. 'This is not what people do unless they're desperate' *"; Foreign Policy, *In Syria, a Grim Trade-Off Between Tackling Pandemic and Famine*, 7 July 2020, https://bit.ly/2RF9ylm. "[U]*rban areas reported between 60% to 80% of people they knew buying on credit (up from 50% in September 2019). Of those buying on credit, interviewees across urban and rural areas alike reported around 60% to 70% of a household's food expenditure was bought on credit, with some areas (Aleppo city, Al-Hasakeh, Lattakia city, Dar'a and Quneitra) reporting up to 100% of household food expenditure was on credit*"; WFP, *Syria: Review on the Impact of Rising Food Prices*, March 2020, https://bit.ly/3ndacFi. See also, Al Arabiya, *Syrians Forced to Adapt as Country's Economy Worsens*, 19 May 2020, https://bit.ly/3dvNdki.

In Damascus, the government provides subsidized sugar, rice, tea, sunflower oil and bread through the so-called "smart card" system.[1011] However, many families are still forced to buy goods at regular market prices due to the unavailability of subsidized goods[1012] and the limited quantity available per individual/family.[1013] The prices for some subsidized food stuffs were raised in July and October 2020,[1014] while the wheat shortage has forced the government to decrease the amount of subsidized bread a family is entitled to buy as of October 2020.[1015] There are reports that bakeries have refused to sell bread at subsidized prices because of the shortage and the disparity between the formal and informal market prices.[1016]

**Access to a "smart card" in Damascus Governorate:** Newcomers can obtain a "smart card" and benefit from subsidized food and fuel in Damascus by providing 1) proof of identity (ID cards of the family members; or family booklet; or family civil extract), 2) a rental contract or property ownership documents in Damascus; and 3) an electricity or water bill (paid within the last 6 months).[1017] For persons living in informal settlements, electricity or water bills would be considered sufficient proof of residency. Those who previously received subsidies through the "smart card" in another governorate need to transfer their registration by presenting a residency statement issued by the *mukhtar*.[1018]

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1011 The government introduced the "*smart card*" (or "electronic card") in early 2019 for the sale of products such as petrol, heating oil and cooking gas at discounted prices. From 1 February 2020, the government started to provide certain subsidized food items through the smart card system; at the time of writing these include rice, sugar, tea, sunflower oil and bread. For each food item there is a cap on the quantity of subsidized food to which an individual or a household is entitled; Syria Report, *Bread Distributed Through Smart Card System as Influential Company Loses Lucrative Contract*, 22 April 2020, https://bit.ly/3duwZYA; Syria Report, *Government Increases Food Allocation Through Smart Card System*, 4 March 2020, https://bit.ly/2SW7i9Y; Syria Report, *Government Starts Distribution of Food Items at Discounted Prices*, 5 February 2020, https://bit.ly/31brNnz; Syria Report, *Petrol Shortages Raise Tensions in Damascus*, 10 April 2019, https://bit.ly/3k1N8an.

1012 "*Since the end of June* [2020]*, several subsidised food commodities are no longer being sold by the Syrian Trade Establishment because of various difficulties importing these products. If the problem remains unresolved, the food security of more Syrians will be in danger.* (…) *In the black market, sugar is now sold at SYP 1,500 per kilogramme. STE should be selling it at SYP 500, up from SYP 300, but in practice there is no sugar on its shelves*"; Syria Report, *Government Faces Various Challenges to Meet Food Import Needs*, 12 August 2020, https://bit.ly/3nSXg7J. FAO, *GIEWS Country Brief: Syrian Arab Republic*, 22 December 2020, https://bit.ly/3pJrQ3e, p. 1.

1013 "*Basics such as flour, sugar, rice, cooking gas, fuel and medicine are increasingly hard to find on shop shelves. What is left is subject to price gouging, often by profiteers with ties to the regime*"; The Guardian, *Syria Introduces Limits on Subsidised Bread as Economic Crisis Bites*, 5 October 2020, https://bit.ly/3ljvr6z. "*As the cost-of-living crisis worsens in Syrian regime-held territories – especially with shortages of gasoline, bread and other basic goods meant to be provided through the government-subsidized 'smart card' system – a black market for the same commodities, alongside the private sector, seems to be prospering.* (…) *it seems that these very measures and mechanisms are but a means of strengthening the 'free market' (of unsubsidized goods) and opening the door to illicit profits for influential people with ties to the Assad regime*"; Syria Direct, *How Does the Assad Regime Create and Benefit from the Deteriorating Living Conditions in Syria?*, 24 September 2020, https://bit.ly/3kLvp6Z. "(…) *quantities that are insufficient for a typical Syrian family*"; MEI, *"People Can't even Afford to Buy Bulgur": Discontent Is on the Rise as Syria's Economic Crisis Worsens*, 28 February 2020, https://bit.ly/3lrLPTx.

1014 "*The Syrian government doubled the price of subsidised bread last week* [on 28 October 2020] *after failing to secure enough wheat to meet demand, greatly increasing the risk of food shortages as the winter season approaches. The hike comes shortly after similar price hikes for oil products, leaving many Syrians less and less able to secure their daily needs*"; Syria Report, *Winter Food Shortages Loom as Price of Subsidised Bread Soars*, 4 November 2020, https://bit.ly/3n465KD. See also, Syria Direct, *Damascus Struggles to Import Food as Syrians Go Hungry*, 3 September 2020, https://bit.ly/30gcg5F; Syria Report, *Pound Devaluation Raises Prices of Subsidised Food Items*, 8 July 2020, https://bit.ly/2FHO5Gc.

1015 "*The Syrian government has introduced rules limiting the amount of subsidised bread available per person at bakeries, putting larger families at risk of starvation as the country's crippling economic crisis deepens. Under a recent government order, a household of two is entitled to just one packet of bread a day; a family of four two packets; and a family of six to three packets. Families of seven or more people, however, are limited to four packets of bread, no matter how many are in the house*"; The Guardian, *Syria Introduces Limits on Subsidised Bread as Economic Crisis Bites*, 5 October 2020, https://bit.ly/3ljvr6z. See also, Global Citizen, *Syrian Families Scramble for Food as Government Cuts Bread Subsidies*, 5 October 2020, https://bit.ly/36Eb2Fa; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, https://bit.ly/3m0FAWf.

1016 Bread sells for five or more times as much on the street as the subsidized price. While the subsidized price in September 2020 was 50 Syrian pounds, some bakeries sold it at up to 800 Syrian pounds, which means that "*the largest Syrian families will expend much of a full day's public sector salary (between 2,167 SYP and 3,636 SYP, based on a 22-day working month) on bread alone*"; COAR, *Syria Update: 28 September 2020*, 28 September 2020, https://bit.ly/33nhwGt.

1017 UNHCR information, December 2020.

1018 The residency statement is issued upon submitting proof of residence in the concerned neighbourhood such as a rental contract, ownership deed, or electricity bills; UNHCR information, December 2020. "*Government officials hope the smart cards will be able*

**Health:** While health facilities are largely functional in Damascus,[1019] medicines are often not available, or only at high prices.[1020] Private healthcare is available, yet costs are prohibitive for the majority of the population.[1021]

The COVID-19 pandemic has reportedly overwhelmed hospitals, resulting in "*crowded and chaotic conditions*".[1022] State security forces have been reported to monitor and conceal apparent COVID-19 cases in public hospitals in Damascus.[1023] There are reports that patients, even when they require

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*to simplify distribution, reduce corruption, and help stem the tide of rising food insecurity, but the system's stringent registration requirements seem poorly adapted to Syria's messy bureaucratic reality. Depending on the type of subsidies sought, activating a smart card requires documents such as family booklets, ID cards, and sometimes national ID numbers and proof of residence. Given that millions of citizens – especially those displaced from their homes, or who formerly lived under rebel control – lack the necessary paperwork, even Syria's tightly controlled state-run press is now warning that many are locked out of the smart card system, losing access to state assistance just as it is needed more than ever*"; The New Humanitarian, *No Papers, no Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html.

