

Flygtningenævnets baggrundsmateriale**Bilagsnr.:** 1392**Land:** Syrien**Kilde:** Syrian Network for Human Rights**Titel:** 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. A Political / Security Court Which Aims at Eliminating Those Calling for Political Change for Democracy and Human Rights**Udgivet:** 15. oktober 2020**Optaget på
baggrundsmaterialet:** 22. december 2020

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

SNHR
SYRIAN NETWORK FOR HUMAN RIGHTS
الشبكة السورية لحقوق الإنسان

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I. Summary and Methodology of the Report:

In this report, we at the Syrian Network for Human Rights (SNHR) provide a detailed analysis of one of the irregular courts established by the Syrian regime, namely the so-called Counter-Terrorism Court, with the aim of revealing its practices and methods, and giving information about the rulings issued by it, in order to highlight the extent of the brutality for which this court is responsible. The primary objective of this court, in plain terms, is to provide the regime with official cover for the liquidation of detained and tortured political dissidents and opponents of the regime; this report will also explain why the Supreme Judicial Council or the Supreme Constitutional Court did not move to object to the law establishing the Counter-Terrorism Court, or its mafia practices.

For nearly nine years, the SNHR has been [recording](#) various types of violations related to arrest and detention, such as the accompanying torture, enforced disappearances, trials, and other related crimes. This report mainly focuses on data analysis that we have conducted based on the SNHR's database of detainees and forcibly disappeared persons, resulting from the daily monitoring and documentation that we have carried out continuously since 2011 up to the current moment concerning incidents of arbitrary arrest and enforced disappearance. We also constantly update these records, with all the individuals included being registered according to name, date, place and conditions of detention, the party responsible for the arrest, enforced disappearance and torture, documents, and trials which the victim was subjected to, along with other details. SNHR's Information Technology department has created a dedicated program within the database on each party to the conflict, providing information on detainees' original governorate, gender, marital and academic status, age group and place of arrest, with all data being entered automatically. The data added to the SNHR's database is retained securely, and we store several backup copies in different locations.

Since the Syrian regime first established the Counter-Terrorism Court, we have made numerous attempts to scrutinize and monitor its operations and methodology insofar as possible, contacting hundreds of families of detainees referred to it for trial, with many of the family members initiating contact with SNHR, as well as obtaining details from a number of lawyers cooperating with us. We also spoke with detainees who were subjected to trial at this court, either those who were released from detention centers or who are still being held in central prisons in various Syrian governorates. In addition to these sources, we have also been able, over the years, to conduct analysis and cross-check processes on the information and data provided to us by victims' families, and by the survivors of detention centers, who supplied us with details of their and their loved ones' experiences. In this report, we provide 15 accounts from various sources, namely former detainees and detainees still in detention, members of detainees' families, and individuals forced by Counter-Terrorism Court sentences and rulings to relinquish their property to state ownership.

Despite facing many and varied difficulties and challenges, the most prominent of which is the difficulty in obtaining detainees' data, referrals, judgments and other case details held by the regime, in addition to further intensive work required in verifying the data available to us and other challenges in relation to a complex legal system, the SNHR worked with all the information available to it, exerting every effort to categorize those detainees referred to the Counter-Terrorism Court separately from those who have so far not been subject to any form of trial, and from other detainees who were subjected to trial in other courts. As a result, the figures that we have documented in this report are estimates and represent the bare minimum of possible cases. Additionally, the cases which we cite have been categorized according to the detention centers in which these individuals are or were held and based on their conditions in the court and of those who were released through decisions issued by the court.

We explained the purpose of the report beforehand to all the interviewees who we spoke with, and obtained their consent to use the information they provided to serve the purposes of the report and the documentation processes. All of these procedures are carried out in accordance with our internal protocols, on which we have worked for years, and which we strive constantly to develop in order to keep pace with the best practices in maximizing psychological care and minimizing potential trauma for victims.



"The Syrian regime has taken complete control of the three powers, with all of them being concentrated in the hands of the head of the regime and the security services. This resulted in: constitutional provisions, legislative laws, and irregular courts that violate the most basic standards of international human rights law, with the Syrian regime being keen to maintain a formal façade of legitimacy in order to practice deception and subterfuge. The repercussions of all these actions are clearly embodied in the Counter-Terrorism Court, which is considered to be an additional security branch, whose primary objective is to legalize the crimes of either detaining political dissidents for long sentences of up to 25 to 30 years or subjecting them to extrajudicial killing."



Fadel Abdul Ghany
Chairman of the Syrian
Network for Human Rights

II. Background on the Almost Absolute Domination of the Executive Authority / Security Services over the Judicial Authority:

The Syrian regime has deliberately completely stripped the judicial authority of any jurisdictional independence or integrity, as is commonly the case with totalitarian repressive regimes; even within the milieu of authoritarian and dictatorial regimes, however, there are degrees of crushing the judiciary. We believe that, according to the Syrian state's 2012 constitution, which is simply a revised version of the 1973 constitution, the current Syrian regime is one of the most brutal and exclusionary ruling powers globally in regard to the judiciary, which it has turned into a pseudo-legal entity that exists to serve the regime, while attempting to maintain a façade of legitimacy by retaining formal nomenclatures and legal terms, but failing to perform any of the duties required of a genuine judiciary, as demonstrated most glaringly by the following points:

One: Absolute regime control over the Supreme Judicial Council:

According to the current 2012 constitution, which was supposedly amended after the popular uprising in March 2011, the President of the Republic is still the head of the Supreme Judicial Council¹; this alone completely torpedoes the principle of separation of powers, and enshrines dictatorship and authoritarianism within the constitution itself. The head of the Executive Authority has now become the head of the Judicial Authority, with the Minister of Justice acting on behalf of the President of the Republic, who is subordinate to the President of the Republic, i.e. to himself; in addition to this, the Minister of Justice is at the same time the head of the Public Prosecution Service². Additionally, most of the members of the Supreme Judicial Council are appointed by its head, and thus are held accountable solely by the executive authority they serve. The Syrian regime has not only accomplished all these demagogic distortions in its determination to maintain absolute autocratic control in the hands of one family, but in pursuit of wielding even greater control over the entire state, it has subordinated the military judiciary to the Minister of Defense³, and the administrative judiciary to the State Council⁴, which in turn reports to the executive authority. As all these efforts to cement the ruling family's absolute power demonstrate, the role of the Supreme Judicial Council is now wholly redundant and its existence is ceremonial; despite this, Syrian regime officials continue to repeat the glaringly obvious falsehood that the existence of the Supreme Judicial Council proves the regime's respect for separation of powers, even while the Supreme Judicial Council acts as an adjunct and rubber stamp of the executive authority in the ugliest possible way.

¹ Constitution of the Syrian Arab Republic of 2012, Article 133, <<<http://www.parliament.gov.sy/arabic/index.php?node=551&cat=423&>>>

² Constitution of the Syrian Arab Republic of 2012, Article 137, <<<http://www.parliament.gov.sy/arabic/index.php?node=551&cat=423&>>>

³ Military Penal Code, <<[⁴ Constitution of the Syrian Arab Republic of 2012, Article 139, <<<http://www.parliament.gov.sy/arabic/index.php?node=551&cat=423&>>>](http://www.cdf-sy.org/zw/askyya.htm?fbclid=IwAR16Jk3ZkXOYRQy3h5mNkaAz-HAFB-Ejzt8Nuw4F4jopw4UGuDMLdc/>></p>
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Two: Elimination of the Supreme Constitutional Court:

The Syrian regime legitimizes dictatorship and totalitarianism with pseudo-legal constitutional texts that contradict the most fundamental democratic tenets and human rights, with the regime's subversion of the Constitutional Court providing a clear example of this. The 1973 constitution (Hafez al Assad), and subsequently the 2012 constitution (Hafez' son, Bashar al Assad) stipulate that the President of the Republic is the only figure with the authority to appoint all the members of the Supreme Constitutional Court⁵ who swear an oath before the President⁶. In addition, the duration of Supreme Constitutional Court members' membership is four years⁷, far shorter than that of the President of the Republic⁸; all of these revisions and subversions of judicial independence are flagrant violations clearly aimed at the deliberate destruction of the judicial authority. Above all, it must be remembered that the only individuals with the right to submit an application to the Constitutional Court are the President of the Republic, and five members of the People's Assembly (nearly two-thirds of whose members have been controlled by the regime's Ba'ath Party since 1973, with this party nominating only one person for leadership, exclusively from the Assad family). That is why this court has played no role worthy of mention in Syria's history since the imposition of the 1973 constitution up to the present date, as it has been paralyzed and effectively stripped of any power, having been turned into another tool at the service of the ruling regime; for this reason, it has failed to hold any individual or institution accountable for violating Syria's constitution despite the crimes against humanity committed by the regime, particularly since March 2011. For the same reason, the court is incapable of acting to prevent the issuance of dozens of laws that blatantly violate the constitution, the most prominent of which are the laws protecting security personnel and perpetrators of torture, and those confiscating citizens' property.

Three: Establishing exceptional / irregular courts:

The Syrian regime did not stop at attaining absolute control over the Supreme Judicial Council and eviscerating the Supreme Constitutional Court, but rather completed its objective of seizing comprehensive control over the judicial authority through the establishment of irregular pseudo-legal courts, whose practices do not comply with even the most basic standards of a fair trial⁹, and which can fairly be called kangaroo courts or simply brutal state security facilities in the guise of courts. Since the 1980s, the Syrian regime has established the Military Field Court (al Midan Court), and State Security Court, with the latter replaced by the Counter-Terrorism Court in 2012.

The sum of these three factors provides a concise and damning summary of the wretched state of the Judicial Authority throughout the period of the current Syrian regime's rule since 1973 to date, with Syria's state judiciary more akin to an autocratic mafia-style authority than to a legal authority that respects the principles of law, judicial independence and integrity, and human rights.

⁵ Constitution of the Syrian Arab Republic of 2012, Article 141, <<<http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=4238>>>

⁶ Constitution of the Syrian Arab Republic of 2012, Article 145, <<<http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=4238>>>

⁷ Constitution of the Syrian Arab Republic of 2012, Article 143, <<<http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=4238>>>

⁸ Constitution of the Syrian Arab Republic of 2012, Article 88, <<<http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=4238>>>

⁹ Amnesty International, Fair Trial Manual, <<<https://www.amnesty.org/download/Documents/8000/poi300022011en.pdf>>>

III. The Domination of the Executive Authority / Security Services over the Legislative Authority (People's Assembly):

The People's Assembly (Parliament) represents the legislative authority in Syria, which undertakes the tasks of adopting, proposing and enacting laws. Since 1971, 'elections' for the 'People's Assembly' have taken place every four years, but the results of these elections have always been pre-decided in favor of one party, with Hafez al Assad banning any partisan activity opposing his rule and outlawing all other political parties and movements, effectively ending the previous multiparty system. Meanwhile, the regime formed a sham political bloc, the 'National Progressive Front', consisting of several shell parties to provide a formal, token image of democracy. This bloc's backbone and actual controller is the Arab Socialist Ba'ath Party, which is in turn controlled by the ruling family. The Assad regime legitimized this control through a provision included in Article 8¹⁰ of the 1973 Constitution, which literally states that the Arab Socialist Ba'ath Party is the leader of the state and society, thus legitimizing one-party rule, dictatorship and, in reality, tyranny. The Assad family's absolute control of the reins of power in Syria is further cemented by the conflation of the Presidency of the Republic with the post of Secretary-General of the Ba'ath Party in Syria, which is dynastic, passing from Hafez al Assad to his son Bashar al Assad. This article, which contradicts the most basic principles of human rights and democracy, remained in force until the creation of a 'new' constitution in February 2012, which altered the previous one in minor detail only, with no perceptible difference in its application on the ground, and according to which the Ba'ath Party retained absolute control, with the Secretary-General's position remaining exclusively in the hands of the Assad family and being available to no other member of the party.

