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At Least 147 Arbitrary Arrests/Detentions Documented in Syria in May 2022, Including 13 Children and Four Women

The Syrian Regime Arbitrarily Arrested 57 Citizens in May: Arbitrary Arrests Continue Following the Issuance of the Amnesty Decree

Friday 06 June 2022

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 analyzes in Syria.

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I. Background and Methodology

Arbitrary arrests and enforced disappearances have been amongst the most widespread violations since the earliest days of the popular uprising for democracy in Syria in March 2011.

These criminal acts, which are considered to be the most common and pervasive regime violations against Syrian citizens, affecting hundreds of thousands of Syrians, are carried out by the Syrian regime's security services and army forces, as well as its 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, also carrying out arrests and kidnappings. The process of documenting the cases of detention and cataloging 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 (SNHR), as is clarified in our methodology.¹

Most of the arrests in Syria are carried out without any judicial warrant while the victims are passing through regime checkpoints or during raids, with the security forces of the regime's four main intelligence services often responsible for extra-judicial detentions. Every 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 subsequently forcibly disappeared.

The Syrian regime is responsible for nearly 88 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 (including 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 crime of enforced disappearance.

The other parties to the conflict and the controlling non-regime forces in Syria, such as the Kurdish-led Syrian Democratic Forces, extremist Islamist groups, and various Armed Opposition factions, use similar strategies and practices to those of the Syrian regime, albeit at a lower rate and in a less systematic manner than those practiced by Syrian Regime forces; these constitute violations of International Human Rights Law, and, if they took place on the basis of the armed conflict, they constitute violations of International Humanitarian Law.

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>>

None of the parties to the conflict and the controlling forces provide any public record for the community showing the whereabouts of the arrested/detainees and the reasons for their arrest, nor do they provide any documentation of the judicial sentences issued against them, including the death penalty, with the vast majority of the families not knowing the fate of their loved ones, since the vast majority, as we've indicated in all the reports we've issued about the detainees, have been forcibly disappeared. We have talked in detail about the phenomenon of enforced disappearance and the suffering of the families, especially the children, in [many reports](#).

Methodology:

This report outlines the record of arbitrary arrests by the parties to the conflict and the controlling forces in Syria documented in April 2022. In addition, it sheds light on the most notable individual cases and incidents of arbitrary arrest and detention that the SNHR's team documented during the last month, as well as categorizing cases and incidents of arrest according to the place where the incident took place.

On the SNHR's database, we can categorize cases of arrest according to the governorate in which the incident occurred, and according to the governorate from which the detainee originally came. In this report and in most of our reports, we categorize the record of arrests according to the place where the arrest took place, not according to the governorate from which the detainee originally came. It should also be noted that sometimes we categorize the cases of arrest according to the governorate from which the detainee originally came in order to show the magnitude of loss and violence suffered by the people of that governorate compared to other governorates, in which case we refer to this in the report.

The record of the cases and incidents of arrests documented by the SNHR, which are included in this report, do not include those kidnappings and abductions in which we were unable to identify the responsible party.

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 implements strict standards in evaluating and assessing any incident of arbitrary arrest under the principles of international laws and the set of principles on arbitrary arrest and enforced disappearance. The Detainee Department team constantly updates the database of detainees who were released as and when information becomes available; this data is added to the SNHR's databases which are retained securely, with several backup copies being stored in different locations. We have created on our website a special form [to document a detainee](#) to facilitate access and contact with victims' families.

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 intended to suppress freedom of opinion and expression.

The ongoing daily process of documenting detainees also comes with other additional challenges for SNHR, which has been documenting detainees' cases since 2011. The most notable challenges amongst these are:

- The reluctance of victims' families to cooperate and reveal or provide details of any information on their family members' arrest, even confidentially, 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 for help with securing their loved ones' release, effectively ransoms, that can amount to thousands of dollars in some cases.
- The failure of the international community and of all the organs of the United Nations to apply pressure on the Syrian regime authorities to release even one individual (including those whose sentences are completed), has affirmed the conviction of many within Syrian society that it is useless to cooperate in the documentation process.