1019 According to the WHO, 85% of public health centres in Damascus were functioning as of December 2019 (52 out of 61 centres) and were relatively accessible. However, 2 out of the 53 functioning or partially functioning centres did not have access to water, and seven did not have access to a generator and so were subject to power outages; WHO, *HeRAMS Annual Report: Public Health Centres in the Syrian Arab Republic*, 2020, https://bit.ly/35Z6ZD0. "*State services in Damascus are for example generally better than in the rest of the country, although quality is affected by the lack of qualified staff and basic equipment and medicine*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 15.

1020 "*The Syrian capital has been suffering from a severe shortage of medicines, especially those for heart diseases, hypertension, and diabetes, amid accusations that pharmacists are monopolizing them and not adhering to the prices that were set by the Health Ministry*"; North Press Agency, *Medicine Shortages and Pharmacists Accused of Monopolization in Damascus*, 26 October 2020, https://bit.ly/3dYPQeG. "*Many medicines and health care equipment are reportedly missing, including vitamin C capsules, antibiotics and, more importantly, oxygen cylinders. When they are not missing, their prices have increased significantly. According to state media, 40-litre and 60-litre oxygen cylinders are being sold at SYP 450,000 and SYP 500,000 respectively, up from SYP 25,000 and SYP 50,000 only a few months ago. The new prices are around ten times the average salary of a civil servant*"; Syria Report, *Covid-19 Update: Official Estimates that 150,000 People Have Been Infected in Damascus Alone*, 12 August 2020, https://bit.ly/2ZJqwTS. According to SOHR, the lack of medicines has been "*forcing a large number of citizens to buy the necessary medicines on a daily basis from the black market at double prices*"; SOHR, *"Caesar Act" in Regime-Controlled Areas: Ordinary Syrians Are Victims of Severe Sanctions and Al-Assad Government Is Trying to Improve Its Image*, 20 June 2020, https://bit.ly/2H2UgVs. "*The ongoing currency plunge has been reflected in the increasing prices of medicines, as it is the case of many goods and products. As all Syrian provinces have experienced considerable soaring prices, especially Damascus, Syrian Observatory sources have monitored lack of some medicines like medicines for kidney diseases, liver disease, cardiovascular disease, blood pressure, diabetes, antipyretics and others*"; SOHR, *Worsening Economic crisis: Medicine Shortages and High Prices Plague Entire Syria*, 9 June 2020, https://bit.ly/31a6cMc. See also, Arab News, *Syrians Dread Impact of Caesar Act Sanctions Aimed at Assad*, 24 June 2020, https://bit.ly/2RyCI5p; Xinhua, *Spotlight: Syrians Complain of Skyrocketing Prices amid Tough Economic Situation*, 7 June 2020, https://bit.ly/3dZLXpQ.

1021 "*While populations of certain cities have no chance of survival due to the absence of hospitals, other social groups might meet the same fate because they have neither the money to pay for private clinics nor the 'connections' to powerful figures who can give them favourable access to public ones*"; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, pp. 1-2. See also, B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 16; Enab Baladi, *Coronavirus Opens New Door to Corruption in Syria*, 11 September 2020, https://bit.ly/33KX0yy; The National, *Syria's Coronavirus Crisis Becoming Clear in Damascus*, 29 August 2020, https://bit.ly/344cGhN.

1022 "(…) *with one interviewee likening scenes to those in a science fiction or horror movie. The interviewee noted that he saw many patients lying in the corridors of the hospital without any care, and several people falling on the ground while waiting in the corridors. There was no spacing or any notable health measures to stop the spread of the disease*"; SJAC, *'Like a Horror Movie': Major COVID-19 Outbreak in Damascus and Failed Response*, 13 August 2020, https://bit.ly/2ZKjgaD. Johan Mooij, Syria Response Director at WVI, said on 30 July 2020 that: "*We have already heard reports that the increase in cases has overwhelmed the capacity of local hospitals, with the Ministry of Health instructing hospitals in Damascus and rural Damascus to stop taking in COVID-19 patients*"; WVI, *Syria on the Brink of Further Disaster as COVID-19 Cases Escalate*, 30 July 2020, https://bit.ly/2FMIHAW. As of 28 February 2021, Syria had recorded 15,533 cases of COVID-19 and 1,023 deaths; WHO, *Syrian Arab Republic Situation*, accessed 28 February 2021, http://bit.ly/357YILE. Observers estimate the incidence to be much higher than official figures, with one set of researchers concluding that only 1.25% of COVID-19 deaths in Damascus have been reported in official statistics; Imperial College COVID-19 Response Team, *Report 31: Estimating the Burden of COVID-19 in Damascus, Syria: An Analysis of Novel Data Sources to Infer Mortality Under-Ascertainment*, 15 September 2020, https://bit.ly/303NsgT, pp. 5-6, 15. "*With a medical sector vastly diminished by the conflict across the country, the actual numbers are likely significantly higher than acknowledged figures, and the impact greater*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40. See also, SOHR, *Coronavirus in Regime-Held Areas: Syrian Provinces Record 36,000 New Confirmed Cases, Nearly 1,350 Deaths, and Misinformation Continues by Authorities*, 6 February 2021, https://bit.ly/3ufdxat; New York Times, *Coronavirus Cases in Syria Go Uncounted amid Shortages of Critical Supplies and Medical Personnel*, 19 December 2020, http://nyti.ms/3o9dQzW; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, https://bit.ly/3momPeR, para. 3.

1023 PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, https://bit.ly/3oJWHg8, p. 19; MEI, *Ravaged by War, Syria's Health Care System is Utterly Unprepared for a Pandemic*, 23 April 2020, https://bit.ly/2FLBf9w.

urgent medical care, may need either connections or to pay bribes in order to access hospitals, ventilators or medicines in Damascus.[1024] Lack of qualified personnel in Damascus, due to military conscription and flight, has resulted in the degradation of both education and health services.[1025]

**Education:** Schools in Damascus suffer from overcrowding and shortages of teachers and learning materials.[1026]

**Fuel and electricity:** Damascus is experiencing fuel shortages and the price of fuel on the black market has increased significantly, with the fuel crisis being compounded by the loss of the Syrian pound's value.[1027] Additionally, as seen in past years, the fuel crisis affects people's ability to purchase heating oil and cooking gas (the latter being used for both cooking and heating).[1028] As a result of the increased fuel costs, public transport prices in government-held areas, including in Damascus, are reported to have spiked over the course of the second half of 2020, thus affecting the mobility of people already in

1024 Syria Direct, *Syria's COVID-19 Vaccine Is Expected by April, but Fair Access Is not Guaranteed*, 14 January 2021, https://bit.ly/3qIw10R; Enab Baladi, *Coronavirus Opens New Door to Corruption in Syria*, 11 September 2020, https://bit.ly/33KX0yy. According to the Washington Post, even masks are not affordable for many: "*Reusable masks now cost more than two days of salary for average government employees*"; Washington Post, *Coronavirus Is Out of Control in Syria, no Matter what the Government Says*, 25 September 2020, https://wapo.st/318NMLX. See also, Al Jazeera, In COVID-Hit Syria, *People 'Prefer to Die than Come to Hospital'*, 5 October 2020, https://bit.ly/31taAGm.