The Ba'ath Party has dominated nearly two-thirds of the members of the People's Assembly since 1973, assisted by the power and intimidation of the security services, with the party using state employees, university students, Red Crescent volunteers, personnel of all the charities it established, and all the beneficiaries of its services, to ensure that all the voting and election processes are in its favor. This is why it was not surprising that this body did not direct any criticism or demand any accountability of the Syrian regime throughout all the years of its rule, especially since 2011, even while witnessing the governments led by the President of the Republic committing widespread violations that constitute crimes against humanity and war crimes, extending to the use of chemical weapons and barrel bombs, the displacement of more than 13 million Syrian citizens, with the Syrian regime having killed more than a quarter of a million civilians, including nearly 14,000 Syrian citizens due to torture, and 'disappearing' nearly 100,000 others, according to the SNHR database, and to reports of UN committees and International organizations.

¹⁰ Constitution of the Syrian Arab Republic of 1973, Article 8, <<<http://parliament.gov.sy/arabic/index.php?mode=5518&cat=4138>>>

Despite all these crimes, not a single regime minister has been questioned or dismissed. On the contrary, the 'People's Assembly', which also represents, theoretically at least, the voice of Syrian society in the face of the ruling authority, did not oppose any of the myriad violations and crimes committed by the Syrian regime or the arbitrary decrees it applied against Syrian citizens and society. SNHR issued a [report](#) on this issue on August 14, 2020.

We have talked about the domination of the executive authority / security services over the People's Assembly and the control of the laws issued by it. This is evidenced by its being used to enact and rubber-stamp whatever laws the ruling regime desires, whether or not these contradict international human rights law and the interests of the Syrian people, as is the case with the laws on burglary and control of property¹¹, for example.

IV. The Establishment of the Counter-Terrorism Court in July 2012, Nearly a Year after the Outbreak of the Popular Uprising Demanding Political Change and Dignity:

Here, we shall briefly outline the history of the court's establishment and list its departments, before providing further details about the extent to which all these stages violate the most basic standards of international human rights law. The Counter-Terrorism Court was established under Law [No. 22 of 2012](#) on July 25, 2012, with only one headquarters, in Damascus city. The court issues its decisions under [the Counter-Terrorism Law No. 19](#) issued on July 2, 2012, that is, 23 days before the law establishing the court was issued. Before the issuance of the Counter-Terrorism Law, the Syrian regime used to try detainees in accordance with the Syrian Penal Code in accordance with the articles on crimes against the security of the state, in addition to Articles (304 to 306) related to terrorism, with the regime later replacing these with the Counter-Terrorism Law. The Counter-Terrorism Court consists of three main departments¹², namely the Public Prosecution, Investigation Department, and Terrorism Criminal Court, as well as having a department of cassation:

1. **The Public Prosecution:** This consists of 15 judges who are appointed by decree by the President of the Republic based on the proposal of the Minister of Justice (the Executive Authority); each judge must obtain the approval of the security services, with the judges being both civilians and military personnel. The security services refer the detainees' cases that contain confessions extracted under torture to the Chief Prosecutor of the Counter-Terrorism Court, who allocates them to the judges within the Public Prosecution. These judges in turn issue a prosecution ruling consistent with the content of the report sent by the security branches; detainees' cases return again to the Chief Prosecutor of the court who allocates them to the relevant investigative judges.

¹¹ Legislative Decree 63 of 2012, issued by the President of the Republic, <<<http://www.parliament.gov.sy/arabic/index.php?node=201&id=16218&ref=tree&>>>

Legislative Decree 66 of 2012, Issued by the President of the Republic, <<<http://parliament.gov.sy/arabic/index.php?node=5588&cat=43008>>>

Legislative Decree 10 of 2018, Issued by the President of the Republic, <<<http://www.parliament.gov.sy/arabic/index.php?node=201&id=19313&PID=1&List=44&First=0&CurrentPage=0&Vid=1&Mode=-1&Service=-1&Loc1=0&Key1=-&SDate=&EDate=&Year=2018&Country=&Nursi=&Dep=-1&>>>

¹² Suwar Magazine, lawyer Michal Shammas: 55,000 cases referred to the Counter-Terrorism Court since its establishment to date, <<<https://www.suwar-magazine.org/articles/1138-%D9%85%D8%AC%D9%84%D8%A9-34-%D8%B5%D9%88-%D8%B1-34-%D8%AA%D8%AD%D8%A7%D9%88%D8%B1-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%8A-%D9%88%D8%A7%D9%84%D8%AD%D9%82%D9%88%D9%82%D9%8A-%D9%85%D9%8A%D8%B1%D9%84%D8%B1%D9%85%D8%A7%D8%B3>>>

2. **The Investigation Department:** This consists of seven departments, each of which is headed by one judge; these are divided between four military judges and three civilian judges. In 2017, we noted that the number of judges had been increased to 11 investigative judges according to decrees related to court appointments, including a juvenile investigative judge, with these judges hearing cases referred to them by the Public Prosecution.
3. **Terrorism Criminal Court:** This consists of three chambers, each of which is presided over by three judges, one of whom is a military judge. Additionally, each chamber is headed by a civilian judge, which hears cases referred to it by the court's investigative judges. This court issues its sentences in accordance with the Counter-Terrorism Law, whose rulings range from three years of imprisonment up to execution. Many death sentences have been issued by it, most of them in absentia, and we have not documented the implementation of any of the death sentences issued by the court, either because of the secrecy of these executions, or because the death sentence has been commuted by amnesty decrees issued by the Syrian regime to sentences ranging from between 20 years to 30 years to life imprisonment.
4. **Department / Court of Cassation of Terrorism Cases:** This consists of three advisory judges, including a military judge, and is headed by a civilian advisor. The department of cassation, which was formed by a decree issued by the President of the Republic (the Executive Authority), has jurisdiction over appeals against decisions issued by the Terrorism Criminal Court.

Presidential decrees (the executive authority) amend and appoint at the Counter-Terrorism Court:

The Syrian regime has issued several decrees through which it made amendments to the court chambers and the appointment of judges working in them, with the last three of these decrees being: [255 of 2018](#), [117 of 2019](#), and [69 of 2020](#).

According to the recent Decree No. 69 of February 25, 2020, the current judges in the Counter-Terrorism Court's criminal courts, investigative judges, and Public Prosecution judges are:

Criminal Court: The first chamber is headed by Judge Zahera Jamil Bashmani, with the membership of Naji Fadlallah al Eid and Major Wissam Yousef Addoum; the second chamber is headed by Muhammad Radwan Hajja, with the membership of Abdo Deeb al Darkhabani and Major Samer Deeb Abbas; the third chamber includes Judges Muhammad Saeed al Halabi as president, with the membership of Basil Munther Falah and Major Amir Ahmad Ibrahim.

The decree appointed the judge Muhi al Din Omar Qaderi as Fifth Investigative Judge, as well as appointing Omar Saleh Dahmish as Eighth Investigative Judge, Muhammad Hasan al Safar as Ninth Investigative Judge, and Muhammad Tayseer Qala Awwad as Eleventh Investigative Judge. This decree also appointed the judge Faten Salim Sirawan as Head of the Public Prosecution, as well as appointing Rahaf Lundios Fahda, Majd Salah Hammoud, Samer Ibrahim al Sous as Public Prosecution attorneys, and Fadi Ali Mhanna as assistant public prosecutor.

V. Fourteen Main Reasons That Make the Counter-Terrorism Court an Additional Security Branch in Service of the Syrian Regime:

One: Arbitrary arrest followed by extracting confessions under torture:

According to the SNHR's database, nearly 131,000 of the Syrian citizens arrested by the regime to date remain arbitrarily detained or forcibly disappeared. The vast majority of these detainees, approximately 85% of the total, are peaceful political detainees (approximately 15% are armed opposition fighters), arrested in connection with their participation in the popular uprising as protesters, human rights activists, media workers, medical personnel, aid workers, opposition party members, opinion writers, activists on social media pages, and others. Such arrests are, fundamentally, illegal, violating the most basic rules of international human rights law regarding freedom of opinion, expression, objection, criticism and articulation of demands for political and economic rights.

These arrests are not carried out using any legal warrant, nor do the parties that carry out the arrests identify themselves. In many cases, the detainee is prevented from communicating with his or her family or lawyer, with the vast majority of detainees having been forcibly disappeared.

Detainees are subjected to [brutal methods of torture](#), with barely any detainee managing to escape torture. Confessions are extracted from them under torture, and these confessions are recorded in reports in the security branch.

Two: Referring the reports in which confessions were recorded under torture to the Public Prosecution Service of the Counter-Terrorism Court:

Based on the accusations extracted under torture, then recorded in a report / file within the Security Branch, the Security Branch refers this report to the Public Prosecutor at the Counter-Terrorism Court. Here it must be emphasized that while between 25% to 35% of these detainees are referred to the Counter-Terrorism Court by the security branches, the remainder are not referred, with detainees routinely spending many years, up to 8 or 9 years, without being referred to any court, without being charged, and without communicating with the outside world, being categorized among the forcibly disappeared. Detainees may be transferred from one security branch to another, and may be transferred from a security branch to a military prison, such as Seydnaya Military Prison. All detainees referred from the security branches spread across Syrian governorates are transferred exclusively to Damascus, because the court has one branch in Damascus; thereafter, they are distributed to the central prisons located in each governorate according to the place the detainee comes from or the place of arrest and detention, or according to other factors involved in the distribution of detainees, such as security conditions, for example, doubling the suffering of the detainees' families. The security branch may also decide to refer forcibly disappeared persons to the court, as the head of the security branch is the one who decides who is referred to the court according to his whims.

Some detainees may be referred to other irregular / political / political / exceptional courts, such as the Military Field Court, while since the end of 2012, referrals to regular courts have ceased.

Three: Principles of trials and evidentiary rules are not applied during any of the stages and procedures of prosecution and trial, as these are irregular / exceptional, for example:

- There is no referral judge, with referrals instead being made by the head of the security branch.
- The appeal is made before a special department of the court itself, with the department being formed by the Executive Authority / the President of the Republic.
- Judgments in absentia are not subject to appeal except for those who voluntarily surrender themselves; this leaves citizens wondering how they can know if a judgement has been issued against them or not. No one knows how to do this because rulings are not published; instead of issuing the customary notification / subpoena to the accused, a printed document providing the sentenced individual's name is placed on a bulletin board inside the courtroom in Damascus only, making it impossible for a citizen in Homs or a town in Hama suburbs, for example, to know they've been tried.
- Court sessions are not open to the media or the public, and the detainees' families are often fearful of attending or unable to do so.

Four: The legal texts according to which the court operates include flagrant violations of international human rights law and the most fundamental legal standards, with the articles having been loosely worded so that the court can easily press charges, and frame any citizens with dubious accusations of terrorism just because, for example, he/ she wrote a tweet, founded a civil society organization, or participated in a protest; a citizen can be charged for the intention to commit an act without taking any action towards it, with Article No. 2 of Law No. 19 of 2012 stipulating "A conspiracy aiming at committing one of the offenses provided by this law should be punished with temporary hard labor."