II. The Laws and Texts Related to Torture in the Current Syrian Constitution and Law Have Not Ended or Reduced the Frequency of Torture in the Syrian Regime's Detention Centers

The state's heavily centralized control of its detention centers means that it is highly unlikely that deaths due to torture could take place without the knowledge of the ruling regime. In recent years, hundreds of reports of deaths due to torture in the Syrian regime's detention centers have spread widely within Syrian society, and in local, Arab, and international media, in addition to the fact that the Syrian regime itself has informed dozens of families about the deaths of their family members in detention centers, often implausibly citing the cause of death as a "heart attack".

The Syrian regime bears responsibility for proving its claims that the deaths that occurred were not due to torture, it hasn't conducted a single investigation into any of these deaths for 11 years, with this alone constituting clear damning evidence of the regime's culpability. In addition to this, it should be emphasized that this systematic torture and the many associated deaths involve not just one of the Syrian regime's organs, but require the participation of several state institutions, the most prominent of which are: the Ministry of Interior, the Ministry of Defense, the security services, civil prisons, military hospitals, the judiciary, the Ministry of Awqaf, and the Office of Burial Services; this too indicates a high level of coordination and harmony between these institutions, which can only be achieved by senior-level management officials in the Syrian regime controlling all of these institutions.

On March 30, 2022, the Syrian regime's President issued Law No. 16 for 2022 criminalizing torture,² which claimed that the regime considers this crime a felony requiring severe punishment for its perpetrator, or for those who participated in it, as well as those who provoked it. In Syrian law, torture is characterized as a felony subject to a ten-year criminal statute of limitations if the perpetrator is not subjected to public prosecution immediately. SNHR issued a [report](#) previously in which we explained that there is a flaw in the Syrian regime's system of categorizing torture and creating the related legislation, in addition to a flaw in the text of the 'law' itself. The following are key points that demonstrate these flaws:

- The law does not include crimes of torture committed before the date of its issuance; rather, pre-existing provisions are applied, such as the provision of Article 391 of the Penal Code, which classifies torture as a misdemeanor, which shall be subject to a statute of limitations after three years. If torture results in a disability or death, however, it then becomes a felony, with the crime being subject to a statute of limitations which expires after ten years, meaning that all crimes of torture committed since March 2011 were not covered by Law No. 16/2022, though they are, of course, subject to a statute of limitations. The statute of limitations is related to the initiation of the public prosecution, which is a decision issued by the representative of the Public Prosecution Service to charge the perpetrator with the crime of torture. As for the investigations by the police, security authorities, or any public body, the initiation of a public lawsuit is not considered to and does not interrupt the statute of limitations.
- The law omits to mention the inhuman and cruel conditions of detention in which detainees are held, as well as omitting any mention of the prison authorities' deliberate negligence towards detainees and deprivation of health care for them, which are classified as being among the torture methods practiced by the Syrian regime and among the causes leading to the high rates of prisoners' deaths in detention centers.

² <https://sana.sy/?p=1616786>

Finally, we at the Syrian Network for Human Rights confirm that at least 14,449 individuals were killed by torture, according to our database, between March 2011 and March 2022, and we continue to record almost daily deaths among detainees or forcibly disappeared persons due to torture and neglect of health-care in the Syrian regime's detention centers. There is no doubt that this law will remain meaningless ink on paper and will not contribute in any way to deterring the security services from practicing torture as long as the regime's other repressive laws are in force, which are the ones on which the regime is based, including:

A. Texts that grant impunity to members of the security services from prosecution, conflicting with many articles of the General Penal Code and the current constitution:

The Syrian regime also legalized the crime of torture, despite the fact that the current Syrian constitution, issued in 2012 by Decree No. 94, prohibits arbitrary arrest and torture according to Article 53, and the General Penal Code in accordance with Article 391 which imposes a penalty of from three months to three years in prison for anyone who beats a person with a degree of severity during the investigation of crimes, and prohibits torture during investigation in accordance with Article 391; however, there are legal texts that explicitly oppose previous constitutional articles and Article 391, giving almost complete immunity and legalizing impunity, as officers, individuals, and employees of the security services enjoy a kind of impunity from prosecution before the judiciary, except with the approval of their superiors, as follows:

1- For members of the General Intelligence Department (State Security Department):

