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At least 347 Cases of Arbitrary Arrests Documented in Syria in February 2019

Including 156 Cases of Enforced Disappearance



SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Saturday, March 2, 2019

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.



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I. Introduction and Methodology

Arbitrary arrests and enforced disappearances have been amongst the most widespread violations since the early days of the popular uprising for democracy in Syria in March 2011. These are considered to be the most common and pervasive regime violations against Syrian citizens, affecting hundreds of thousands of Syrians. These violations are carried out by the Syrian security services, as well as their affiliated militias, as part of a deliberate and planned strategy, often in a sweeping indiscriminate manner, in order to instill terror and fear into the largest possible number of Syrian people. Approximately eight months after the start of the popular uprising, other parties began to emerge in Syria, carrying out arrests and kidnappings. The process of documenting the cases of detention and cataloguing whether detainees are released or join the ranks of the forcibly disappeared has been one of the greatest challenges and difficulties faced by the Syrian Network for Human Rights, as is clarified in our methodology¹.

Since 2011, the Syrian Network for Human Rights has created complex electronic programs to archive and categorize the detainees' data, which the team collects and verifies; enabling us to catalogue the detainees according to gender, the location where each was arrested, the governorate from which each detainee originally came, and the party responsible for the arrest. These programs also enable us to cross-index cases and make comparisons between these parties, as well as identifying the governorates which the largest proportion of their residents got arrested and disappeared.

¹ "Syrian Network for Human Rights Methodology", Syrian Network for Human Rights, <http://sn4hr.org/public_html/wp-content/pdf/english/SNHR_Methodology_en.pdf> accessed date 26 February 2019



Given the importance and sensitivity surrounding the violation of arrest of Syrian citizens, the Syrian Network for Human Rights has never stopped issuing daily news on arrest incidents for years, or publishing monthly reports documenting the records of arrests, enforced disappearances and releases that took place in the preceding month, in addition to issuing an annual report, as well as dozens of other reports on different detention centers run by various parties to the conflict, and additional special reports concerning detainees. Also, SNHR periodically submits special forms to the United Nations Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, and the Special Rapporteur on the question of torture.

Most of the arrests in Syria are carried out without any judicial warrant while the victims are passing through checkpoints or during raids, with the security forces of the regime's four main intelligence services often responsible for extra-judicial detentions. The detainee is tortured from the very first moment of his or her arrest and denied any opportunity to contact his or her family or to have access to a lawyer. The authorities also flatly deny the arbitrary arrests they have carried out and most of the detainees are forcibly disappeared. The Syrian regime is responsible for no fewer than 87 percent of all the arbitrary arrests that we have documented, and is the first and most prominent of all the parties to the conflict in systematically perpetrating this violation. In most cases, victims' families are unable to accurately identify the body responsible for making the arrest, given the vast array of forces affiliated with the Syrian regime (Iranian militias, the Lebanese group Hezbollah, and others), in addition to the four main regime security agencies and their many branches, all of which are authorized to arrest and torture detainees, and to commit the crimes of enforced disappearance.

The issue of detainees and disappeared persons is one of the most crucial human rights issues in Syria which there has been no progress in resolving, despite its inclusion in several resolutions of the UN Security Council, as well as in UN General Assembly resolutions, Kofi Annan's plan, and finally in the statement of cessation of hostilities issued in February 2016, which states that "all parties undertake to work for an early release of any arbitrary detained persons, particularly women and children", and in Security Council resolution 2254 of December 2015, article 12, which states that all detainees, especially women and children, must be released immediately. Despite all these resolutions and other official statements, no progress has been made on the issue of securing the release of detainees in any of the rounds of negotiations sponsored by international parties regarding the conflict in Syria.



In light of these considerations in regard to this particular issue, we therefore recommend:

1- Arbitrary arrests and enforced disappearances, which are still ongoing, as detailed in this SNHR monthly report, must be ended immediately. The fates of all detainees must be revealed, and their families' right to visit them must also be ensured immediately.

2- All detainees imprisoned for merely exercising their political and civil rights must be released unconditionally. The use of women and children as prisoners of war must be stopped and they all must be released.