Five: The court tries civilians, military personnel, and juveniles alike, which is against the rules of qualitative jurisdiction.

Six: The President of the Republic has responsibility for appointing the judges at the court (investigation, cassation), in flagrant violation of the most basic criteria of the principle of separation of powers, meaning that the Syrian regime not only completely dominates the Supreme Judicial Council, but, in addition to wielding this absolute power over it, prevents it from appointing court judges, with its role being limited to suggesting only.

Seven: The Chief Prosecutor at the court acts as a conduit between the security branches and the court's judges:

The security services refer the detainees' cases containing confessions extracted from them under torture to the Chief Prosecutor of the Counter-Terrorism Court, who allocates them to the relevant judges within the Public Prosecution. These judges do not dare to change what is stated in the report received from the security branch, but rather collude in favor of the security services at the

expense of the arrested citizen before issuing a prosecution finding consistent with the contents of the report received from the security branches; this then goes back to the Chief Prosecutor, who allocates the case to the investigative judge. The public prosecution often has no evidence except for confessions extracted under torture, and does not include the testimony of witnesses against the detainee, except from the security services personnel or perhaps the shabiha. Meanwhile, the detainee is not allowed to summon witnesses to defend him/ her.

Eight: The investigative judge automatically rejects detainees' statements that they have been tortured and absolves the security services of any torture charges:

The detainee appears before the investigative judge, who is more like a security agent. Dozens of survivors told us that the alleged judge did not take into account the courageous statements from some of them during these proceedings notifying him that all the contents of the file for each prisoner had been extracted under torture, despite all these sessions being attended and monitored by the security services personnel, exposing the detainees to more terror and fear; instead, rather than acting on this notification to open an investigation into the security branches, the judge automatically rejected detainees' accusations and also refused their request to be brought before a specialist doctor to verify that they had been tortured¹³.

The investigative judge decides either to charge the detainee and subsequently refer him/ her to the Criminal Court Division of the Counter-Terrorism Court, or to pardon him/ her. Payment of bribes to investigative judges plays a prominent role in the decision to issue a pardon, with some bribes reaching hundreds of thousands of dollars.

Nine: Barbarically violating the sacred right of defense:

The court and the security services place terrible obstacles before defense lawyers that make their presence a largely symbolic formality with almost no actual effect; the lawyer does not have the opportunity to visit or meet the client periodically before the trial, and has no access to the file of charges. In addition, defense witnesses are not summoned, it is often forbidden to present a written defense warrant, or present an oral plea, and the court is not obligated to conduct public trials. Worst of all, this court is not obligated to analyze or discuss the defense case.

Ten: Criminal Court rulings are based on security report, which is a few lines long, with charges reaching up to execution on charges of participating in a protest or in media, political or human rights activism:

The sentences issued by the court are based on all the previous stages, with the sentences issued by it being more like military orders than judicial rulings, not exceeding a few lines in length, with the sentences ranging from between one and three years all the way up to the death penalty. These sentences aim to get rid of the largest possible number of citizens demanding political change and opponents of the ruling regime, and to serve as an example (or warning) to the rest of the citizens.

¹³ A Court of Terrorism to Terrorize the People' by Michal Shammas, Rising for Freedom Magazine <<<https://www.freedommagazine.net/%D9%85%D8%A0%D9%83%D9%B5%D9%A9%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D9%B1%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D8%A7%D9%84%D8%B1%D8%B9%D8%A8>>>

Based on all of the above factors, we can say that all of the sentences issued against political detainees, (the discussion in all this report is about detainees in connection with the popular uprising, who are the majority of the detainees and those tried before this security court), are illegal and void of any legitimacy; despite being implemented by the force of the authority and the security services, they lack any legal validity.

Eleven: The concept of 'Cassation' does not make sense in a court that relies on confessions extracted under torture as the only evidence:

In addition to the fact that the judges of the Cassation Court are appointed by the Executive Authority as mentioned previously, this court does not issue reasoned judgments, and it is not obliged to do so according to its founding law; it would, therefore, be more accurate to describe it as a kangaroo court or a court whose only legal reference is the law of the jungle rather than a court of law, indicating in turn that the idea of cassation has no relevance. In addition, since this court is not based on evidence but on confessions extracted under torture, it leaves a lawyer unable to appeal the judgments issued by it, or to disprove the assertions contained in the detainee's file, leaving any detainee whom the security services wish to charge wholly at their mercy and unable to escape from their grasp.

On many occasions, the unfair judgments issued by the Counter-Terrorism Court have led to detainees' protests and disobedience in some central prisons, such as Hama, Homs, and [Tartous Central prisons](#), and we have referred to these protests and their repercussions in several previous reports. In [Hama Central Prison](#), a number of detainees were punished by transferring them to other prisons far from their original governorate. As for the detainees in Tartous Central Prison, although they went on strike for many days, policemen, with the help of some criminal prisoners, suppressed their protests, and the Syrian regime did not respond to their demands. As for the Homs Central Prison, despite the continuing protests there for years and the deaths of detainees since the end of 2012 until the end of 2018, the Syrian regime has never responded to the detainees' demands, and its promises to review the sentences issued against them have continued.

Twelve: Detainees have disappeared despite appearing before the court, which does not inquire about their fate:

Enforced disappearances are not limited to detainees in the security branches' detention centers or in the military and secret prisons, but also affect the detainees in Syrian governorates' central prisons, although some of these detainees have been referred by the security services to various courts, such as the military courts, the Military Field Courts, and the Counter-Terrorism Court, with some of these detainees' families able to visit them and appoint lawyers for them after they were referred to the court. We at the SNHR have documented the sudden disappearance of many detainees during their trial stages at the Counter-Terrorism Court, which did not inquire about their

fate, or about the party that transferred and detained them. We contacted many of these detainees' families, who assured us that they did not know the fate of their loved ones or their place of detention. We have also noted the increase in the number of detainees who have been disappeared from central prisons since the beginning of 2018 to date, and we have grave concern for their lives. The security branch that referred them to the court may have decided to return them to the branch and subject them again to enforced disappearance, as well as torture. The security services are the main source of power in the country under the direct leadership of the President of the Republic and no-one dares to question them.

Thirteen: Re-arresting the person after his/ her release or after the expiration of his/ her sentence: After the detainee tried at the Counter-Terrorism Court is released from the detention center, either after a release decision is issued, meaning he/ she is released with charges pending while out of prison, or after the expiration of his/ her sentence, the released person needs to obtain a 'cessation of search'¹⁴ document so that their prosecution ends following release from the detention center. In a number of cases, however, we have documented that despite having obtained this document, a former detainee may be re-arrested by one of the security branches, often for the same reasons and on the same charges for which he or she was previously arrested. That is, a former detainee may be arrested twice for the same reasons, with re-arrested individuals spending additional months or years simply to prove again that he or she was already subjected to trial and released. Accordingly, any citizen released from the Counter-Terrorism Court remains at risk of being rearrested, which has pushed many former detainees to flee to areas outside the control of the regime forces or abroad, with these individuals not considering any possibility of return as long as the current regime remains in power.

Fourteen: Fictitious amnesty decrees that do not include the vast majority of those arrested in connection with the popular uprising:

The security branches and the Counter-Terrorism Court interpret amnesty decrees according to the prevailing atmosphere based on security and political criteria rather than on any legal considerations. We have noted that dozens of detainees to whom some of the articles included in the amnesty decrees apply are not released, and we have issued two separate reports on the last two amnesty decrees issued by the Syrian regime. The number of those arrested after the issuance of the amnesty decrees was higher than that of those who were released, and it would take the Syrian regime 325 years to release 131,000 detainees at this rate.

¹⁴ Cessation of search: This is a request submitted to the Public Prosecution in the governorate or to the court that issued the detention or sentence decision, by which the search for the person against whom the search warrant was issued by the police is ceased; in reality, however, the search warrant remains valid, especially for use by the security branches.

VI. The Record of Citizens Tried in the Counter-Terrorism Court, Who Were Released and Had Their Property Confiscated:

It is exceptionally difficult to accurately estimate the number of citizens tried in or released by the Counter-Terrorism Court, or the number of cases that the court has dealt with, because the court does not publish any of its deliberations, judgments, or indictments, and the security branches do not publish any lists of citizens who have been referred to the Counter-Terrorism Court. We have estimated these statistics based on many years of monitoring cases that the Counter-Terrorism Court has dealt with and through interviews with families and data from inside central prisons, along with conversations with personnel working there. We confirm that the figures included here are approximate and represent only a small part of the overall total, and we have divided the most prominent findings into four main categories:

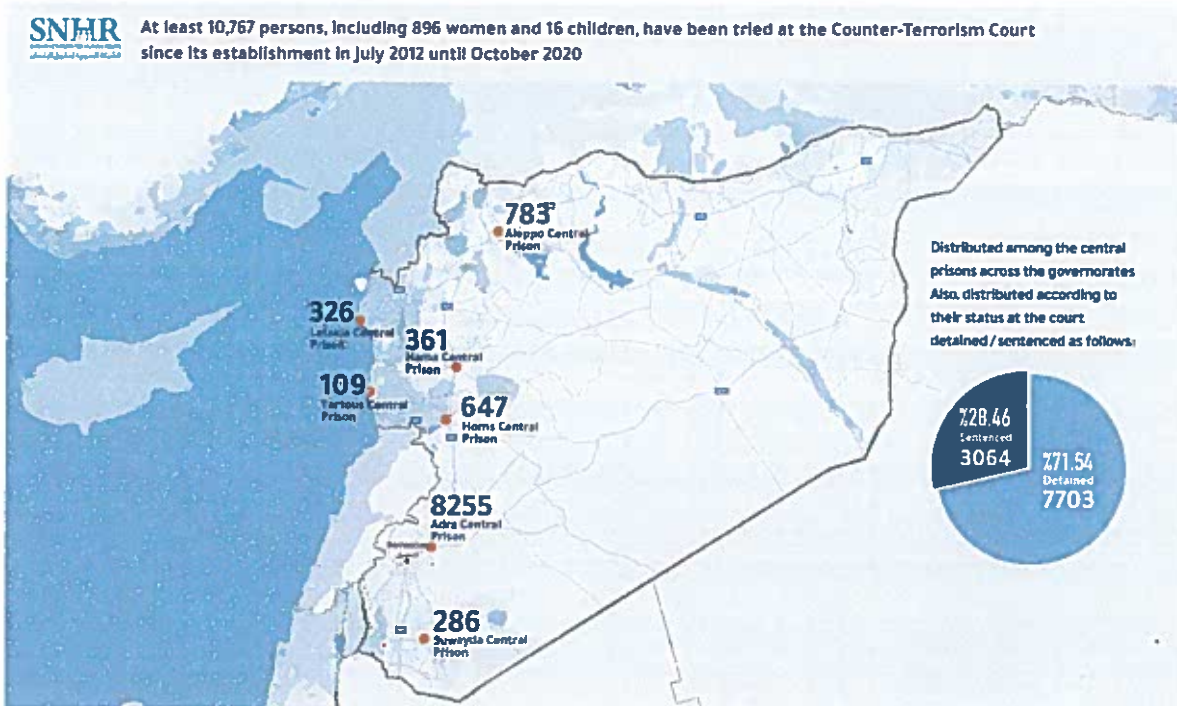
One: At least 10,767 Syrian citizens have been tried in the Counter-Terrorism Court out of about 131,000 detainees:

According to the SNHR's database, at least 130,758 [persons are still detained or forcibly disappeared](#) in the Syrian regime's detention centers after being arrested between March 2011 and August 2020; of this total, [at least 84,371 are forcibly disappeared](#). The forcibly disappeared are not subject to any trial, meaning that the majority of detainees are classified as being among the forcibly disappeared, while a limited percentage of the detainees are referred to the Counter-Terrorism Court, since these referrals are made according to the whims of the security branch leaders, and are done in coordination with the court, due to:

- The huge number of detainees, which is 131,000 at the bare minimum (we are sure that there are thousands more arrest cases that we have been unable to document).
- The limited number of judges and staff working in this court, which is located in one governorate, Damascus.