Article 16 of Legislative Decree No. 14 of 1969, which contains the law establishing the General Intelligence Department,³ stipulates that intelligence department members may not be prosecuted for crimes they commit while carrying out the tasks assigned to them, except with the approval of their superiors. This was decided by the Syrian Court of Cassation⁴ in Resolution No. 25, Basis 28 of 1979. Legislative Decree No. 14 of January 25, 1969, states that: "It is impermissible to pursue any workers in the State Security Administrations for crimes they have committed during the execution of the specified duties they were authorized to carry out, except by an order to pursue issued by the director." Article 74 of the Internal Security Law of the State Security Department and the rules of service for its employees, issued by Legislative Decree No. 549 of May 25, 1969, states that: "No legal action may be taken against any General Intelligence Department employees, those assigned or detailed to the department, or those contracted with it for crimes incurred on the job or in the course of performing the job before referral to a department disciplinary board and before an order is obtained from the director."

It should further be noted that these texts are considered confidential and are not published in the official gazette for the public to read, which is inconsistent with the principle of the supremacy of constitutional law.

³ (It is a confidential law that is not published in the Official Gazette).

⁴ Published in "The Lawyers" magazine in 1979, Rule 392.

2- As for the members of the Intelligence Division (Military Security Department) and the Air Force Intelligence Department:

These regime personnel enjoy similar, effectively total immunity as they are military personnel, with any prosecution being carried out before the military court, which does not prosecute military personnel except by a prosecution order issued by the Commander-in-Chief of the Army and the Armed Forces or the Chief of Staff according to the rank of the person to be prosecuted in accordance with the provisions of Article 53 of the Penal Code and Procedures of Procedure Military No. 61 of 1950.

3- As for the members of the Political Security Division:

The Political Security Division is administratively affiliated with the Ministry of the Interior. In September 2008, Legislative Decree No. 64 of 2008 was issued, which considered these personnel, along with members of the Internal Security Forces and members of the customs police, to fall under the jurisdiction of the military judiciary, and explicitly stated that their prosecution may not take place without the prior issuance of an order for prosecution by the General Command of the Army and Armed Forces.

[Legislative Decree No. 64 of 2008](#), by which an amendment to the Military Penal Code and Military Trial Procedure⁵ gave immunity to police and political security personnel, who were previously amongst those who could be tried before the ordinary judiciary, limited the ability to take action against them or against the army and the armed forces. This prosecution is issued in wartime, according to the Penal Code and the Military Trial Procedure by the Commander-in-Chief of the Army and the Armed Forces, who is at the same time the President of the Republic. Consequently, such prosecution has been banned - if it had ever taken place - for regime officials at any level of leadership and particularly for the senior leadership.

At the beginning of 2012, Legislative Decree No. 1 of 2012 was issued containing (the Law of Service for the Military of the Internal Security Forces), including members of the Political Security Division, which is considered an amendment to the aforementioned Legislative Decree 64/2008, which stipulated in Article 23 a requirement to establish a police disciplinary court that specializes in investigating disciplinary matters concerning police soldiers. This court shall be competent to decide on their referral to the judiciary, except in the case of their being detained in flagrante delicto or during the commission of an economic crime, in which cases these two types of offenses can be prosecuted before the ordinary judiciary directly. It should be borne in mind that the police disciplinary court is made up of police officers named by the Chief of the Republic and therefore is not a judicial court and does not belong to the judicial authority but is completely subordinate to the executive authority.

⁵ Issued by Legislative Decree No. 61 dated February 27, 1950.

Consequently, all members of the four security services enjoy immunity from prosecution unless their superiors allow it; prosecution conditional on obtaining the approval above is considered unconstitutional and intrudes on the judicial authority, undermining its independence by placing a limitation that does not allow it to exercise its constitutional mandate without the approval of an official of the executive authority as stated in the texts above.