3- The independent international monitors of the Independent International Commission of Inquiry on the Syrian Arab Republic, which was established by the UN, and the International Committee of the Red Cross must be granted access to all official and unofficial detention centers without establishing any prior arrangements or any restrictions or conditions.

4- A UN committee should be formed to periodically monitor the release of the detainees according to a timetable that must be presented by all the detaining parties, primarily the Syrian regime forces that are responsible for 87 percent of all detentions.

5- All rulings issued by the regime's field military courts and terrorism courts should be suspended or repealed, since they are non-compliant with domestic and international legislation, as well as failing to provide guarantees of a fair trial.

Methodology

This report documents the record of arbitrary arrests by the parties to the conflict in February. In addition, it records the most notable raids and arrests at checkpoints that resulted in deprivation of freedom, as well as shedding light on the most notable individual cases and incidents of arbitrary arrest that the SNHR's team documented in February, in addition to categorizing cases and incidents of arrest according to the location of the incident.

The report also documents arbitrary arrests that subsequently turned into enforced disappearances. A number of criteria must be met before SNHR will classify a case as an enforced disappearance: the individual must have been detained for at least 20 days without his or her family being able to obtain any information from the relevant authorities about their status or location, with those responsible for the disappearance denying any knowledge of the individual's arrest or whereabouts.

The SNHR team abides by strict standards in evaluating and assessing any incident of arbitrary arrest in order to avoid any faults in recording any incidents of detention, imprisonment, or deprivation of freedom in accordance with the international laws and the aforementioned set of principles on arbitrary arrest. The Detainee and Forcibly-Disappeared Department at SNHR records cases of arrest which departmental personnel collect from various sources, such as: victims' families, SNHR members in Syrian governorates, cooper-



ating local activists, and former detainees, before diligently working to contact the families of the detainees and forcibly disappeared persons, as well as people close to them and people who survived detention, for the purpose of collecting as much information and data as possible, in light of the extraordinary and extremely complex challenges. We also record eyewitnesses' accounts and track cases of arrest to update these records regularly in order to determine the fate of a detainee, their place of detention, and the circumstances of their arrest. We have created on our website a special form to document a detainee to facilitate access and contact with victims' families.

The ongoing daily process of documenting detainees also comes with other additional challenges for SNHR, which has been documenting detainees since 2011. One of these most notable challenges is the reluctance of victims' families to cooperate and reveal or provide details of any information on their family members' arrest even secretly, more especially if the arrested individual is female, due to a well-founded fear still prevalent in Syrian society that being discovered doing so would result in more torture and further danger for their loved ones and themselves. Instead, families try to negotiate with security forces which usually blackmail these families and demand cash payments, effectively ransoms, that can amount to thousands of dollars in some cases. Despite the fact that SNHR possesses lists detailing the cases of more than 127,000 detainees, including children and women, we can safely say that our estimate of the actual number of detainees exceeds 215,000.

The failure of the international community and of all the organs of the United Nations to apply pressure on the Syrian authorities to release even one individual (including those whose sentences are completed), even prisoners of conscience, has affirmed the conviction of many within Syrian society that it is useless to cooperate in the documentation process. Most of the releases achieved were part of exchange deals with the armed opposition. The detainee figures included in this report don't include prisoners with a criminal background, but do include cases of arrest that are based on the internal armed conflict, mainly due to opposition activity against the ruling authorities, as well as cases of detention to suppress freedom of opinion and expression.



II. February Outline

Syrian Regime forces in February continued with their campaigns of persecution and arrest, focusing primarily on civilians and former armed opposition fighters in the areas that had signed settlement agreements with Syrian Regime forces. Our monitoring also confirmed that Syrian Regime forces arrested some of the previously forcibly displaced civilians who returned from north Syria to their hometowns as part of these settlement agreements. In addition, Syrian regime forces launched a sweeping arrest campaign in February against individuals who had returned from neighboring countries who should supposedly have been protected by the amnesty laws and reconciliation offers established by the regime. Syrian Regime forces, throughout the month of February, continued with their policies of pursuing civilian members of the families of activists involved in the popular uprising for democracy and of the families of fighters of factions of the Armed Opposition in areas under their control, with SNHR documenting the Syrian Regime forces carrying out campaigns of raids and arrests that targeted entire families related to members of factions of the Armed Opposition. These arrests, which included women and children, were concentrated in the cities of Hama, Latakia, and Homs.