1025 International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, https://bit.ly/2RBJgjJ, pp. 913-914.

1026 "*The need for teacher training is enormous as the number of teachers in Syria's formal education system has declined by more than half in the past five years. The remaining teachers have not received systematic in-service training during the war, and newly recruited teachers often lack the required qualifications*"; Finn Church Aid (FCA), *FCA to Support Quality Education in Syria with USD 680,000 from Syrian Humanitarian Fund*, 9 October 2020, https://bit.ly/3dPbu51. "*Children have access to schools and primary education in almost all areas of Damascus and Rural Damascus. In areas where there are no schools, children can attend schools in neighbouring areas. However, schools are overcrowded and suffer from shortages of teachers, and in remote areas, children have to go long distances to go to school*"; DIS, *Syria: Security and Socio-Economic Situation in the Governorates of Damascus and Rural Damascus*, October 2020, www.ecoi.net/en/document/2038473.html, p. 27. See also, Al-Watan (pro-government newspaper), *Shortage of Textbooks Due to High Prices of Raw Materials*, 9 September 2020, https://bit.ly/3jxtqlM; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 19; North Press Agency, *Demands for Virtual Learning in Damascus after Fears of Coronavirus Outbreak among Students*, 29 August 2020, https://bit.ly/349i6b4; The New Arab, *Syria: A Wrecked School System, a Country in Ruins*, 5 February 2019, https://bit.ly/3kfVdby.

1027 In January 2021, fuel stations in Damascus reportedly ran out of petrol and long queues formed at the pumps; The Syrian Observer, *Citizens Scramble to Get Gas in Damascus*, 11 January 2021, https://bit.ly/3uF0b7s. "*In Damascus, Aleppo, Homs, Suweida, and Lattakia queues at some gas stations are up to three kilometres long and waiting time can reach 12 hours. As with bread, this is leading to tensions and there are reports that on September 13* [2020] *a man died in Hama after fighting occurred between people queueing at a gas station*"; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, https://bit.ly/3m0FAWf. "*In government-controlled regions of Syria, people spend hours waiting in line to fill up their tanks. The cost of 20 liters (5.2 gallons) of gasoline is now 25,000 Syrian pounds ($11) on the black market while the subsidized price at gas stations is 5,000 Syrian pounds ($2.3). Most Syrians make less than $100 a month, which leaves them unable to afford black market prices*"; AP, *Syria Blames US for Harsh Fuel Crisis Paralyzing the Country*, 17 September 2020, https://bit.ly/2FPYS0W. See also, SNHR, *Civilians' Cars Overcrowd in Front of a Fuel Station in All Syria*, 12 September 2020, https://bit.ly/2FOHSYM; VOA, *Syrian Economy Continues to Struggle as Sanctions Bite, Shortages Hit*, 8 September 2020, https://bit.ly/2RPD340. The Government is reported to consider ending subsidies for petrol; Syria Report, *Government Raises Price of Unsubsidised Petrol by Nearly Half*, 14 October 2020, https://bit.ly/376W22T.

1028 People "*have reported reducing consumption of diesel for heating by more than half in the cold winter months*"; AP, *Syria Temporarily Cuts Supplies of Fuel to Meet Shortages*, 10 January 2021, http://wapo.st/3bvqrdf. "[I]*n December 2020, the Syrian government had to take more measures to tackle the lack of fuel and reduce the heating diesel entitlement per family from 200 litres to 100 litres. The decision has been implemented in Rural Damascus, Quneitra, As-Sweida, Homs, Hama, Dar'a, Aleppo, Lattakia and Tartous while it is yet to be implemented in Damascus, Deir-ez-Zor, Ar-Raqqa and Al-Hasakeh*"; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 73*, 19 January 2021, https://bit.ly/2NaKhB2, p. 2. See also, NPR, *Hours in Bread Lines: People Across Syria Struggle to Get Food*, 1 December 2020, http://n.pr/3bAtXDd; Asharq Al-Awsat, *Damascus Cheapest Worldwide, but Worst Place to Live*, 24 November 2020, http://bit.ly/2LDDleq; COAR, *Syria Update: 28 September 2020*, 28 September 2020, https://bit.ly/33nhwGt. Syria has faced shortages of heating fuel, petrol and cooking gas in the past several years, but the current economic crisis has exacerbated the situation; France 24, *Damascus Further Rations Subsidised Petrol*, 10 May 2020, https://bit.ly/36y5z2q; Rozana Radio, *Will Syria Witness Hunger Revolution in 2020?*, 16 January 2020, https://bit.ly/3jjHuQF.

severe economic crisis.[1029] Damascus and other government-held areas experience power shortages and cuts.[1030]

### *Livelihood opportunities*

People without political or family connections ("*wasta*") may not be able to find employment in Damascus,[1031] and even those with connections may struggle to secure a livelihood.[1032] Moreover, due to the current economic crisis, even those who have a job, including government employees who make up a substantial portion of the workforce,[1033] do not earn sufficient money to provide for their families.[1034]

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1029 "*As a part of fuel crisis' consequences, the transport sector is suffering greatly in regime-held areas, as taxis and public transportation are becoming unaffordable to ordinary Syrians; and car owners are now buying fuel from the black market at higher prices instead of the non-existing subsidised petrol at petrol stations. The transport crisis has been concentrated in vital areas across the Syrian cities, along with the lack of public transport linking cities to the countryside. Accordingly, residents have faced many challenges while traveling from one place to another, particularly employees and university students who found themselves forced to use private cars or taxies in order to get to their schools, universities and work, which; in turn, added additional and significant financial burdens on them*"; SOHR, *Major Violations and Severe Crises Deprive Civilians of Their Most Basic Rights…Renewed Israeli Attacks, amid Simmering Iranian-Russian Conflict*, 7 December 2020, https://bit.ly/37l0Ydb. "*In August* [2020]*, Damascus increased the average bus ticket prices for destinations shorter than 10 kilometres to SYP 75 from SYP 45, while for longer destinations they doubled to SYP 100 from SYP 50*"; Syria Report, *Oil Shortages Push Public Transport Fares Higher*, 16 September 2020, https://bit.ly/32TWQWh. See also, SOHR, *Poor Services in Regime-Controlled Areas Hit Students with Unaffordable Costs and Force Many to Drop Out*, 13 February 2021, https://bit.ly/3aF1dZ5; SOHR, *Poor Transportation Services Ignite Public Anger*, 6 November 2020, https://bit.ly/3573N7y; Rozana Radio, *Stifling Transportation Crisis in Damascus and its Countryside Exhausts Students*, 28 October 2020, http://bit.ly/3i3Vu0Y; COAR, *Syria Update: 21 September 2020*, 21 September 2020, https://bit.ly/2RNY0fD.

1030 Although electricity supply is reportedly more stable in Damascus city compared to other parts of the country, many neighbourhoods in Damascus city experience regular power cuts and fuel generators are not affordable to all; Enab Baladi, *No Effective Solutions to Electricity Crisis in Damascus and Its Countryside*, 12 December 2020, https://bit.ly/2W9XLxI. As of January 2021, however, one source reported that "*households in Damascus receive only one hour of electricity every six hours*"; COAR, *Syria Update: Damascus Flails as Syrians Abroad Queue for COVID-19 Vaccine*, 25 January 2021, https://bit.ly/3r79xXw. See also Section II.F.1 and footnote 1000.