Based on these two reasons, we note a slowdown in dealing with these cases, which increases the detention period for those detained / sentenced.

The SNHR estimates that at least 10,767 persons, including 896 women and 16 children, have been tried at the Counter-Terrorism Court since its establishment in July 2012 until October 2020. Detainees tried at the Counter-Terrorism Court are held in the civilian central prisons across Syrian governorates. They were distributed among the central prisons according to the SNHR's database as follows:



They are distributed according to their status at the court detained / sentenced as follows:

The detained: At least 7,703 persons are still detained on the orders of the Counter-Terrorism Court, most of whom are referred to the Terrorism Criminal Court, with the period of their detention (since the moment of their arrest until October 2020) ranging between 4-7 years.

The sentenced: At least 3,064 persons have been tried by the Terrorism Criminal Court, with most prison sentences ranging between 10-15-20 years. We've documented about 36 death sentences, and according to some amnesty decrees, some of these sentences were reduced between two to three years, with the death penalty for some of those sentenced being commuted to imprisonment for terms of between 25-30 years. In addition, some detainees have submitted applications before the Court of Cassation.

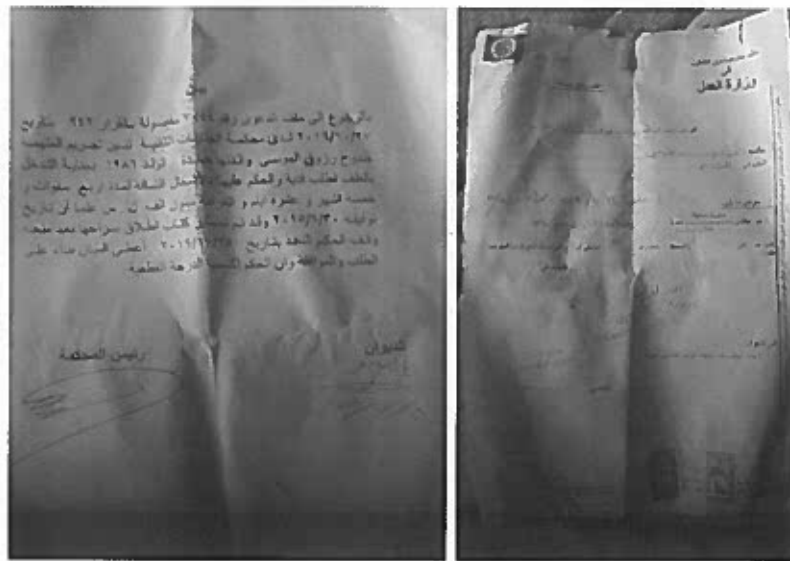
Two: Nearly 8,027 persons, including 262 women (adult female) and 28 children, were released by the Counter-Terrorism Court:

The SNHR's team has documented at least 8,027 persons, including 262 women (adult female) and 28 children, who were released through decisions and sentences issued by the Counter-Terrorism Court, since the establishment of the court in July 2012 until October 2020. These cases are divided into four main categories:

1. Many of them were detained for years without charges being brought by the court's prosecution office, and without any sentences being issued against them, after which decisions and rulings were issued to secure their release. Some of them may have spent several years in detention / disappearance.

2. Others among this group were released due the expiry of their arbitrary sentences' duration.
3. Some were released due to paying a bribe or financial bail.
4. A very small number, not exceeding a few hundred, were released through the amnesty decrees issued by the Syrian regime.

It should be emphasized once again that these persons may be subject to arrest again at any time; we at the SNHR's Detainees Department have recorded a large number of such cases.



A copy of a statement document issued by the Second Criminal Court

Three: The cases heard by the Counter-Terrorism Court:

It is estimated that approximately 90,560 cases have been heard¹⁵ by the Counter-Terrorism Court since its establishment until October 2020, of which about 5,364 cases were against women. The court issued at least 20,641 prison sentences and at least 2,147 death sentences, most of which were issued in absentia (i.e. the defendant is not currently detained). This record constitutes the total number of cases referred to the Office of the Public Prosecution of the Counter-Terrorism Court from all governorates, and includes those charged among the total of those detained, non-detained, arrested or sentenced. We note that a case may be brought against one person or several people together.

These sentences, in their entirety, are illegal, and are considered to have been issued by a body that violates international human rights law in all stages of its work.

¹⁵ That is, all the cases that the court heard, including those sentenced, detained, and released, and confiscation rulings

Four: At least 3,970 cases of seizure and confiscation of funds targeting political opponents, including at least 57 children:

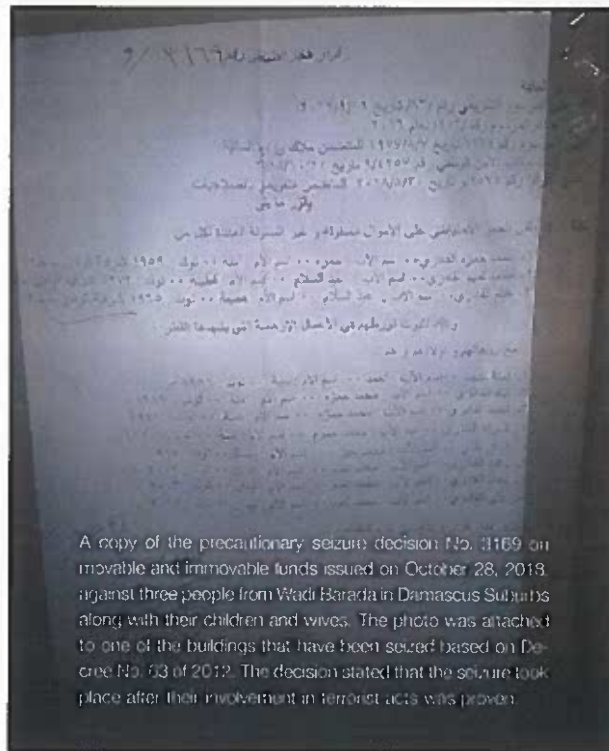
The Syrian regime has not only liquidated its political opponents via imprisonment and execution, but has also introduced the Counter-Terrorism Law by which the court imposes provisions aimed at seizing control of the property of political and military opponents, in accordance with Article 11 and Article 12 of its texts. The Syrian regime has also allocated a special law to confiscate the property of its opponents, who participated in the popular uprising against it, because, as we mentioned earlier, the criteria are overbroad and mainly apply to those who participated in the popular uprising and demanded the departure of the Assad family from power. On Sunday, September 16, 2012, [Legislative Decree No. 63](#) was issued, which expands and completes the contents of Articles 11 and 12 in order to freeze and confiscate opponents' funds. This barbaric law is not limited to the people themselves, but also extends to their relatives and families, especially in the case of shared inheritance, where the disposal of this inheritance is frozen for the whole family because of the status of one of its members as an opponent of the Syrian regime, which has caused disputes within the same family, concessions and heavy material losses.

Under the Counter-Terrorism Law and Decree No. 63 of 2012, the Counter-Terrorism Court, the Ministry of Finance and security services, and other public authorities were given the liberty to issue mass confiscation lists, targeting the property of thousands of those tried in or referred to the court in absentia on terrorism charges, or those against whom the security committees issued decisions requiring seizure of their properties, with lists of their data submitted to the Counter-Terrorism Court to enable it to issue rulings and sentences against them.

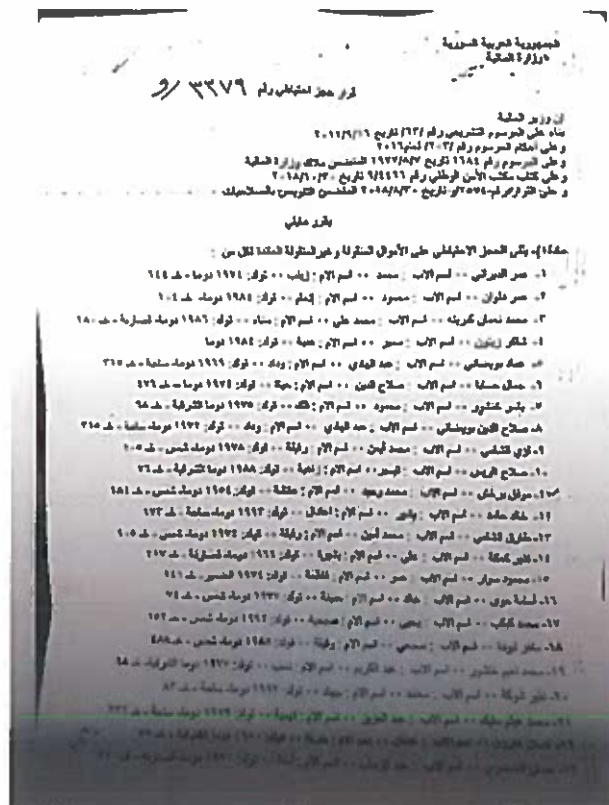
Usually, the seizure and confiscation lists include, in addition to the name of the person whose property has been confiscated, the names of his or her family members (father, mother, spouse and children); between the beginning of 2014 and October 2020, we have documented at least 3,970 cases of seizure targeting the property of detained or forcibly displaced opponents, including at least 57 children.

These laws issued by the Syrian regime constitute arbitrary rulings, which cannot be described as laws, as they violate the most basic standards of international human rights law, and aim to punish opponents of the ruling regime and pillage their property for the benefit of the Syrian regime and the security services.