These decrees, which are supposed to be legal texts but in reality constitute a violation of the law, are decrees and texts that legitimize crimes, violate even the 2012 constitution, and violate fundamental tenets of human rights. For this reason, Syria under the current Syrian regime suffers from two problems; the first in terms of the legal texts themselves, and the second in terms of applying the law, which is far graver; without a doubt, these legal texts, which express a commitment to ensuring impunity, along with the Syrian regime's failure to carry out any investigation or accountability for any member of the regime's security forces, no matter how low-ranking, against the background of acts of torture, have all contributed to increasing the rate of torture. Indeed, the regime's security services, in coordination with some doctors in military hospitals, are so sure of their impunity that they have invented new and horrific methods of torture that are even more brutal and savage than their usual methods and which have caused deaths due to torture to continue up to this day.

- B. The survival of the exceptional criminal courts (military field court, counter-terrorism court) in Damascus.**
- C. Authorization of regime security services to investigate citizens for a period that often exceeds two months.**
- D. The failure to reform the prison organization or subject it to judicial supervision.**
- E. The Executive Authority encroaching on the judiciary.**

III. Summary of the Most Notable Events Related to the Detainees Issue in May

Among the points which we wish to emphasize in this report is that Syrian regime forces have continued to persecute and target Syrian citizens in areas under regime control in connection with their political dissent and expression of opinions, despite the right to both being guaranteed by the Syrian constitution and international law.

This proves once again the truth of the crucial point which we have reiterated several times previously, namely that no Syrian citizen can feel safe from arrests since these are carried out without any basis in law or any oversight by any independent judiciary, and are perpetrated by the security services with no involvement by the judiciary. Following these arrests, detainees are routinely classified as forcibly disappeared persons, and therefore the areas under the control of the Syrian regime cannot be considered to constitute any sort of safe haven for residents there, with a large percentage of those we talked with during our documentation of violations expressing a strong desire to emigrate, flee and seek refuge in other countries; all this underlines that regime-controlled areas of Syria are very definitely not a safe haven for the return of refugees or IDPs. There will be no stability or safety in light of the survival of the regime's brutal security services, which have committed crimes against humanity since 2011 and are still continuing to do so up to the current date. Among the arrests and detentions that we recorded in May are the following:

First: Syrian regime forces⁶ continued in May to persecute and arrest individuals who had concluded settlements of their security status with the Syrian regime in areas that had previously concluded settlement agreements with the regime; these arrests have been concentrated in Damascus Suburbs and Daraa governorates, with most occurring during campaigns of mass raids and arrests and at checkpoints.

Second: We documented random arrests of Syrian citizens in Damascus Suburbs governorate, with most of these occurring during campaigns of mass raids and arrests, which we believe were based on malicious security reports issued due to the targeted individuals' opposition to the Syrian regime.

Third: We documented separate arrests in connection with civilians receiving money transfers from their relatives outside Syria. We also documented arrests carried out by the regime's security services against civilians who had been released earlier from regime detention centers aimed at materially extorting their families.

Fourth: We documented arrests carried out by Syrian regime forces against civilians from the same families, most of which occurred during campaigns of mass raids and arrests. These arrests were concentrated in Daraa governorate.

Fifth: We documented random arrests of Syrian citizens in the governorates of Damascus Suburbs, Aleppo, and Hama, most of which occurred during campaigns of mass raids and arrests carried out under the pretext that those arrested had failed to perform their reserve military service.

Sixth: We also documented arrests targeting civilians while they were visiting the Immigration and Passports offices in the governorates of Daraa, Hama, and Homs to obtain documents related to traveling abroad.

Seventh: We documented the re-arrest of one woman who had been released under Amnesty Decree No. 7 of 2022.

⁶ We generally use the term 'the Syrian regime' rather than 'the Syrian government', because the nature of the ruling power in Syria is a totalitarian dictatorship based on ruling the nation in an authoritarian fashion through a very limited group of individuals, primarily the President of the Republic and his selected leaders of the security services, while the ministers, including the Prime Minister and the Minister of Interior, play a restricted, largely ceremonial role, which is limited to implementing precisely what the ruling regime orders, without any decision-making power or active role; this means that the government's role is wholly subordinate and limited to serving the regime, with all the main powers being concentrated in the hands of the President of the Republic and the security services. Governance in Syria is wholly decided by the autocratic authority of the ruling family and there is no independent decision-making structure. Rather, the government is an empty façade there for show; the Minister of Interior receives orders from the security branches over which he nominally presides which are in turn under the command of the President, while the Minister of Justice cannot summon a civilian-level security agent other than the head of a security branch; the security branches, along with the president, are the true power and the governing regime in Syria. Although we acknowledge that the United Nations and its agencies use the term 'the Syrian government' in general, we believe that this is a completely inaccurate and misleading term in the Syrian context.