1031 "(…) *there is little equality of opportunity even in relatively stable government-controlled areas, as access to employment and investment is often dependent on personal, political, or communal affiliations*"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "*Compelled to rent accommodations, and with no local networks to facilitate finding work or getting access to public services, return to Syria may end up making* [refugees who return to Syria] *more, not less vulnerable*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 24. According to a researcher, "*if you are Alawite and use good connections (Arabic: Wasta), your chance of being employed in public positions is much higher than other groups such as Christians, Sunni Arabs or Kurds*"; DIS, *Syria: Consequences of Illegal Exit, Consequences of Leaving a Civil Servant Position without Notice and the Situation of Kurds in Damascus*, June 2019, www.ecoi.net/en/document/2011587.html.

1032 "*Even those perceived the most loyal – Alawites related to fallen soldiers residing on the Syrian coast – report having to pay bribes to secure public sector jobs*"; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, p. 8. The situation will likely be exacerbated by the government's decision to decrease the creation of public sector jobs in 2021: "*The government also estimated that it would create 70,000 jobs in the public sector, down from 16 percent from 83,416 jobs this year* [2020]. *Each year the government commits to recruiting tens of thousands of people as part of its effort to curb unemployment*"; Syria Report, *Syria's 2021 Budget to Decline by a Quarter in Dollar Terms*, 30 September 2020, https://bit.ly/3drsXAe.

1033 "(…) *the state remains by far the largest employer in the country, with around 1.5 million public workers and 500,000 pensioners. The importance of state employment in the economy and labour force increased significantly during the war as wide sectors of the private sector economy were destroyed*"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, p. 21. "*The importance of state employment in the economy and labour force increased significantly during the war as wide sectors of the private sector economy were destroyed*"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, https://bit.ly/36GA7PV, p. 21.

1034 "*No public sector salary in Syria covers the cost of living in Damascus.* (…) *The private sector wage scale is uneven. A small tranche earns generous salaries many times greater than public sector counterparts, while most private sector workers earn far less and enjoy fewer wage guarantees than public workers*"; COAR, *The Syrian Economy at War*, 10 November 2020, https://bit.ly/3a7oK51. "*The national average price of the WFP standard reference food basket (SYP 84,095 in June 2020), is now higher than even the highest official monthly government salary of SYP 80,240, highlighting the serious deterioration of purchasing power in Syria since October 2019 and the increasing unaffordability of basic food items on Syrian markets*"; WFP, *The Socio-Economic Impacts of the Covid-19 Pandemic in the Syrian Arab Republic (April - June 2020)*, October 2020, https://bit.ly/35WxdnQ, p. 6. The reference food basket reached a high of SYP 121,066 (US$ 97 at the official exchange rate 1,250/US$) in January 2021; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 74*, 23 February 2021, https://bit.ly/3dKORRn, p. 1. "*Today, the average monthly salary does not exceed $50, around 85 percent of the population is living in poverty, prices continue to skyrocket, the unemployment rate is at least 50 percent, and international sanctions are*

The value of salaries has plummeted as measured against the current exchange rate,[1035] in both the public and private sector.[1036] Many people rely on precarious sources of income, including day labourers.[1037] According to reports, it is impossible to survive without having at least two sources of

*exacerbating the economic situation*"; Atlantic Council, *Will Nine Years of War and Deteriorating Governance Spark a New Movement Inside Syria?*, 21 August 2020, https://bit.ly/2SVGXZN. "*For those lucky enough to work, the real value of the average monthly salary of 50,000 Syrian pounds has fallen from around £50 at the end of 2019 to around £12 now*"; BBC, *Assad under Pressure as Economic Crisis Spirals*, 15 June 2020, https://bbc.in/3lItEYO. "*Basic salaries, around 50,000 pounds, or $71.43 at the official rate, a month for a government job that constitute most jobs in the country, are not enough for most Syrians with the worsening economy. According to Danny Makki, a Syria analyst, even rent for most Syrians is a challenge,* ***especially for those living in the capital Damascus****, and, without massive changes, the situation will only worsen*" (emphasis added); Al Arabiya, *Syrians Forced to Adapt as Country's Economy Worsens*, 19 May 2020, https://bit.ly/3dvNdki. "*The majority of families in regime-controlled areas live in harsh conditions, especially those with low incomes and families who make a living off government jobs' salaries*"; SOHR, *Food Prices Hike with Absence of Regime's Government Role amid Coronavirus Crises*, 1 April 2020, https://bit.ly/3nVNLVx. "*In the public sector, still the largest employer in Syria, even employees with academic degrees and extensive work experience earn a salary of barely 60,000 Syrian pounds ($100) per month, including benefits. Entry-level jobs for university graduates yield less than half of that. UN estimates put the annual average per capita income in Syria at $479. The pay that conscripted soldiers receive (36,500 pounds per month, or $65-75) almost looks generous in comparison, and while most Syrians dread conscription, it can nevertheless be a fallback for those who would otherwise have no income*"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 25. See also, Enab Baladi, *Retired Government Employees in Damascus Are Not Taken into Account by Syrian Government*, 14 September 2020, https://bit.ly/33AjLoB.

1035 "*Qassioun, a weekly published by one of several branches of the Syrian Communist Party, estimated that the average monthly budget that a family living in Damascus would need to have a decent life increased to SYP 660,000 at the end of September, up from SYP 380,000 at the end of 2019, an increase of 74 percent.* (…) *The budget required for food, which represents half the expenses, has more than doubled since the beginning of the year from SYP 147,000. The food budget is a measure based on an average daily intake of 2,400 calories, which many Syrians can no longer achieve. With average monthly salaries in the public sector at around SYP 50,000-60,000, few Syrian families spend anywhere close to what they would theoretically need, which highlights the difficult conditions they go through*"; Syria Report, *Syrians' Cost of Living Surges by 74 Percent since Start of the Year*, 14 October 2020, https://bit.ly/3j0Eub5.

1036 "*The depreciation of the pound has consistently eroded the real value of salaries in the public sector, which remains the backbone of Syria's labor market.* (…) *In November 2019, the Government of Syria increased wages by a uniform 20,000 pounds across the public sector scale. After the bump, wages at the bottom (i.e. the 'fifth bracket') of the salary scale 'rose' to 47,675 pounds, yet depreciation meant that the real value of salaries in the bracket – approximately $52 – was virtually unchanged from the beginning of the year. Since then, the pound's depreciation has continued, and a public sector worker earning 47,675 pounds now takes home the equivalent of $22 per month*"; COAR, *The Syrian Economy at War: Armed Group Mobilization as Livelihood and Protection Strategy*, 30 September 2020, https://bit.ly/3m5kfLg. "*Even if employment opportunities are available, they are in fact unemployment in disguise: public and private workers are now paid below USD25 per month. In the private sector, employees have to work long hours for a wage of no more than USD20. With the relatively high cost of living, the average Syrian family needs at least USD150 a month to meet their daily needs*"; Arab Reform Initiative, *No Homeland, No Future: Alawite Youth As the Backbone of the Assad Regime*, 4 August 2020, https://bit.ly/3662qqp. "*Part of the perception of Alawi privilege is the guarantee codified in law of a government job to one member of each family that has lost a man in the war.* (…) *With growing demand, however, such sinecures have become harder to obtain. Kheder described how his sister-in-law's family was entitled to one such job because her brother was killed fighting for the regime, but even then the family had to use connections ('wasta') to get the position, for the mother. The process took a year; and it pays only about $40 a month, while renting a small apartment in Tartus' outskirts, for example, would cost twice as much*"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, https://bit.ly/353gSze.