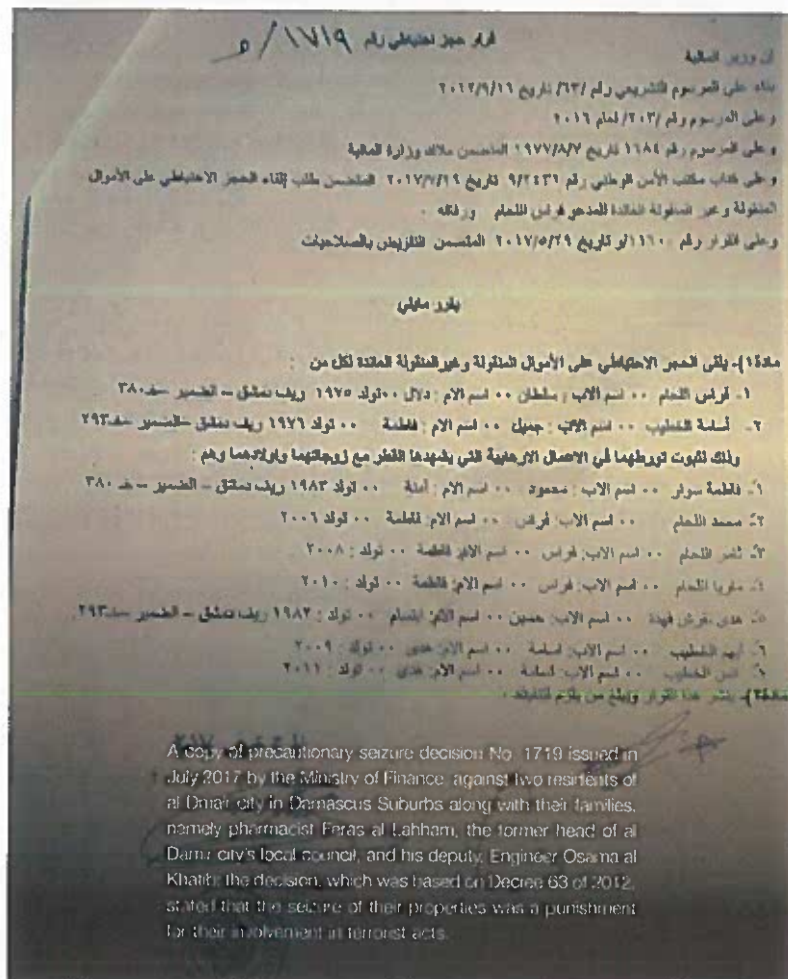
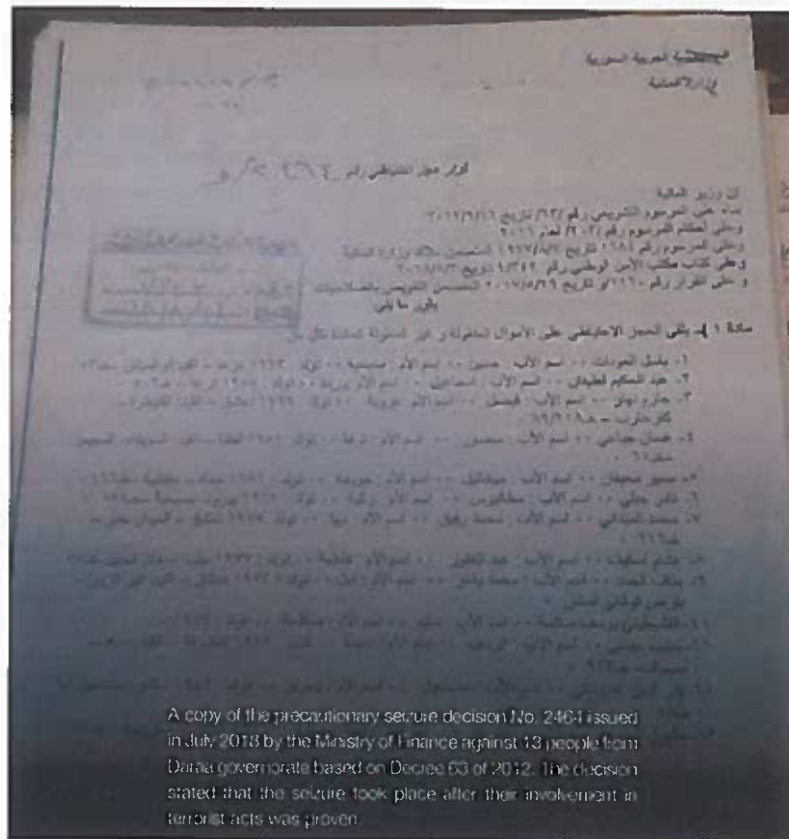
This link includes a number of [letters and circulars](#) issued by the General Directorate of Real Estate Services sent by the Ministry of Justice and the Ministry of Agriculture concerning confiscations resulting from the Counter-Terrorism Court's judicial rulings and its study and registration of confiscated properties or assets which have been marked with the name of the Syrian Arab Republic under the administration of the State Property Directorate.



A copy of the precautionary seizure decision No. 3169 on movable and immovable funds issued on October 28, 2018, against three people from Wadi Barada in Damascus Suburbs along with their children and wives. The photo was attached to one of the buildings that have been seized based on Decree No. 63 of 2012. The decision stated that the seizure took place after their involvement in terrorist acts was proven.

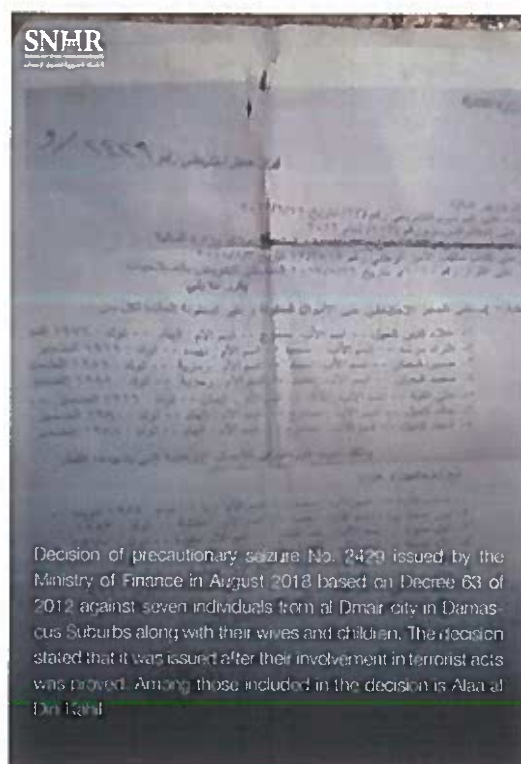


A copy of the precautionary seizure decision No. 3379 issued at the end of October 2018 by the Ministry of Finance against 23 people from Douma city in Damascus Suburbs governorate based on Decree No. 63 of 2012



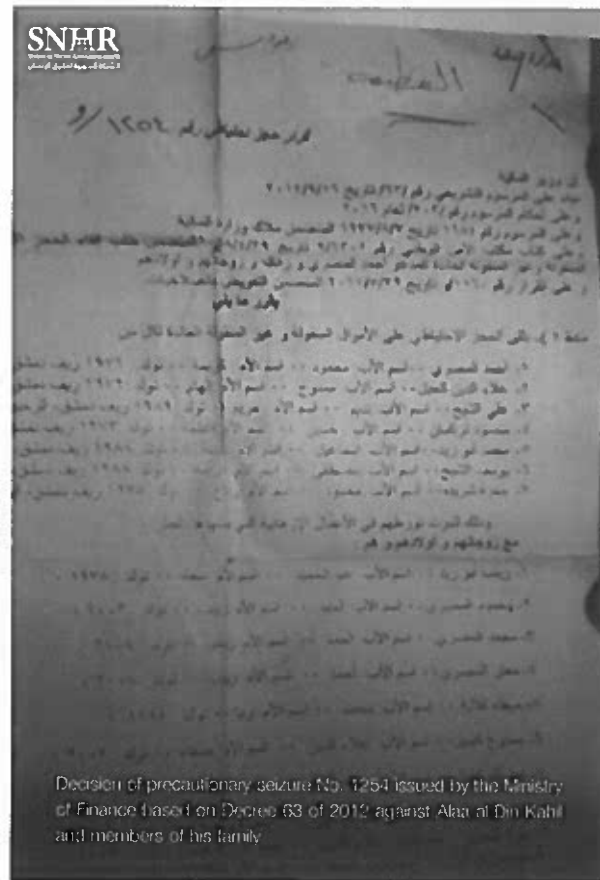
We spoke with Feras al Lahham¹⁶, who told us, “The decision to seize my property and the property of my wife and children which was issued also affected my deputy because I was the head of the local council of al Dmair town. I was not summoned to any state body, nor did I appear before any court, and I was not formally informed of the decision of seizure, but rather I was informed by a friend.” Feras added that he was accused of committing terrorist acts based on his activity and work in the local council and his media appearances in which he talked about his town and the incidents affecting it.

Alaa al Din Kahil¹⁷, an activist in the popular uprising, from al Dmair city in Damascus Suburbs, was issued with a precautionary seizure order for his property, as well the properties of his wife, children and siblings, by the Ministry of Finance in August 2018. We spoke with Alaa, who told us, “I was surprised by the confiscation decision, a copy of which I got through a friend of mine. Neither the court nor any other party delivers the decisions to those targeted through it, and it is not delivered by hand. I have no information about the reasons for this decision; according to what it says, we are ‘terrorists’, with the regime considering all activists as terrorists. The decision included my wife and children who were previously arrested.” Alaa added that, through a friend, he obtained several copies of the precautionary seizure decision issued against him, discovering that his name was mentioned once in a collective seizure decision and again in a separate decision against himself and his family.



¹⁶ Via phone on July 19, 2020

¹⁷ Via phone on July 20, 2020



We contacted Mr. Mahmoud S.¹⁸, from Douma city in Damascus Suburbs, who was sentenced in absentia by the Counter-Terrorism Court to twenty years imprisonment with hard labor and confiscation of his property at the end of September 2018. He told us, **"I was surprised when I received a call from one of my relatives who told me that he had read my name on a list posted on a building in Douma city, which required the seizure of my property and the property of my wife and children. Then, I contacted a lawyer to find out the details of the decision, and after I paid 700,000 Syrian pounds, the lawyer told me that the Counter-Terrorism Court had sentenced me to life imprisonment for 20 years with hard labor and confiscation of my property. The lawyer also said that there were absentee sentences issued by the court against more than five displaced people from Douma. Of course, I was unable to obtain any document for the sentence because that requires appointing a lawyer legally, and the lawyer refused to be appointed for fear that this would cause him to be prosecuted, because I am a terrorist in the eyes of the regime."** Mahmoud told us that he learned from his relatives that dozens of collective lists had been received by the municipal councils in Douma, Harasta, and Irbeen in the Eastern Ghouta, all of which were issued against displaced residents of these cities.

¹⁸ Via phone on April 17, 2020

VII. Humiliating Conditions Facing Families and Lawyers When Attending the Counter-Terrorism Court, and the Lack of Consideration for Detainees' Psychological State During Court Sessions:

The Counter-Terrorism Court's contempt for political detainees is not limited to the formation and procedures of the court, but also extends to their relatives who wish to assess their conditions. The Syrian regime's totalitarian nature means that the methods used to insult and demean detainees, their families and lawyers are not incidental but carefully thought-out and planned. The following are the best known of these methods, of which the least one can say is that they are devoid of dignity and humanity:

One: The Counter-Terrorism Court assigns a specific time for visitors of just one hour between 10 and 11 a.m., regardless of whether these visitors are detainees' relatives or lawyers; given the large numbers of detainees that the court deals with daily, this inevitably causes severe overcrowding in front of the court entrance, with no specific area or room reserved for visitors to wait. Instead, lawyers and family members must wait in the open air at the entrance in a humiliating manner, regardless of the severity of the weather conditions.

Two: Due to the limited time, the detainees' families are forced to attend the court several times simply to have a chance of obtaining answers to their inquiries about their detained relatives, with the difficulties involved becoming worse when the detainees' relatives live in other governorates, or outside Damascus city, meaning that they have to stay overnight or travel and return again, which doubles the material cost and physical suffering.

Three: The detainees' relatives and lawyers must crowd in front of the Prosecution Office (the registry office) to search for the name of the detainee or the person arrested on the list posted at the front of the court in order to carry out powers of attorney procedures; if the detainee's name is found during this process, they can obtain information about the detainee's place of detention, the charges against him or her, and his or her status before the court.