Syrian Regime forces also carried out raids and mass arrests targeting all segments of society aged between 18 and 42 years, with the aim of conscription and reserve in their forces. In February, we recorded that Syrian Regime forces released 25 detainees, including 11 women, from regime detention centers in Damascus governorate between February 11 and February 21; most of these detainees were released in an exchange deal with the Free National Army which is affiliated with factions of the Armed Opposition. Also, Syrian Regime forces released three detainees from their detention centers between February 1 and February 11, 2019, most of whom had served their sentences.

Meanwhile, Syrian Democratic Forces continued enforcing their policies of arbitrary arrest and enforced disappearance throughout the month of February, targeting political activists and members of civil society groups who oppose their ideological views. These arrests were concentrated in Hasaka governorate. Additionally, Syrian Democratic Forces also carried out mass arrests of Arab civilians in areas under their control. These arrests, which included entire families, were concentrated in Raqqa governorate, which recorded the highest rate of arrests by Syrian Democratic Forces last month.



The arrests carried out by Syrian Democratic Forces targeted IDPs residing in areas under their control, mainly the residents of refugee camps, with the Syrian Democratic Forces alleging various charges against these individuals, such as suspected kinship relationships between them and members of ISIS or members of Armed Opposition factions. We recorded several incidents in which the Syrian Democratic Forces arrested many individuals from the same family.

In addition to these incidents, February also saw the arrests of members of civil society groups by Hay'at Tahrir al-Sham, whose members also continue to pursue and arrest armed opposition fighters belonging to factions affiliated with the Euphrates Shield and Olive Branch operation rooms, with these arrests being concentrated in the southern suburbs of Idlib governorate and the northern suburbs of Hama governorate.

Factions of the Armed Opposition, meanwhile, continued making arrests in the territories under their control, which were concentrated in Aleppo governorate, particularly in the Afrin and al Bab areas, throughout the month of January. Most of these arrests occurred without judicial authorization and without the participation of the police force, which is the legitimate administrative authority responsible for arrests and detentions through the judiciary. Those responsible for these operations were specific factions who detained individuals without any clear charges. The aim of these arrests was to spread fear among the population in the areas under the influence of the faction controlling the area. We recorded several cases of arrests and kidnappings carried out in order to extort ransom money to secure the hostages' release.

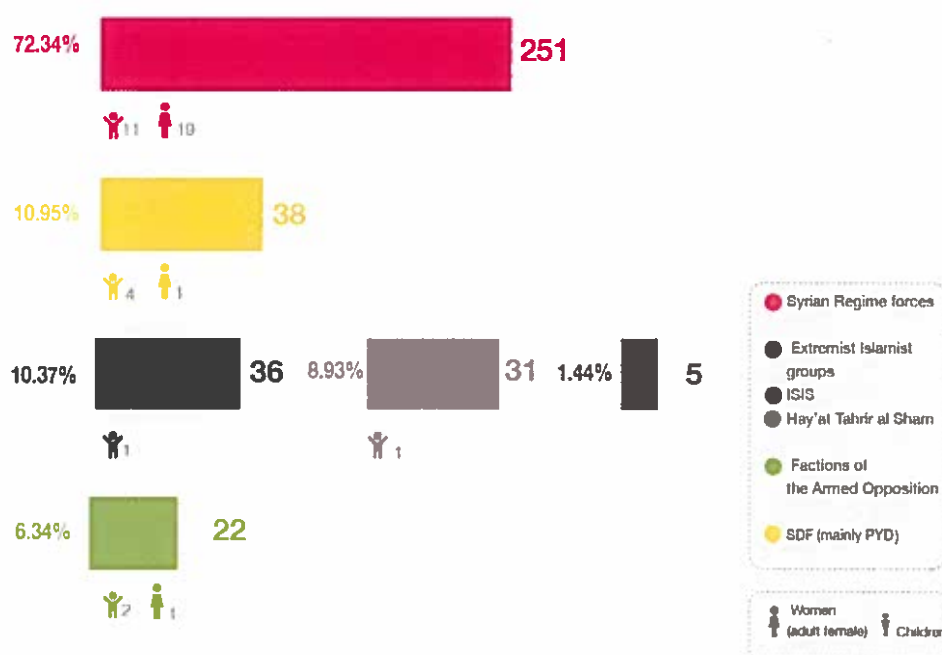
III. Record of Cases of Arbitrary Arrests by the Parties to the Conflict