1037 Day labourers were particularly affected by COVID-19-related restrictions; The Arab Weekly, *Woes Compounded by Pandemic, Economic Crisis in War-Stricken Syria as Holy Month Begins*, 26 April 2020, https://bit.ly/377Vcmv. See also, Enab Baladi, *Syrian Economy Resumes Activity… Poverty and Bankruptcy Outweigh Coronavirus*, 2 May 2020, https://bit.ly/3k15zw5. As at November 2020, in Damascus, 50% of surveyed households reported having lost one or more sources of income in the last six months due to the COVID-19 pandemic; WFP, *Syria mVAM Bulletin 50*, 30 November 2020, https://bit.ly/3pNVogQ, p. 5.

income.[1038] The pension paid to retired government employees is reported to be insufficient to meet the minimum daily needs of a family.[1039]

Establishing and running a small or medium business is reported to be hampered by bureaucratic legal and administrative procedures,[1040] financial and import restrictions due to economic sanctions, as well as corruption and a lack of rule of law.[1041] As a result of the economic crisis, many small businesses were forced to shut down.[1042]

Despite women's expanded role in the labour sector, they continue to face challenges in engaging in livelihoods or attempting to work outside the home.[1043]

The government is reported to prioritize government relief for those considered loyal to the regime.[1044]

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1038 "*The sharp decline in the value of state salaries is prompting state employees to take second jobs, but also to demand bribes, or increase the amounts they were already extracting*"; MEI, *"People Can't even Afford to Buy Bulgur": Discontent Is on the Rise as Syria's Economic Crisis Worsens*, 28 February 2020, https://bit.ly/3lrLPTx. "*For instance, a taxi driver has to work two and perhaps three shifts in the morning, evening, and by night. The same situation applies to the private sector workers, as many of them work in other jobs after the end of their work hours, such as teaching or translating.* (…) *Nowadays, the entire family, including husband, wife, sons, and daughters, have to work, each according to his ability*"; Enab Baladi, *How Do Employees Earn their Living in Damascus these Days? Through Legitimate or Twisted Ways?*, 21 February 2020, https://bit.ly/32OUM1R. "*At the heart of Syria's crumbling state is its embattled bureaucracy, which is so severely underpaid and under-resourced that civil servants can only live by taking on multiple jobs and engaging in diversifying forms of petty corruption*"; Synaps, *War by other Means*, 30 September 2019, https://bit.ly/2TdBVrs. See also, COAR, *The Syrian Economy at War: Armed Group Mobilization as Livelihood and Protection Strategy*, 30 September 2020, https://bit.ly/3m5kfLg; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, https://bit.ly/3hIlayz, pp. 11-12.

1039 "*The salaries of retired employees in the Syrian government are between 20 and 40 thousand SYP (between 9 and 18 USD), as monitored by Enab Baladi*"; Enab Baladi, *Retired Government Employees in Damascus Are not Taken into Account by Syrian Government*, 14 September 2020, https://bit.ly/3nUgnhO. See also; Al Arabiya, *Syrians Forced to Adapt as Country's Economy Worsens*, 19 May 2020, https://bit.ly/3dvNdki.

1040 Syria is ranked 176 among 190 economies in the ease of doing business, according to the 2019 World Bank annual ratings; World Bank, *Doing Business: Comparing Business Regulation in 190 Economies*, 2019, https://bit.ly/3dUe9KG, p. 4; World Bank, *Syrian Arab Republic: Doing Business 2020*, 24 October 2019, https://bit.ly/2TBLIII. Renting or buying commercial properties also requires prior security clearance; see above "*Access to adequate shelter*".

1041 A grocery store owner "*had to pay huge bribes to both customs and the Trade Ministry just to keep his business open. If he had refused, he would have faced false accusations that he is working outside the law – charges such as importing unauthorized goods – and would be forced to close his shop and potentially face time in prison, as has happened to thousands of businessmen and traders in the past months*"; Atlantic Council, *Will Nine Years of War and Deteriorating Governance Spark a New Movement Inside Syria?*, 21 August 2020, https://bit.ly/2SVGXZN. "*Law and order remain absent while corruption is more rampant and disruptive than ever before, creating severe risks and uncertain returns for all who would dare do business there. Syria's market has become so toxic that most foreign investors – and many Syrian ones – already stay far away from it*"; War on the Rocks, *Will more Syria Sanctions Hurt the very Civilians They Aim to Protect?*, 10 June 2020, https://bit.ly/2TakaJT. "*According to the US embassy in Damascus, barriers like old policies and regulations which are antithetical to free market still exist. Furthermore, transparency is nil and contractual obligations are hard to enforce with a judiciary that is not working. Corruption, cronyism, limited financing, and confusing laws on taxes, duties, and tariffs are the other major problems for business in Syria*"; AsiaBizNews, *Doing Business in Syria*, 2020, https://bit.ly/31CNxc3. "*The Syrian business environment is characterized by lack of transparency and efficiency, heavy state interference and control, and the absence of subsidy or support*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 25. See also, COAR, *The Syrian Economy at War*, 10 November 2020, https://bit.ly/3a7oK51.

1042 "*Many shops, such as gas stations and bakeries, have also closed with the collapse of the currency*"; Atalayar, *Syria Goes to the Polls amidst Deep Economic and Social Crisis*, 17 July 2020, https://bit.ly/33Z3zP6. "*The instability of the Syrian pound against the dollar is having a multiplier effect on factories and businesses, especially smaller ones. Several small businessmen have been forced to stop production, possibly laying off workers in the process*"; Syria Direct, *Residents of Damascus Suffer under Rising Prices and Economic Slowdown*, 8 December 2019, https://bit.ly/316jHws. See also, TRT World, *Syria Sanctions: Small Businesses on the Brink Due to Failing Economy*, 15 July 2020, https://bit.ly/33Yxlni.

1043 "*Unequal access to economic opportunities seems to be driven not only by lack of work opportunities, but also social stigma and cultural barriers. A 2017 Bareeq survey of Syrian women inside and outside the country found 81% of respondents stating that 'current social and cultural norms in Syria impede women's success.' In 2018, UNDP ranked Syria 136 out of 160 countries in its Gender Inequality Index*"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 18. See also, North Press Agency, *Working Women in Syria's Damascus Face Sexual Harassment, Exploitation*, 4 February 2021, http://bit.ly/2O5v44i; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, https://bit.ly/33Bc9E3, p. 2; and Section II.F.2.c.

1044 For example: "*Following al-Assad's announcement of the state-run SFT's* [Syria for Trade] *greater involvement in the economy, cars carrying cheap vegetables were sent out to Damascus. Two out of Damascus' 95 neighborhoods – Ash al-Warwar and Mezzeh 86 – were selected for piloting the program. Both neighborhoods are inhabited almost entirely by Alawites, many of them low-ranking officers. Given that Damascus has only five Alawite-majority neighborhoods, the likelihood of picking two of them at random is equal to 0.2%*"; CGP, *Syria's Economic Meltdown*, June 2020, https://bit.ly/2HTOwhn, p. 9.

### d) Conclusion on the reasonableness of Damascus city as a proposed IFA/IRA

Due to the hardships faced by Syrians in ensuring their basic survival amidst deteriorating economic and humanitarian conditions, high and increasing levels of poverty, food insecurity and unemployment, as well as pressure on available housing and services, UNHCR considers that an IFA/IRA is **generally not reasonable in Damascus city**.