Four: One day a week for the submission of release requests:

The Counter-Terrorism Court allocates only one day every week on which release requests may be submitted (many families told us that they were unable to submit their requests on this specific day due to overcrowding at the court, forcing them to return home to their governorate and come back to the court the following week). Every detainee held for trial at the court is allowed to submit this request once per month to the investigative judge; in view of the huge numbers of detainees, deciding on these requests may take many months, further increasing the duration of the detainees' detention period. We have also previously referred to the huge sums of money that investigative judges receive as bribes in return for approving detainees' release requests.

We believe that these four main practices aim to provide leverage for the Syrian regime's mafia networks that exploit and extort the detainees' families in exchange for obtaining information or bribes to secure their loved ones' release. These mafia networks include security personnel, lawyers and officers, who have associates spread among the people standing at the court entrance, where they offer their services for high financial fees.

As for the sessions themselves, dozens of the court survivors told us about the degrading practices they were exposed to, the most prominent of which are:

One: They were insulted and humiliated by the prosecution judges, as well as by the investigative judges, when they told the judges that the statements in the report had been extracted from them under torture, and were in a state of terror and anxiety for fear that they would be returned to the security branch and tortured again in case they continued to deny the false charges against them.

Two: Several survivors told us that they were unable to see their lawyers before attending the hearings, which led to their being confused when facing the judge's questions.

Three: The court hearing process takes only a few minutes, as the court hears dozens of cases daily.

Some survivors told us that they preferred prison to the insults, humiliation and intimidation they were subjected to in the court, with the suffering of detainees, who are transferred from central prisons in other governorates to the court, increasing, where they are transferred, for example: from Hama, Homs, or Aleppo to Adra Central Prison, where they live in dormitory cells devoid of the most basic humanitarian needs and which fail to take into account the most fundamental standards of detention. They may spend there several days in these cells before being brought to court, and then returned again to the city from which they were transferred.

The SNHR spoke with Ms. Khawla al Azi, from Hama city, whose son Khaled was arrested on April 23, 2017 when he was 17 years old, following his return from Idlib governorate to Hama after he had settled his security situation through the reconciliation committee in the city. Less than a month after his return to the city, a patrol of the Military Security Branch in the city arrested him, subsequently transferring him to Branch 215 in Damascus city, after which he was classified as forcibly disappeared until his mother received a call from him when he was transferred to Adra Central Prison. Khawla says, **"My son was arrested because of a security report because he was in Idlib, and since his arrest we did not know anything about him until he called us nearly three months later from Adra Prison, telling us that he left the branch and was transferred to the Counter-Terrorism Court. On my first visit, I did not recognize him because he was severely skinny, as he barely weighed forty kilograms. A month after he arrived in Adra, he was transferred to Hama Central Prison where it became easier for us to visit him. Simultaneously,**

however, the conditions of his trial worsened, so we had to appoint a lawyer from Damascus or we'd go to submit a release request and ask about his status in the court, especially since he only attended two sessions with the investigative judge, with the time between them being more than six months." Regarding her visits to the Counter-Terrorism Court, she recalled, "I went one time to the Counter-Terrorism Court when my son was in Adra Prison, and there was overcrowding; dozens of people were at the registry gate to search for the names of the detainees and take their case number on a piece of paper, along with insults from the personnel there, and you feel there that you are in the midst of a gang! While I was waiting, several people spoke to me claiming that they could help me in exchange for a sum of money, including employees, and others whose exact job I didn't know. The scene was painful; hundreds of families were seeking to release their children from an unjust court that operates by money. I did not go there again because of the fatigue and hardship I suffered while only searching for my son's name." Ms. Khawla told us that two years after Khaled's arrest, a decision was issued to release him without any sentence on March 25, 2019, and after his release, he was conscripted into military service.

Tariq al Homs¹⁹, a paramedic from Homs city, was arrested by the Air Security Branch personnel in Homs city on July 14, 2012, along with three of his friends. Nearly a year after his forcible disappearance which he spent in al Mazza Prison in Damascus city, he was transferred with his friends to the Counter-Terrorism Court. He was subsequently transferred to Homs Central Prison on September 6, 2013, and nearly three years later, he and his friends were sentenced to 15 years imprisonment with a fine of 400,000 Syrian Pounds. Tariq says, "When we were transferred from al Mazza Prison to al Qaboun Prison, I said to myself that whatever type of prison I would be transferred to, it would be better than in al Mazza Prison. Ten days after I arrived in al Qaboun Prison, they took us to the Counter-Terrorism Court. We were about 65 detainees in the vehicle. I stood before the judge, and as soon as he looked at me, he insulted me and told me 'Your appearance says that you are a terrorist', then asked me to sign without investigating me or saying anything about my accusation. When I asked him, he told me 'You will know later'. They then brought us back to al Qaboun Prison. Five days later, I was transferred to Homs Prison, where I stayed for a year-and-a-half not knowing anything about my court or my situation." Tariq told us that he was summoned in mid-2016 to attend a trial in Damascus and was transferred with other detainees to Adra Prison. Two days later, he attended the trial at the Terrorism Criminal Court, where he was sentenced to 15 years imprisonment. He said that although he had appointed a lawyer, this did not help him at all because the lawyer's presence was a superficial formality. He recalled, "I went to the Terrorism Criminal Court, where I felt that the judge was an officer in a security branch rather than a judge as that term's understood in the world. He shouted at me and threatened me when I told him

¹⁹ Via phone on November 20, 2019

'What is your evidence of the accusation against me?', which was promoting terrorist acts, so he said to me, 'Shut up, otherwise I will ask the personnel to return you to the custody suit to learn respect'. I kept silent until he pronounced the sentence. On this day, the sentences of those who were with me were similar and ranged from seven years to twenty years imprisonment." On November 18, 2019, Tariq was released from Homs Central Prison after he was included in an amnesty decree, having submitted a quarter-term request.

Ms. Rehab al Ahmad²⁰, aged 55, was arrested by Military Security Branch personnel in her home in Hama city on June 14, 2014, during a raid by security personnel to arrest her son; on discovering that he was not present at the house, they arrested her instead. Twenty days after her arrest, she was transferred to the Counter-Terrorism Court in Damascus on charges of concealing information. Rehab told us, "After twenty days in the branch, during which I was subjected to a lot of humiliation and suffered from illness, as I am old, they transferred me to al Qaboun and then to Adra Prison, where I stayed for about a week in the Placement Section, sleeping in the corridor between the beds because of the overcrowding. I did not imagine that the number of detained women was so large. I was then transferred to Homs Central Prison, which was worse than Adra Prison, where I slept next to the bathrooms. About six months later, I was called to court, and travel was very difficult for me. At the court, they put us in a very small, dirty and smelly cell that lacked ventilation; when it was my turn, one of the personnel, called Abu Haidar, came and took me to the judge and stayed with me in the room of the fourth judge who accused me of covering up for terrorists and concealing information from the state; he was very sectarian and did not take into account my age, and told me "If you have other confessions, speak up, but if you want to deny [the charges], I will let Abu Haider drag you to the custody suite", so I kept silent." Rehab said that after leaving the court, she suffered from low blood pressure and did not receive any treatment while she was in the courtroom. Rehab was released on November 17, 2014, after her family paid seven million Syrian pounds to one of the judge's mediators at the court.

VIII. Various Accounts provided to Us by Witnesses and Victims' Families Showing Examples of the Charges Brought by the Syrian Regime against Them:

We noted that most of the charges brought by the Counter-Terrorism Court are political ones, which are levied in retaliation for actions that are fundamental rights guaranteed by international human rights law, such as: establishing a civil society organization, filming a protest, reporting for media, and other practices that fall within the scope of basic rights.

²⁰ Via phone on April 18, 2020

We spoke with Mr. Abdul Rahim al Satouf²¹, who was among those released after the issuance of the Amnesty Decree 20 on September 14, 2019. Abdul Rahim, who is from al Bara village in the southern suburbs of Idlib governorate, was arrested by regime forces in Idlib city on March 14, 2012. He told us, **"I was sentenced by the Counter-Terrorism Court to 15 years imprisonment on charges of attacking army sites, knowing that this accusation was not based on any evidence other than my confession under severe torture when I was in the investigation at al Mazza Branch in Damascus; as I wanted to end the torture, I told them 'I'll fingerprint whatever you want.' When I was transferred to Adra Prison and the court, I was surprised that this was my charge. After the issuance of several amnesty decrees, my sentence duration was included in these, but every time the lawyer used to ask me for sums ranging between two million and five million Syrian pounds, in order to convince the judge to include me. When the last decree was issued, the lawyer received one million Syrian pounds from my family to agree to a quarter of the duration, then I was released afterwards."** Abdul Rahim says that all of the detainees who were released with him paid money to buy approval for quarter-term requests from the Counter-Terrorism Court.

Muna Muhammad, a popular uprising activist, from Deir Ez-Zour city, born in 1987, who was arrested by Syrian Regime forces in December 2012 after being lured into Damascus city, before she was released on Monday, March 3, 2013, after her release order was issued by Counter-Terrorism Court.

The SNHR spoke with Ms. Muna²², who said, **"I was arrested by gunmen affiliated with Branch 215 after being lured using the phone of one of my friends who was previously arrested on the same day. They took me to the Branch in Kafrsousa area in Damascus city, where I was beaten and insulted for hours before I was held in the cell. They charged me with producing media against the state and dealing with foreign TV channels, and I remained detained in the branch until the end of January 2013,"** Muna told us that she was then transferred to Adra Central Prison and referred for trial at the Counter-Terrorism Court, remaining in prison for 27 days until she attended her first court hearing. Muna says, **"They took me from Adra Prison to the Counter-Terrorism Court in al Mazza area in Damascus city. At the court, I was presented to a judge called 'Radwan' and another judge called 'Ghazwan'. I sat at the table in front of the judge called Radwan, who charged me with producing media against the state and dealing with foreign TV channels, and he asked me 'Did they beat you?' I told him 'Yes, all my confessions were obtained under beating and torture' - and after that the judge decided to release me after transferring me to Adra Central Prison to check my name to confirm whether I was wanted by another security branch. I was released after two days, i.e. on March 3, 2013, from Adra Central Prison."** Muna said that at the time of her trial, the Counter-Terrorism Court was not issuing judgments, there was no terrorism criminal court, and she did not obtain any documents from the court about her trial or release.

²¹ Via phone on November 15, 2019

²² Via phone on October 4, 2020

Amin Muhammad Al Nassar, who holds a medical institute degree, specializing in anesthesia and resuscitation, is an activist in the revolutionary uprising. Amin, who is from al Sanamayn city in the suburbs of Daraa governorate, was arrested by Syrian Regime forces on Sunday, March 3, 2013, after being lured to al Mazza area, west of Damascus city. On Thursday, November 2013, he was released from Adra Central Prison, after paying a bail to Counter-Terrorism Court.