Record of incidents of arbitrary arrest in February

SNHR documented at least 347 cases of arbitrary arrest, including 18 children and 21 women (adult female), at the hands of the main perpetrator parties to the conflict in Syria in January 2019, including 159 which have subsequently been categorized as cases of enforced disappearance.

These arrests were distributed according to the main perpetrator parties responsible, as follows:





As documented by SNHR

A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):

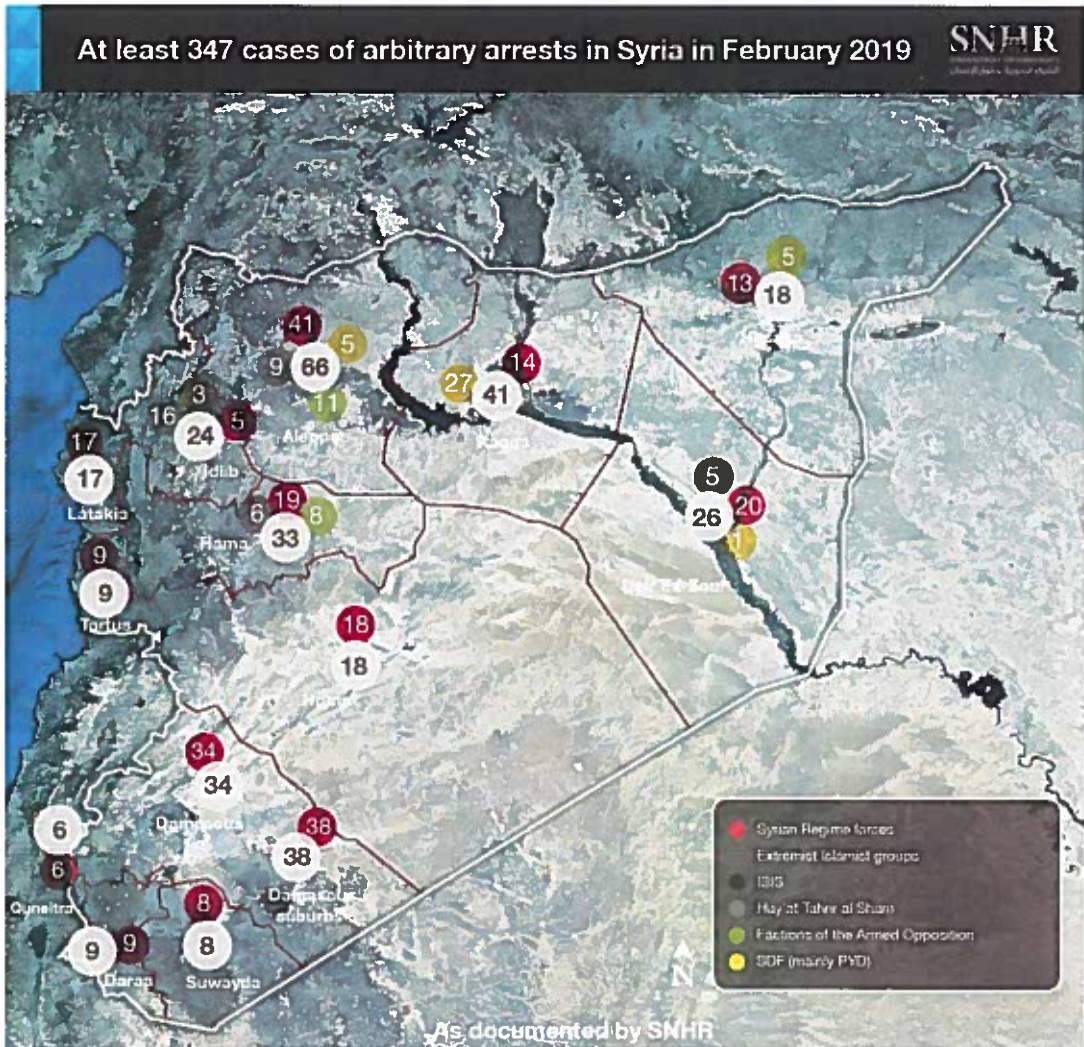
251 individuals, including 11 children, and 19 women. 107 of these have subsequently been categorized as cases of enforced disappearance.