The only exception to this finding are healthy adults who meet each of the following requirements: (i) no responsibility for other family members, (ii) guaranteed access to housing and (iii) guaranteed access to a viable livelihood strategy that provides sufficient income to cover basic necessities, taking into account the rising price levels in Damascus city. As noted above, UNHCR considers that an IFA/IRA is not reasonable for women who are single heads of household and who do not or who are not perceived to have male protection through members of their family.

## D. Exclusion Considerations

In light of the serious violations and abuses of international human rights law and violations of international humanitarian law reported during Syria's history of conflict and repression, exclusion considerations under Article 1F of the 1951 Convention may arise in individual claims by asylum-seekers from Syria. Exclusion considerations will be triggered if there are elements in the applicant's claim that suggest s/he may have been associated with or involved in the commission of criminal acts that fall within the scope of Article 1F. Given the potentially serious consequences of exclusion from international refugee protection, exclusion clauses need to be interpreted restrictively and applied with caution. A full assessment of the circumstances of the individual case is required in all cases.[1045]

[1045] Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

Potential exclusion due to involvement in the commission of war crimes[1046] in situations of both international and non-international armed conflicts,[1047] genocide,[1048] crimes against humanity,[1049] and serious non-political crimes[1050] are of particular relevance in the context of Syria. Under certain circumstances, exclusion may need to be considered in relation to acts contrary to the purposes and principles of the United Nations.[1051] Acts reportedly committed by the parties to the armed conflicts in Syria include, *inter alia*, intentional or indiscriminate attacks against civilians and ***objects protected under international humanitarian law***; use of prohibited weapons; acts intended to spread terror

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1046 Article 1F(a) of the 1951 Convention. War crimes are serious violations of international humanitarian law (IHL), which entail individual responsibility directly under international law. The applicable rules of IHL and corresponding provisions of international criminal law differ, depending on whether the armed conflict is international (including situations of occupation) or non-international in character. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 30-32. In the context of a non-international armed conflict, the notion of "war crimes" may be applied to serious violations of the relevant rules of IHL (i.e. Common Article 3 of the 1949 Geneva Conventions, certain provisions of Additional Protocol II and rules of customary international law) from the early 1990s onwards. The International Criminal Tribunal for the former Yugoslavia (ICTY) held that by that time, violations of IHL applicable to non-international armed conflicts could be considered to entail criminal responsibility under customary international law; see *Prosecutor v. Dusko Tadic aka "Dule", Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1, 2 October 1995, www.refworld.org/docid/47fdfb520.html, para. 134. Serious violations of the aforementioned rules of IHL that occurred earlier could not be considered "war crimes", but they may fall within the scope of "serious non-political crimes" [Article 1F(b)] or, depending on the circumstances, "crimes against humanity" [Article 1F(a)].

1047 ICRC, in July 2012, concluded that Syria was affected by a non-international armed conflict, signifying that IHL applies to all areas where hostilities are taking place; ICRC, *Syria: ICRC and Syrian Arab Red Crescent Maintain Aid Effort amid Increased Fighting*, 17 July 2012, https://bit.ly/3h2bakv. Following US airstrikes on a Syrian military base in April 2017, the ICRC assessed that the situation in Syria "*now amounts to an international armed conflict*"; Reuters, *Exclusive: Situation in Syria Constitutes International Armed Conflict: Red Cross*, 7 April 2017, http://reut.rs/2o5KKDy. The IICISyria first determined the existence of a non-international armed conflict in the Syrian Arab Republic beginning in August 2012: "*the commission has determined that the intensity and duration of the conflict, combined with the increased organizational capabilities of the FSA, do, in fact, meet the legal threshold for a non-international armed conflict. With this determination, the commission applied IHL, including Common Article 3, in its assessment of the actions of the parties during hostilities*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2012, A/HRC/21/50, www.refworld.org/docid/503485d02.html, Annex II, para. 3. "*Syria is currently engaged in a series of armed conflicts. First, the Syrian government is engaged in several non-international armed conflicts against a wide array of rebel groups. Second, there is arguably an international armed conflict between Syria and members of the US-led international coalition and Turkey. There is arguably a military occupation of parts of northern Syria by Turkey. Finally, part of Syrian territory, the Golan Heights, is occupied by Israel*"; Geneva Academy/RULAC, *Syria*, last updated 14 February 2018, https://bit.ly/3kc0kcc (with further information on the international and non-international armed conflicts in Syria, and areas under military occupation).

1048 In the context of exclusion, genocide falls within the scope of Article 1F(a) of the 1951 Convention as "crimes against humanity". The targeted campaign by ISIS against the Yazidi religious minority in Iraq since mid-2014, including women and girls taken into Syria, has been characterized as "genocide" by the IICISyria: "*ISIS has committed, and continues to commit, the crime of genocide, as well as multiple crimes against humanity and war crimes, against the Yazidis*"; UN Human Rights Council, *"They Came to Destroy": ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, www.refworld.org/docid/57679c324.html, para. 201.

1049 Article 1F(a) of the 1951 Convention. It is widely accepted that crimes against humanity have been committed throughout the ongoing conflicts, including by government forces, HTS, and ISIS; see, for example, consistent reporting by the IICISyria, available at: www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx. See also above Section II.E.

1050 Article 1F(b) of the 1951 Convention. In the Syria context, acts such as assassinations, abductions or torture committed by government forces, anti-government armed groups, or criminal groups (both pre and post-2011) are likely to constitute "serious non-political crimes" within the meaning of Article 1F(b) of the 1951 Convention, if they are not linked to an armed conflict. This would include serious crimes considered to be of a terrorist nature or committed by members of a group designated as 'terrorist' such as, for example, egregious acts which involve the use of violence and the indiscriminate harm, or threat of harm, against civilians. See also footnote 1051.

1051 Article 1F(c) of the 1951 Convention. In UNHCR's view, this exclusion provision may apply only to crimes which, because of their nature and gravity, have an international impact in the sense that they are capable of infringing on international peace and security or the friendly relations between States. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 46-49. Under certain circumstances, acts considered to be of a terrorist nature may give rise to exclusion based on Article 1F(c). This would apply where the acts in question constitute war crimes and/or crimes against humanity within the meaning of Article 1F(a), as acts which fall within the scope of this exclusion ground are also "contrary to the purposes and principles of the United Nations", but also with regard to crimes prohibited under international Conventions and Protocols pertaining to terrorism. However, rather than focus on the "terrorism" label, a more reliable guide to the correct application of Article 1F(c) in cases involving a terrorist act is the extent to which the act impinges on the international plane – in terms of its gravity, international impact, and implications for international peace and security. In UNHCR's view, only terrorist acts that are distinguished by these larger characteristics may qualify for exclusion under this provision. See UNHCR, *Yasser alSirri (Appellant) v. Secretary of State for the Home Department (Respondent) and DD (Afghanistan) (Appellant) v. Secretary of State for the Home Department (Respondent): UNHCR's Composite Case in the Two Linked Appeals*, 23 March 2012, www.refworld.org/docid/4f6c92b12.html.

among the civilian population; collective punishment; the deliberate starvation of civilians by denying humanitarian aid; abductions and enforced disappearances; torture and other cruel, inhuman or degrading treatment or punishment; hostage-taking; extermination; murder, extra-judicial and summary executions; rape and other forms of sexual violence, including sexual slavery; pillaging; forced displacement of civilians; and forced and underage conscription.[1052]

For exclusion to be justified, individual responsibility must be established in relation to a crime within the scope of Article 1F. Such responsibility flows from a person having committed a crime or participated in its commission in a manner that gives rise to criminal liability, for example through ordering, instigating, aiding and abetting, or by contributing to the commission of a crime by a group of persons acting with a common purpose. For persons in positions of authority within a military or civilian hierarchy, individual responsibility may also arise on the basis of command/superior responsibility. Defences to criminal responsibility as well as considerations related to proportionality may apply. Evidence about practices of forced recruitment, including in particular of children, needs to be taken into consideration in this regard.