The SNHR spoke with Mr. Amin²³, who told us, "I was arrested by gunmen affiliated with Branch 215 after being lured through an ambush to near a hospital in al Mazza area in Damascus. They put me straight into a car and drove me to Branch 215 in the Kafrsousa area, also in Damascus. There, I was led across the elevator to upper floors and entered an office where two people beat me while I was handcuffed and forced me to lie on the ground. Then, one of them pulled me by my long hair and shoved my face against the electric heater, whose temperature I felt almost burning my face, and I tried my best to keep my face away. Then, the other one hit me with a stick on my back, on my right side and on my feet, all before asking me any questions. Then, they dragged me along the ground and threw me into a large cell with many detainees, with the cell being known as 'the hall'. The next day, they took me to interrogation, during which an interrogator, called 'Doushka', whose face I could not see, cursed me using the ugliest and dirtiest words, then they brought another detainee and forced him to beat me with a whip, and then ordered that I be tortured by the al shabeh 'ghost' method. This was the worst pain I have ever experienced in my life. I kept screaming more and more until I lost the ability to scream. During the interrogation, they told me, "The state taught you - why did you help and treat the outlaws?", with my charge being that I treated the injured." Amin told us that he was summoned for interrogation again a month after his arrest, and forced to fingerprint many papers without being allowed to see them, and then he was transferred to the Counter-Terrorism Court. Amin recalled, "On May 3, 2013, my name was mentioned at night for my transfer to the Counter-Terrorism Court on charges of aiding in the financing of terrorism. I was taken with a number of detainees in a large car to the Military Judiciary, and then we were transferred to the Military Police in al Qaboun area in Damascus, and the next day to Adra Central Prison. I stayed in Adra Central Prison until the end of October 2013, before I was transferred to the Counter-Terrorism Court. My case was with the Sixth Judge, whose name was Jamil Harba.

The judge said, "You are accused of aiding in financing terrorism," so I answered, "How can that be [true] when I don't have daily food?" He laughed and told me the financing is not with money, but assistance with treatment. "You are financing them with treatment." He wrote a lot of accusations that I no longer remember.

²³ Via phone on October 4, 2020

I said, "Mr. Judge, I did not do what you write. I was forced to confess under torture," so he said, "Get out of here, go back to Adra." I went back to Adra Prison, handcuffed, where I stayed until November 2013. After several attempts by my family and appointing several lawyers, a bail of 100,000 Syrian pounds was paid at the Counter-Terrorism Court to get me out of prison on trial."

On Thursday, November 28, 2013, Amin was released from Adra Central Prison in exchange for a bail and on trial. Despite this, he could not obtain any documents from the court other than a stamp on his hands as he left Adra Central Prison.

We spoke with Mr. Muhammad al Faisal²⁴, who is detained in Homs Central Prison. He was arrested by Syrian Regime forces while traveling to Lebanon on July 13, 2014, and was tried at the Counter-Terrorism Court on April 21, 2015, receiving a sentence of 10 years imprisonment for committing a 'terrorist act' that caused panic, along with three others, who were tried with him in the same case. Muhammad says: "I was tried with three of my friends without the judge relying on evidence or witnesses. We were arrested together while we were trying to travel to Lebanon, and we were included in Amnesty Decree No. 20 of 2019 commuting the penalty in half, yet the court did not release me on the pretext that there were huge numbers of detainees' cases being heard by the court; there is a great selectiveness in the process of selecting the detainees whom they include in the amnesty. From the entire Homs Prison, only a number of people were released; there are more than a hundred detainees who are covered by the amnesty theoretically, but they do not know their fate because the Counter-Terrorism Court has not yet decided to include them, and we believe that this is due to the recalcitrance and protests that took place in the past in the prison, and due to the security reports that were written against the participants in them, which play a role in the judge's approval of the release."

Abdul Rahim al Sayyadi, a former government employee from Idlib city, currently detained in Aleppo Central Prison, was arrested in July 2018 while he was travelling from Idlib city towards Hama city. He was subjected to the Counter-Terrorism Court that sentenced him to 20 years imprisonment based on several charges filed against him, such as carrying out terrorist acts and attacking army posts. Abdul Rahim²⁵ told us, "The hardest thing we suffer from is the long wait, with long months between each session. I just hoped that I would be sentenced in order to know my fate, and I would get rid of being taken to court due to the many humiliations and insults we face during our transfer to Adra Prison or al Qaboun and being returned to Aleppo Prison after the session; due to the large number of people referred, they used to put us in Adra Prison, stacked together. When I was sentenced, I tried to explain to the judge that all that was written in his report was malicious reports by informants that had nothing to do with me but he did not listen. I know that if I had money, the judge himself would issue an acquittal decision, as he did with many who were accused of kidnapping and killing where there was

²⁴ Via phone on February 3, 2020

²⁵ Via phone on January 24, 2020

evidence of their charges.” Abdul Rahim told us that the court stripped him of his civil rights and imposed a fine of one million Syrian pounds on him, and added that he is trying to appeal the ruling because it is not based on any evidence, and anyone can write a security report against another person and put him in prison for years according to the standards of this court.

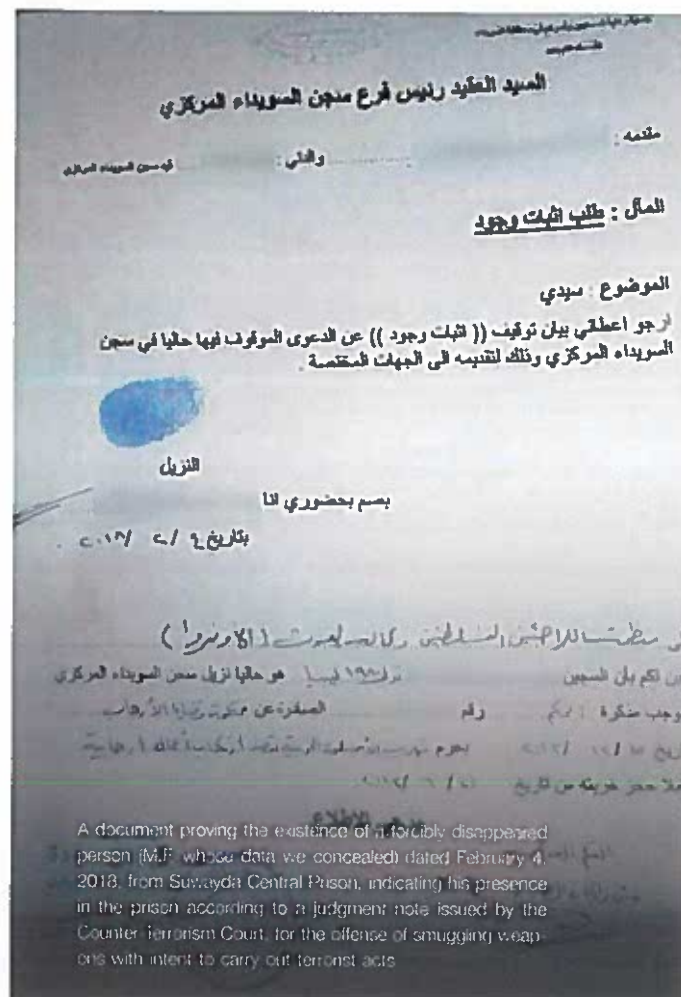
Muhannad al Oyoum, a 39-year-old former detainee from Douma city in Damascus Suburbs governorate, is a laboratory technician. He was arrested by Syrian Regime forces while returning from Douma to Damascus on September 22, 2018, and transferred to the Military Intelligence Division's Branch 215, where he was tortured on charges of being present at a checkpoint of the Armed Opposition factions, when they controlled the Eastern Ghouta region, and providing them with assistance. Muhannad remained in Branch 215 for nearly three months, before he was transferred to Adra Central Prison at the beginning of 2019, with a sentence issued against him by the Counter-Terrorism Court.

Muhannad²⁶ told us about the conditions of his arrest and his trial, as well as about the confiscation of his house as a result of the court sentence issued against him. He said, “I stayed in Damascus after I left Douma via the crossings established by the regime when it took over the city. When I was in al Dwair shelter center, I made a situation settlement, after which I visited Douma to check my house. On my way back, I was arrested at a Military Intelligence checkpoint,” Muhannad added that he was taken from this checkpoint directly to Branch 215, where he told us that he had been subjected to multiple forms of severe torture, including ‘al shabeh’, the ‘tire’ and burning with cigarette butts. He added, “Under torture, I confessed that I once stood with one of my relatives at a Jaish al Islam checkpoint, then the interrogator accused me of being armed, but I denied it. He transferred me to a security member called Wahid and ordered him to continue torturing me until I confessed to the place where I’d hidden a rifle, which the interrogator claimed that I was carrying and said that he had pictures that prove that. I was subjected to continuous torture for days and I did not confess. Then they returned me to the cell where I stayed for about three months ...” Muhannad says that the personnel took him out of the cell blindfolded, and forced him to place his fingerprint on papers whose contents he did not know, one day before his transfer to Adra Central Prison, adding, “The next day, I was transferred with about 30 other detainees to Adra Prison, where I stayed for a month before I was summoned for the first trial session at the Counter-Terrorism Court,” Muhannad described what he saw at the court, and said that the Court’s custody suite was very crowded, holding about 200 detainees. He said, **“When my turn came, I entered before the interrogation judge who read me the charge of possessing a weapon and aiding terrorists, then he asked me to sign the report in front of him in less than two minutes. When I told him that this was not true, he said to me: ‘You all say the same thing.’ Then he called the guard to return me to the custody suite. Then I remained in Adra Prison, which is not much different from the branch except for the cessation of torture and the improvement of the type of food.”** Muhannad added, **“After that, my wife appointed a lawyer who submitted**

²⁶ Via phone on April 11, 2020

release requests, whose results were rejection, until I was transferred to the Terrorism Criminal Court, where the judge sentenced me to five years. About a year and a half after my arrest, the lawyer included me in the amnesty decrees after he received a sum of one million Syrian pounds as a bribe to the court and 250,000 pounds for a fine the court ordered, along with the prison sentence issued against me." Muhannad told us that his house in Douma city has been confiscated after his prison sentence, and he is still trying to get it back as promised by the lawyer, but to no avail.

M.F., a Palestinian, born in 1980, who has been living in Lebanon in recent years, was arrested by Syrian Regime forces in June 2012 at the Syrian-Turkish border - we note that he travelled from Lebanon to Syria towards Turkey with a smuggler who betrayed him and handed him over to Syrian Regime forces. In September 2012, his family learned that he had been sentenced to 20 years imprisonment by the Counter-Terrorism Court, on charges of smuggling military weapons with the intent to carry out terrorist acts, and they also learned of his presence in Adra Central Prison. His family was able to appeal the sentence after appointing a lawyer, and the sentence was reduced to ten years, after which M.F. was taken to al Suwayda Central Prison to serve his sentence. On April 17, 2020, he was taken from Suwayda Central Prison to an undisclosed location.



We contacted Ms. Amal²⁷, a sister of the forcibly disappeared M.F., who told us, "We used to communicate with my brother from time to time when he was in Suwayda Prison after being sentenced by the Counter-Terrorism Court. When his sentence expired, and during his release from prison, he was taken to an undisclosed location. Since then, we don't know anything about him." Amal added that her brother was living in Lebanon and wanted to travel to Turkey to join his family in Germany, and had no political position.

The detainee, Yasin al Muhammad, a 50-year-old fuel transport vehicle worker, from al Shiha town in Hama suburbs, was arrested in his home in the town by personnel affiliated with the Air Security Branch on September 22, 2017. Following his arrest, he was taken to the Mazza Military Prison in Damascus city, from where he was transferred on May 4, 2018 to the Military Police service's al Qaboun Prison in Damascus and from there to Adra Prison; after several months, he was transferred to Hama Central Prison, since when he was referred to the Counter-Terrorism Court in Damascus, which in June 2020 issued a sentence against him of 18 years imprisonment with a fine of 6 million Syrian pounds on charges of 'attacking military sites and attacking state property,' based on confessions extracted from him under torture.