B. Extremist Islamist groups: 36 individuals, including one child, divided between:

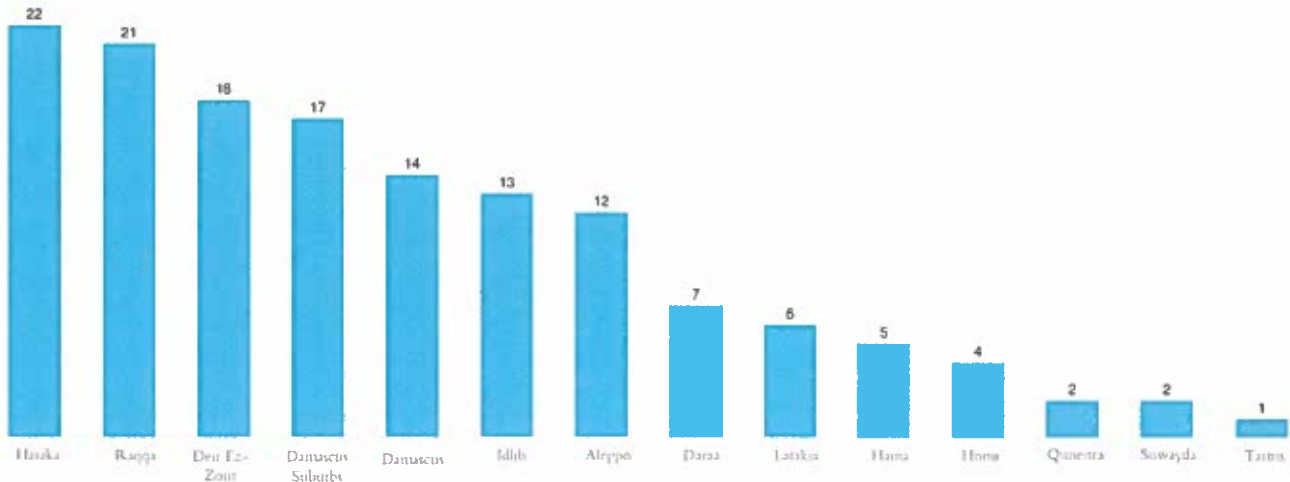
- ISIS (the self-proclaimed 'Islamic State'): Five men, including three who were released, while the other two have subsequently been categorized as enforced disappearance cases.
- Hay'at Tahrir al Sham (an alliance composed of Fateh al Sham Front and a number of factions of the Armed Opposition): 31 individuals, including one child. 19 of them were released, while the other 12 have subsequently been categorized as enforced disappearance cases.

C. Factions of the Armed Opposition: 22 individuals, including two children and one woman. 12 of these have subsequently been categorized as enforced disappearance cases.**D. Kurdish-led Syrian Democratic Forces (the Democratic Union Party):** 38 individuals, including four children and one woman. 21 of them have subsequently been categorized as enforced disappearance cases.