Participation in armed conflict is not, as such, a ground for exclusion. Similarly, mere membership in a group or organization engaged in activities that fall within the scope of Article 1F of the 1951 Convention is not, as such, a sufficient basis to exclude. A full assessment of the circumstances pertaining to each individual case is required to determine whether the individual concerned was personally involved in excludable acts or participated in the commission of such acts in a manner that gives rise to individual criminal responsibility under international law.[1053]

In the context of Syria, careful consideration needs to be given, in particular, to the following profiles:[1054]

i. (Former) high-ranking members of the Syrian Government and Ba'ath Party (*before and after 2011*);

ii. (Former) members of the Syrian Armed Forces, including the Syrian Arab Army / SAA (and including the PLA),[1055] and in particular: all high-ranking military officers; all commissioned and non-commissioned officers who have served with the Republican Guards (*Al-Haras Al-Jumhuri*), the Special Forces, the 4th Armoured Division, the Military Police,[1056] or the Defense Companies (*Saraya Al-Difa'*, disbanded in 1984); and all military personnel who have served in the post-March 2011 period, including in military hospitals;[1057]

iii. (Former) members of the security and intelligence apparatus, including the National Security Bureau (*Maktab Al-Amn Al-Qawmi*); the Political Security Directorate (*Idarat Al-Amn Al-Siyasi*); the General Security Directorate (*Idarat Al-Amn Al-'Amm*); the Military Intelligence Service (*Shu'bat Al-Mukhabarat Al-'Askariyya*); and the Air Force Intelligence Directorate (*Idarat Al-*

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1052 There have been reports of human rights abuses and violations (pre- and post-2011) and serious violations of IHL (as of July 2012) on all sides. See Section II.E.

1053 In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

1054 This list reflects the predominant actors active in Syria at given times and is not to be considered exhaustive.

1055 For the current deployment and organization of the Syrian Arab Army (SAA), see International Review, *Current Syrian Army Deployments*, 13 December 2019, https://bit.ly/3cAR5OQ; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, https://bit.ly/2UiMudT.

1056 The Military Police administers the Military Prisons in Sednaya (Rural Damascus), Balooni in Homs city and, until May 2015, Tadmur (eastern Homs countryside). According to the IICISyria, "[S]*ince mid-2012, the Military Police has been in charge of transferring and holding prisoners between branches and courts.*" Furthermore, it played a critical role in systematically registering deaths in government detention facilities, "*indicating knowledge of the deaths among the superiors of the agency*"; UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, paras 41, 58-59.

1057 New York Times, *Syrian Doctor Accused of Torture Is Arrested in Germany*, 22 June 2020, https://nyti.ms/2B44Gl4; SNHR, *Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in its Detention Centres and Military Hospitals*, 21 October 2019, https://bit.ly/2MzcUDZ; Zaman Al Wasl, *Data of Doctors Tortured and Killed Detainees in Homs Military Hospital*, 25 April 2019, https://bit.ly/2Aaopiy; Washington Post, *'The Hospitals were Slaughterhouses': A Journey into Syria's Secret Torture Wards*, 2 April 2017, https://wapo.st/2zgpDbG.

*Mukhabarat Al-Jawiyya*);[1058] and persons who provided information to any of these services without formal attachment (informants) (*before and after 2011*);

iv. (Former) members of pro-government forces, including (not comprehensive), the Popular Committees (*Lijan Sha'abiya*) and the National Defence Forces (*Quwat Al-Difaʿ Al-Watani* / NDF);[1059] the Eagles of Whirlwind (*Nusur Al-Zawba'a*);[1060] militias affiliated with wealthy Alawite businessmen with close links to the Government of Syria and more specifically, the Assad family;[1061] pro-government Palestinian groups, e.g. Popular Front for the Liberation of Palestine – General Command / PFLP-GC;[1062] Jerusalem Brigade (*Liwa Al-Quds Al-Filastini*) and the Free Palestinian Movement (FPM);[1063] and groups associated with foreign Shi'ite militias, including the Lebanese Hezbollah, the Quds Force of the Iranian Revolutionary Guard Corps (IRGC), Iraqi militias (e.g. *Asaib Ahl al-Haq*, *Kataib Hizb Allah*, the Badr Organization, *Harakat Hizb Allah Al-Nujaba* and *Kataib Sayyid Al-Shuhada*), as well as Afghan (*Liwa Fatemiyoun*)[1064] and Pakistani militias (*Zeinabiyoun Brigade*)[1065] (*after 2011*);[1066]

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1058 The National Security Bureau (full name: *National Security Bureau of the Regional Command of the Syrian Regional Branch* [of the Ba'ath Party]), is headed by Maj. Gen. Ali Mamlouk, and formally coordinates and supervises the four independent security/intelligence agencies. "*Syria's four intelligence services – the Air Force Intelligence Service (Al-Mukhabarat al-Jawiya), the Military Intelligence Service (Al-Mukhabarat al-Askariya), the Political Intelligence Service (Al-Amn alSiyasi), the General Intelligence Service (Al-amn al-Amm), and the National Intelligence Service (Al-Amn al-Wattani), which oversees the others – practice widespread, systematic torture. Each agency has a central branch in Damascus, as well as regional branches*"; ECCHR, *Human Rights Violations in Syria: Torture under Assad*, April 2020, https://bit.ly/3h4lFnm, pp. 4-5. "*In Syria four independent security structures exist. These are divided between 'military' – the Military Intelligence Directorate and the Syrian Air Force – which fall under the remit of the Ministry of Defense, and 'political' – the General Intelligence Directorate and the Political Security Directorate – formally under the structure of the Ministry of Interior (MOI). Each of the two political security services has two separate departments each, for internal and external security*"; Carnegie MEC, *Russia's Role in Reforming Syrian Special Services*, 26 March 2020, https://bit.ly/3dJgoj5. "*Endowed with extensive extralegal power, the dreaded mukhabarat surveil, and suppress, possible threats from external enemies, the domestic opposition, the army, the bureaucracy, and each other*"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, https://bit.ly/2SC7omR, p. 12. "*The Syrian security apparatus encompasses the military and civil police forces, as well as four intelligence agencies. They are the Military Intelligence Directorate, the Air Force Intelligence Directorate, the General Intelligence Directorate, and the Political Security Directorate. Each of these agencies has headquarters in Damascus composed of several central branches and administers branches throughout the country, together holding thousands of detainees in their custody*"; UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, para. 36. See also, ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 5-8; SNHR, *Syrian Security Branches and Persons in Charge*, undated, https://bit.ly/3cDGp1N.