The SNHR spoke with the detainee Yasin al Muhammad²⁸ who told us, "After attending several sessions at the Terrorism Criminal Court, with each session being about 8 to 11 months apart, I got to know a lawyer, who told me that he could get me released because my file didn't contain any evidence to prove the charges against me, but he asked for a large sum of money to pay to the judge who was working on studying my case, and he told me that a judgment would be issued against me if I couldn't pay the amount, and, indeed, I could not secure the amount, and the judgment was issued as the lawyer told me." Yasin told us that he is currently trying to include his sentence in the Amnesty Decree No. 6 of 2020, and he has been asked to pay sums of money to speed up the process of studying and including his case. Yasin says that he is unable to secure the money, further adding that his friends who were imprisoned alongside him on the same charges and with the same sentence had been able to buy their release by paying sums of up to twenty million Syrian pounds.

We also spoke with Mr. Ahmad al Ahmad²⁹, a media activist from Talbisa town in the northern suburbs of Homs governorate, who was arrested by Syrian Regime forces on March 16, 2020, while he was trying to travel illicitly from Talbisa to Lebanon for medical treatment. He was subjected to interrogation and torture in the Air Security Branch and the Criminal Security Branch in Homs city, then he was interrogated by the (Third) Juvenile Investigative Judge assigned by the Counter-Terrorism Court in the Political Security Branch in Homs city, because of the difficulty in transporting him to Damascus, due to previous injuries he sustained, and because he suffers from diabetes, in addition to being afflicted with constant epileptic seizures and convulsions during the period of his detention. The court released him on April 2, 2020, after his family paid five million Syrian pounds for his release.

²⁷ Via phone on July 22, 2020

²⁸ Via phone on June 13, 2020

²⁹ An alias; we contacted him via phone on May 2, 2020

[illegible]

Ahmad recalled, “I was arrested while I was trying to flee towards Lebanon because I was being persecuted despite previously settling my situation. I moved between the Air, Political and Criminal Security branches in Homs city, and in all of them the same charges were brought against me, namely communicating with malicious TV channels, excavating antiquities, and leaving the country illegally; in every branch, during the interrogation, I was subjected to torture and beatings until my health condition worsened. I had epileptic seizures, convulsions and suffocation several times a day. When I was in the Political Security branch, the Juvenile Investigative Judge came and brought the same charges against me, and did not give me an opportunity to speak or to deny what he said, but it was a formal session. He asked me to put my fingerprint on my confessions, which I had not made, and he told me: “I will get you released and we will ignore you for now, but I will re-arrest you if you stop

visiting the Political Security Branch and cooperating with it." Ahmad told us that he fled to Lebanon again for fear of being re-arrested after being forced to visit the Political Security Branch on a monthly basis and after being stripped of his civil and military rights.

IX. Conclusions and Recommendations:

Legal conclusions:

The Syrian regime has completely undermined and taken absolute control of the Judicial Authority, as it has done with the Legislative Authority. To all intents and purposes, we now practically have only one authority, namely the Executive Authority, whose power is centered in the hands of the President of the Republic and the security services that are under him. The Syrian regime is a blatant example of a totalitarian regime, which, by these actions, has violated the principle of the separation of powers.

The Counter-Terrorism Court is clearly not an independent court (with no separation of powers), being wholly biased, and not established on the rule of law, which is contrary to many provisions of international human rights law (mainly Article 14 of the International Covenant on Civil and Political Rights) and international humanitarian law. The UN Human Rights Committee has stated that any criminal charge issued by a body other than an independent and impartial tribunal established by law does not meet the requirements of Article 14 of the International Covenant on Civil and Political Rights.

The Counter-Terrorism Court in all its stages violates the conditions for a fair trial, before, during and after the trial, with the foremost of these conditions being the sacred right to defense.

The prosecution in this court does not provide any tangible evidence, except for confessions extracted under torture. The prosecution fails to provide any proof that detainees voluntarily confess to the charges against them, with the crime of torture used by the Syrian regime against detainees to extract confessions constituting crimes against humanity, given the widespread and systematic manner of its use in accordance with Article 7 of the Rome Statute. Accordingly, all cases based on torture are excluded and classified as unlawful.

All penalties issued by this political / security court are unlawful since they are issued by a grotesquely unfair trial body rather than an independent and impartial court.

Children are subject to the same procedures at all stages of the trial in this court, in blatant violation of Convention on the Rights of the Child which has been ratified by Syria.

The Syrian regime has violated customary international law and Common Article 3 of Geneva Conventions by holding these trials against the background of the internal armed conflict, particularly since the court has not been established according to the law and is not independent, impartial, or just, rather being the direct opposite of all three; depriving a person of the right to a fair trial is listed as a war crime in the Statutes of the International Criminal Court.

According to Clause 4 in Article 8 (2) (c) (iv)³⁰ of the Rome Statute, if:

"The court that issued the sentence was not formed 'legally', meaning that it did not provide the two basic guarantees of independence and impartiality, or that the court that issued the sentence did not provide other judicial guarantees which are generally recognized as indispensable under international law.", which is the case of the Counter-Terrorism Court, in addition to the fact that this court has issued death sentences in connection with a non-international armed conflict, consequently, the death sentences issued by the Counter-Terrorism Court constitute a war crime.

As in the vast majority of its statements, the Syrian regime uses the word 'terrorists' to refer to all those who demand the change of the Syrian regime, in order to slander all dissidents as terrorists, making it easier to justify their torture and murder by regime loyalists, as well as to justify looting dissidents' property; this is the reason behind naming this court the 'Counter-Terrorism Court', suggesting that it prosecutes terrorists, with the Syrian regime developing its own definition of terrorism and its own terrorism legislation, being the only body that uses these criteria and that silences dissident according to this method.

The Syrian regime aims to provide a tangible warning of the fate of those calling for political change; apart from perpetrating killings by bombing, torture and enforced disappearances, the regime created this court to add a new variety of terror and humiliation for the Syrian people.

The Syrian regime has disposed of large numbers of those calling for political change through this court by imprisoning them for many years, sentencing them to death and pillaging their property.

Any Syrian citizen who has participated in the popular uprising faces being illegally detained, with the process of arrest being more like an abduction than a normal legitimate arrest, after which confessions are extracted from him/ her under torture; following this, the head of the security branch refers him/ her to the Prosecution service of the Counter-Terrorism Court without any evidence other than that obtained under torture, based on which the majority of sentences are issued.

This security / political court violates several articles in the current Syrian constitution, including Articles 51, 133, 134, 154, providing another reason why any texts in international law or in the Syrian constitution are meaningless in this context in light of the survival of the current regime / security services.

The security / political court, in its current form and structure, is an important source of financial income for the regime's security branches, judges and court personnel generally, based on a system of blackmailing the detainees' families and exploiting their psychological state, with relatives forced to pay huge sums of money to obtain information about their loved ones or perhaps in the hopes of possibly facilitating their release.

³⁰ International Criminal Court, Elements of Crimes, <<<https://www.icc-cpi.int/in/indoc/indoc2336923d8-d6ad-30ec-ad7b-45b85de73d50:0:elementsOfCrimeseng.pdf>>>

The suffering of detainees sentenced by this security / political court continue even after their release from years of arbitrary detention, with former detainees facing daunting and unreasonable challenges, as their property and money have been confiscated, and it is difficult for them to find employment in any state institutions.

Recommendations:

The UN Security Council and the United Nations:

- Find ways and mechanisms to implement Security Council Resolutions 2041, 2042, 2139 and Article 12 of Resolution 2254 regarding detainees and forcibly disappeared persons in Syria.
- There will be no solution to the issue of detainees facing trial in this primitive and grotesque way except through a process of political transition towards a system of governance that respects the separation of powers, democracy and human rights. This political transition must take place within a specific timetable that does not exceed a year.
- Issue a Security Council resolution condemning the political and security trials that some detainees are subjected to in Syria.
- Work to stop crimes against humanity (torture and enforced disappearance) and war crimes (execution) to which the detainees in Syria are exposed, and act urgently in accordance with Chapter VII.

The Syrian regime allies, primarily the Russian regime:

- Condemn the barbaric courts established by the Syrian regime, and demand that these be abolished along with all the associated sentences and rulings issued by them, including those legitimizing the looting of property and money.
- Put pressure on the Syrian regime to repeal all laws that contradict international human rights law, which carry overbroad and vague phrases that can be easily applied to political opponents.
- Demand that the Syrian regime separate the powers and stop encroaching on the judicial and legislative powers.
- Stop supporting such a regime that conducts political trials which are considered the ugliest and worst in modern history, since this support is considered to be participation in crimes against humanity and war crimes which the Syrian regime has been practicing against detainees and their property.
- Contribute to dissolving the security services whose members outnumber the army and pose a direct threat to society, the judiciary and human rights.

European Union and Member States:

- Support the processes of documenting human rights violation in Syria that expose the Syrian regime's atrocious practices and their continuing nature, as well as the regime's violation of the principles of international law.

- Take further steps towards accelerating the completion of the political transition towards democracy and human rights.
- Allocate aid to survivors of arrest after the court confiscated their properties.
- The situation in Syria is still in a critical state in terms of respecting basic rights, and any citizen may be subjected to arrest in accordance with these vague and overly broad laws. Therefore, we recommend that refugees not be returned until such a political transition is achieved, as there will be no stability and security in light of the survival of the current Syrian regime and the Counter-Terrorism Court.

High Commissioner for Human Rights:

- Issue a statement exposing the regime's practices in the political and security trials and condemning their practices and sentences issued by them.

Independent International Commission of Inquiry (COI):

- Document then condemn the Syrian regime's methods and practices that violate the principles of international law in the security / political courts established by it, as part of the special report on arbitrary detention in Syria. SNHR is always willing to contribute to this effort.

International, Impartial and Independent Mechanism (IIIM):

- Put this dangerous issue on the schedule of basic investigation tasks.

The Syrian regime:

- Dissolve the Counter-Terrorism Court, annul all political / security courts, and abolish sentences issued by them in relation to detainees held in connection with the popular uprising since these courts lack the foundations of justice and blatantly violate international law.
- Return the property and money confiscated from detainees.
- Release prisoners of conscience unconditionally, reveal the fate of the disappeared among them, compensate those affected, and stop tampering with their fate and extorting their families.
- Stop using the Syrian state as if it were a private family property.
- Stop terrorizing Syrian society through enforced disappearances, torture and death due to torture.
- Stop tampering with the constitution and laws, using them to serve the goals of the ruling family, and enacting deceptive legislation.
- Take responsibility for all legal and material consequences, and compensate the victims and their families from the resources of the Syrian state.

League of Arab States:

- Condemn the barbaric rulings issued by this security / political court.
- Absolutely reject the return of the Syrian regime to the Arab League in light of its continued involvement up to the present date in committing crimes against humanity and war crimes.

Thanks and Solidarity:

We wish to express our thanks to the families, witnesses and former detainees who contributed to the completion of this report, without whose effective contribution we would not be able to reveal the facts in this way. We extend our sincere solidarity to the detainees' families and friends in the pursuit of justice.



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