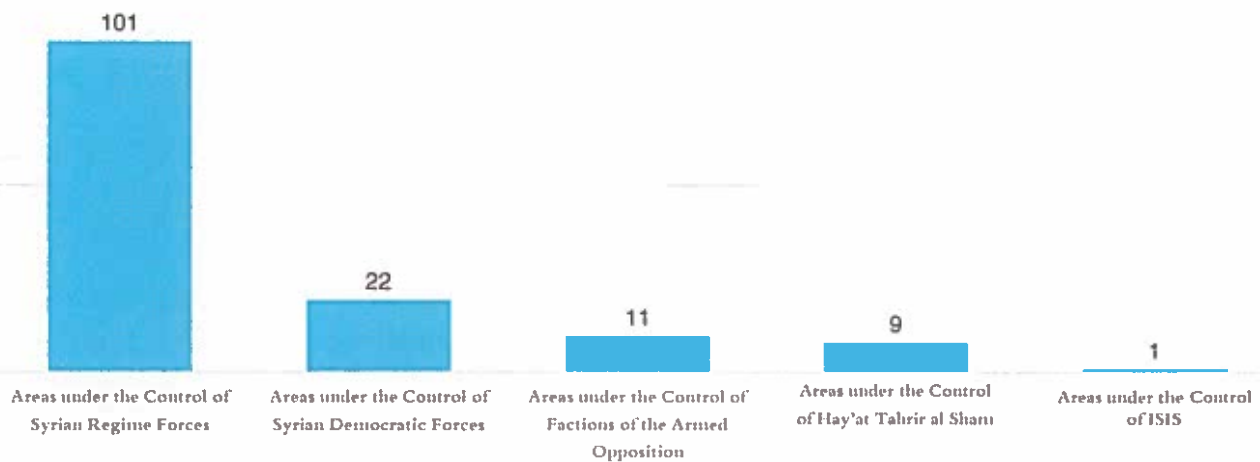
The following map shows the distribution of cases of arbitrary arrests documented in February across all the Syrian governorates by the main perpetrator parties:



We also documented at least 144 raids and checkpoints during this period that resulted in deprivation of freedom. These were distributed across all governorates as follows:



Record of raids and checkpoints, distributed according to the responsible party as follows:



IV. Most Notable Cases and Incidents of Arbitrary Arrest in February:

A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):

Most notable incidents:

On Wednesday, February 6, 2019, Syrian Regime forces arrested a man and a 60-year-old woman following a raid on their house in al Rhaiba city in the northeast of Damascus Suburbs governorate. The man was among those who had previously agreed to settlements. They were taken to an undisclosed location.



On Friday, February 8, 2019, Syrian Regime forces arrested three civilians while they were passing through one of the regime's temporary checkpoints in Qedsaiyya city in the north-west of Damascus Suburbs governorate, taking them to the regime's Political Security branch in Qedsaiyya city.

On Tuesday, February 12, 2019, Syrian Regime forces carried out a raid and arrest campaign in al Harra city in the western suburbs of Daraa governorate. Two women were documented arrested, with both released after several hours.

On Friday, February 22, 2019, Syrian Regime forces arrested five civilians while they were passing through one of the regime checkpoints in al Boukamal city in the eastern suburbs of Deir Ez-Zour governorate, taking them to an undisclosed location.

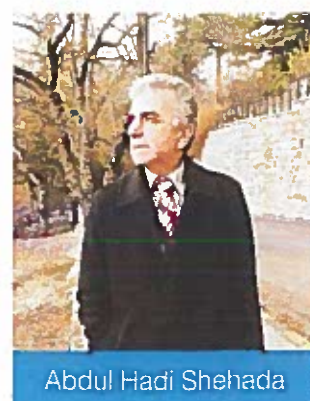
On Friday, February 15, 2019, Syrian Regime forces, assisted by Liwa al Quds militia personnel, carried out a raid and arrest campaign in al Qouriya city in the eastern suburbs of Deir Ez-Zour. Five civilians were documented arrested, being taken to an undisclosed location.

Most notable cases:

Derzi Ramadan, a volunteer of the Mosaic Human Relief and Development, from Qaber Fidda village in the western suburbs of Hama governorate, lives in al Raml al Janoubi area in al Gharraf neighborhood of Latakia city. He was arrested by gunmen affiliated with the Syrian Regime's State Security forces on Thursday, February 7, 2019, in Latakia city, on charges of taking a photograph near a gas distribution center. His fate remains unknown to the SNHR, as well as to his family.

Yasin Mohammad al Salkhadi, from Jasem city in Daraa governorate northwestern suburbs, was arrested on Wednesday, February 6, 2019, by Syrian Regime forces in a raid on his house in Jasem city. Yasin was among the people who had previously agreed to a security settlement. His fate remains unknown to the SNHR, as well as to his family.