1059 With the start of the Syrian uprising in 2011, localized "popular committees" took up arms in support of the Government and to defend their families and neighbourhoods against anti-government armed groups. Starting in mid-2012, these fragmented local groups were increasingly incorporated into the NDF under an overarching command structure. These NDF units have operated alongside SAA forces throughout the conflict. According to the MEI, the "*NDF is a nationwide structure for some pro-government militias that focus on defending home areas and whose financial support varies throughout the country*"; MEI, *As Iran Redeploys amid COVID-19, Russia is Filling the Vacuum in Eastern Syria*, 5 June 2020, https://bit.ly/2zbpUMZ. See also, VOA, *Who Are Syria's National Defense Forces?*, 26 August 2020, https://bit.ly/2FxhX7H; International Review, *An Analysis of Syrian NDF Media: 2014-2018*, 19 July 2018, https://bit.ly/2Y895eh.

1060 The Eagles of Whirlwind are the armed wing of the Syrian Social Nationalist Party / SSNP. (Former) members of the Eagles of Whirlwind may require scrutiny for possible excludable acts pre-2011 in the context of Syria's involvement in the civil war in Lebanon. On the group's role in the Syrian conflict, see Clingendael Institute, *Eagles Riding the Storm of War: The Role of the Syrian Social Nationalist Party in the Civil War*, January 2019, https://bit.ly/3cB6rCR.

1061 Clingendael Institute, *The Syrian Desert Hawks: Flying no More*, February 2020, https://bit.ly/3h49lOI; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, https://bit.ly/2UiMudT.

1062 (Former) members of PFLP-GC may require scrutiny for possible excludable acts pre-2011.

1063 SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, https://bit.ly/33xXOsb, pp. 10-11; The Long War Journal, *Palestinian Militia Reports High Number of Fatalities on Syria's Frontlines*, 3 June 2019, https://bit.ly/3dJa9f9; Omran Center for Strategic Studies, *Military Actors and Structures in Syria in 2018*, 31 December 2018, https://bit.ly/2A0XwO8, p. 91; Shabaka, *Palestinians and the Syrian War: Between Neutrality and Dissent*, 29 January 2017, https://bit.ly/2Y7etOR.

1064 Atlantic Council, *Factbox: Iranian influence and Presence in Syria*, 5 November 2020, https://bit.ly/32LMdEE; Long War Journal, *Iranian-Founded Afghan Shia Militia Celebrates 7th Anniversary in Aleppo*, 12 May 2020, https://bit.ly/2UmKdyq; MEI, *Understanding the Fatemiyoun Division: Life Through the Eyes of a Militia Member*, 22 May 2019, https://bit.ly/3hcyAUy.

1065 The Arab Gulf States Institute in Washington, *Using Syria as a Training Ground: The Case of the Pakistani Zeinabiyoun Brigade*, 17 July 2018, https://bit.ly/2XDM5ok.

1066 VOA, *How Qassem Soleimani Managed Iran's Proxies in the Middle East*,7 January 2020, https://bit.ly/2MD7yrq; Carnegie MEC, *Russia and Syrian Military Reform: Challenges and Opportunities* 26 March 2020, https://bit.ly/2XG0Abb; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, https://bit.ly/2UiMudT; Washington Institute, *The Shia Militia Mapping Project*, May 2019, https://bit.ly/2MFthi4; Carnegie Endowment for International Peace, *Tehran's Shia Foreign Legions*, 30 January 2018, https://bit.ly/2UjSpPJ.

v. (Former) members of the police, including in particular the emergency police and the riot police (*before and after 2011*);

vi. (Former) prosecutors and judges, including those who worked in the Supreme State Security Court / SSSC (*1966 to 2011*), Economic Security Court / ESC (*1977 to 2004*), the Counter-Terrorism Court (*since July 2012*), and criminal and military field courts (*before and after 2011*);[1067]

vii. (Former) staff of prisons and detention centres, particularly directors, administrators, wardens and guards (*before and after 2011*);

viii. (Former) members of UN Security Council-designated terrorist groups, including HTS (formerly Al-Nusra Front / Jabhat Fateh Al-Sham), Al-Qa'eda and ISIS (*after 2011*);[1068]

ix. (Former) members of anti-government armed groups / alliances, including groups affiliated with the FSA, the NLF, and the SNA (*after 2011*);

x. (Former) members of the Muslim Brotherhood (*Jama'at Al-Ikhwan Al-Muslimun*) (*particularly between 1976 and 1982*);[1069]

xi. (Former) members of the Kurdish-dominated armed forces and security/intelligence apparatus, including the SDF (*Quwwat Suriya Al-Dimuqaṭiya*); YPG; YPJ; internal security forces of the AANES (*Asayish*); Syriac Military Council / MFS; Sutoro (Syriac Security Office, armed wing of the Syriac Union Party/SUP) (*after 2011*);

xii. (Former) members of groups and networks engaged in organized crime (*before and after 2011*).

1067 ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, https://bit.ly/2Bzsqx9, pp. 14-15. See also, UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, para. 16; and Section II.E.1.

1068 UNSC, *Security Council Resolution 2253 (2015) [on Renaming of Al-Qaida Sanctions Committee as "1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee" and the Al-Qaida Sanctions List as "ISIL (Da'esh) and Al-Qaida Sanctions List" and on Extension of the Mandate the Office of the Ombudsperson for a Period of 24 Months from the Sate of Expiration of Its Current Mandate in Dec. 2017]*, 17 December 2015, S/RES/2253 (2015), www.refworld.org/docid/56ec00684.html. The consolidated UNSC list can be found at: www.refworld.org/docid/56ec00684.html.

1069 Counterterrorism Project, *The Muslim Brotherhood in Syria*, accessed 28 February 2021, https://bit.ly/2Y770za; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. 8; Carnegie MEC, *The Muslim Brotherhood in Syria*, February 2012, https://bit.ly/3h2YiKX.

# IV. Moratorium on Forced Returns

In light of continued conflict, insecurity, and contamination with explosive remnants of war; severe concerns about the rule of law[1070] and widespread human rights violations and abuses,[1071] including against returnees;[1072] fragmented community relations and a lack of genuine reconciliation efforts;[1073] massive destruction and damage to homes, critical infrastructure and agricultural lands;[1074] and deepening economic and humanitarian crises, which are compounded by the COVID-19 pandemic,[1075] 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,[1076] which limits free and unhindered access to returnees.[1077] Forced returns would in most cases also be irreversible given the fact that the neighbouring countries tightly manage their borders with Syria.[1078]

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, 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.

UNHCR supports individuals' fundamental human right to return to their country of origin. Any assistance provided by UNHCR for return to Syria aims at supporting vulnerable individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose voluntarily to return. Any action by UNHCR to support voluntary repatriation to Syria, including efforts aimed at sustainable reintegration for returnees and IDPs in Syria, should not be construed as an assessment by UNHCR of the safety and other aspects of the situation in Syria for individuals who have sought international refugee protection in countries of asylum. Voluntary repatriation and forced return are processes of a fundamentally different character, engaging different responsibilities on the parts of the various actors involved. Until conditions for voluntary repatriation in conditions of safety and dignity are in place, it remains critical to maintain protection space for refugees from Syria, including former habitual resident of Syria, and to preserve conditions for them to stay and have their rights respected in the host countries.

1070 See Sections II.B and II.C.
1071 See Section II.E.
1072 See Section III.A.1.e.
1073 See Section II.F.2.a.
1074 See Section II.F.1.
1075 See Section II.F.1.
1076 See Section II.F.3.
1077 See Section II.D.3.
1078 See Section II.D.1.

# UNHCR, the UN Refugee Agency

# International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic – Update VI

**March 2021**

**UNHCR, the UN Refugee Agency**

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