Abdul Hadi Shehada, a poet from Latakia city born in 1958, holds a master's degree in Arabic literature. He was arrested by Syrian Regime forces in the first half of February 2019 in Slinfa town in the eastern suburbs of Latakia governorate. His fate remains unknown to the SNHR, as well as to his family.



B. Extremist Islamist groups

- Hay'at Tahrir al Sham (an alliance composed of Fateh al Sham Front and a number of factions of the Armed Opposition):

Most notable cases

Ziad Bakkour Barakat from the village of Kafr Daryan in the northern suburbs of Idlib governorate, works at the projects department of the Benaa Foundation for Development. He was arrested on Wednesday, February 13, 2019, by gunmen of Hay'at Tahrir al Sham in a raid on his house in Kafr Daryan village. His fate remains unknown to the SNHR, as well as to his family.



C. Factions of the Armed Opposition

Most notable cases

Layla Ismail Qabalan, born in 1982, works for the water authority in Afrin city in Aleppo governorate northern suburbs. Layla, from the village of Holilo which is administratively a part of Afrin city, was arrested at her workplace in the water authority headquarters in Afrin city on Monday, February 18, 2019, by members of a faction of the Armed Opposition. Her fate remains unknown to the SNHR, as well as to her family.



D. Kurdish-led Syrian Democratic forces

Most notable incidents:

On Monday, February 11, 2019, Syrian Democratic Forces carried out a raid and arrest campaign in Mazra'et al Yarmouk village in the northern suburbs of Raqqa governorate. We documented the arrest of 10 civilians, including three brothers, with all those detained being taken to an undisclosed location.

Most notable cases

The two brothers Mohammad and Adnan al Mashhour, from al Twaina village in Hasaka governorate western suburbs, were arrested by Syrian Democratic Forces on Monday, February 18, 2019, in a raid on their house in al Twaina village. Their fate remains unknown to the SNHR, as well as to their family.



Mohammad al Khader, from Raqqa city, a municipality councilman in Raqqa, was arrested by Syrian Democratic Forces on Monday, February 11, 2019, at his workplace in the municipality building in Raqqa city. His fate remains unknown to the SNHR, as well as to his family.



Mohammad al Khader

Anas al Muwais, from al Tloul al Humr village in the southern suburbs of Hama governorate, was arrested on Sunday, February 3, 2019, along with his wife, daughter, mother and two sisters, by Syrian Democratic Forces while they were heading from Jarablos city to Manbej city in Aleppo governorate's northeastern suburbs. Their fate remains unknown to the SNHR, as well as to their family.

V. Conclusions and Recommendations

- The SNHR believes that the Syrian regime has not fulfilled any of its obligations in any of the international treaties and conventions it has ratified. We refer specifically to the International Covenant on Civil and Political Rights. It also violated several articles in the Syrian Constitution itself, with thousands of detainees detained without any arrest warrant for many years, without charges, and prevented from appointing a lawyer and from receiving family visits. Eighty-five percent of all detentions documented have subsequently been categorized as enforced disappearance cases, with detainees' families being denied any information on their loved ones' whereabouts, while anyone making enquiries about the detainees faces the risk of being arrested themselves for doing so.
- ISIS has carried out widespread and systematic violations including torture and enforced disappearances in areas under its control, both of which crimes constitute a violation of Article 3 common to the Geneva Conventions, and are classified as war crimes.
- Hay'at Tahrir al Sham imposes absolute authority over the large areas it controls and the residents there. The group which has a political entity, and has developed a highly hierarchical structure, is therefore obliged to implement the provisions of international human rights law. Hay'at Tahrir al Sham has committed widespread violations through arrests and enforced disappearances.
- Factions of the Armed Opposition have carried out arrests and torture against a number of residents in areas under their control.



- Kurdish-led Syrian Democratic forces have violated many basic rights and practiced numerous violations such as torture and enforced disappearance. They have also a political entity with a largely hierarchical structure and are, therefore, also obliged to apply the provisions of international human rights law.

Recommendations

Security Council

Monitor the implementation of Resolution 2042, adopted on April 14, 2012, Resolution 2043, adopted on April 21, 2012, and Resolution 2139, adopted on February 22, 2014, all of which demand the immediate cessation of the crime of enforced disappearance.

Human Rights Council

- Follow up on the issue of detainees and forcibly disappeared persons in Syria and highlight this issue in all annual meetings.
- Cooperate and coordinate with all active local human rights groups in Syria.

Independent International Commission of Inquiry (COI)

Launch investigations into the cases included in this report and previous reports. SNHR is willing to cooperate and provide more evidence and data.

International, Impartial, and Independent Mechanism (IIIM)

Address the cases mentioned in this report and past reports. SNHR is willing to cooperate and provide more evidence and data.

United Nations and the guarantors of the Astana talks

- An impartial special committee should be formed to monitor cases of enforced disappearance, and to make progress in revealing the fate of the nearly 95,000 documented missing persons in Syria, approximately 86 percent of whom are detained by the Syrian regime.
- Immediately begin applying pressure on all parties to ensure that they immediately reveal their detention records according to a timetable. In the meantime, detention places should be revealed immediately, and humanitarian organizations and the International Committee of the Red Cross should be allowed to visit them directly.

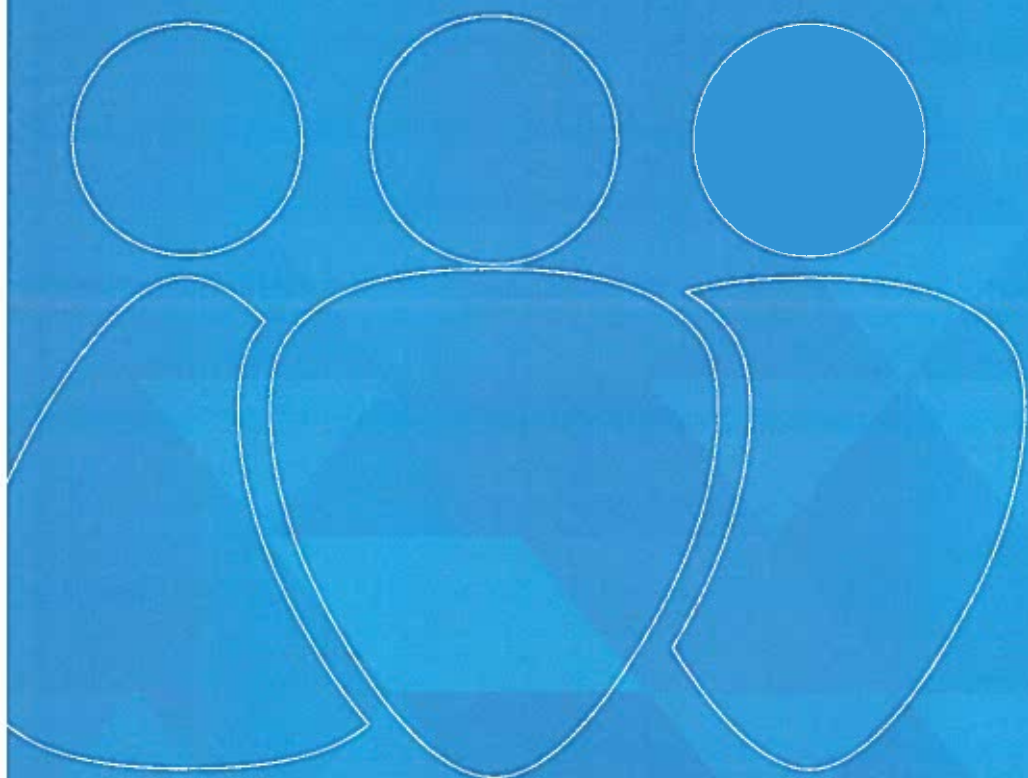


- Release children and women, and stop holding families and friends as war hostages.
- We call on the official newly appointed to take charge of the detainee file at the UN special envoy's office to include the issue of the detainees during the upcoming round of Geneva talks, as this issue is of far greater importance to the Syrian people than other longer-term issues which can be jointly addressed later by the parties after a political settlement is reached, such as the constitution.

Acknowledgments

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@snhr



Info@sn4hr.org

www.sn4hr.org