In terms of releases, SNHR's monitoring and documentation operations continued regarding those released under the Amnesty Law included in Legislative Decree 7/2022 issued by the Syrian regime on April 30, 2022; in May, we documented that the Syrian regime released about 527 people from various regime civil and military prisons and security branches in a number of Syrian governorates, including 59 women and 16 people who were children at the time of their arrest. On May 16, we issued a [report](#) in which we presented an analysis of the text of the decree and the releases of detainees resulting from it. Then, on the 27th of May, we issued a statement that included an update of the record of the release cases that we were able to document.

Those released had been arrested during raids or while passing through the regime's checkpoints, without receiving any explanation of the reasons for their detention and without any arrest warrants being presented, and had been detained in extremely poor conditions which included being subjected to torture, and enduring an almost complete lack of healthcare and medical care, as well as severe overcrowding. The photos we obtained of a number of those released show the clear deterioration in the health conditions of the gaunt and emaciated released prisoners.

In terms of releases from prisons and detention centers in May, we documented the release of six detainees, including one woman, held by the Syrian regime, most of them from Damascus Suburbs and Daraa governorates, who were released from regime detention centers in Damascus governorate after the end of their arbitrarily imposed sentences, with their release not being linked to the Amnesty Law 7/2022. These former detainees spent an average period of between one and three years in the Syrian regime's detention centers.

Meanwhile, Syrian Democratic Forces continued enforcing the group's policies of arbitrary detention and enforced disappearance in May, with the number detained and forcibly disappeared increasing this month as SDF personnel continued carrying out campaigns of mass raids and detentions, targeting civilians on the pretext of fighting ISIS cells, with some of these campaigns backed by US-led coalition helicopters. We also documented detentions targeting civilians, including a media activist. These arrests were concentrated in Raqqa and Hasaka cities. We also recorded the detention of a number of civilians, including a doctor and two nurses, in a raid on their workplace in al Resala Hospital in Theyban city in the eastern suburbs of Deir Ez-Zour governorate, on charges of harboring gunmen in the hospital, with those arrested being taken to an undisclosed location.

We also recorded Syrian Democratic Forces kidnapping children with the aim of taking them to its training and recruitment camps and forcibly conscripting them, preventing their families from communicating with them, and failing to disclose their fate.

May also saw Hay'at Tahrir al Sham⁷ detaining civilians, including media activists and politicians, with these arrests concentrated in Idlib governorate; most of these arrests occurred due to the detainees expressing opinions critical of the HTS's management of areas under its control.

⁷ The United Nations has designated it as a terrorist organization

These detentions were carried out arbitrarily in the form of raids in which HTS members stormed their victims' homes, often breaking down the doors, or by abducting their victims while they were traveling or passing through temporary checkpoints.

Meanwhile, all Armed Opposition factions/Syrian National Army also continued carrying out arbitrary detentions and kidnappings in May, most of which were carried out on a mass scale, targeting individuals coming from areas controlled by the Syrian regime. In addition, we documented detentions carried out under an ethnic pretext, with these incidents being concentrated in areas under all Armed Opposition factions/Syrian National Army's control in Aleppo governorate. 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, with these arrests also carried out without presenting any clear charges against those being detained. In addition to these cases, we also documented raids and detentions carried out by Syrian National Army personnel, targeting civilians, including women, on charges of collaborating with Syrian Democratic Forces. These incidents were concentrated in some villages near Afrin city in the suburbs of Aleppo governorate.

Finally, with the global spread of the COVID-19 pandemic and the Syrian regime's admission that it has already documented cases of infection, the already grave situation facing prisoners in regime jails is now critical, particularly in light of the detention conditions that are favorable for the spread of infectious diseases such as the COVID-19 coronavirus; this now threatens the lives of approximately 132,000 people who are still documented as being detained or forcibly disappeared by Syrian regime forces, according to the SNHR database, [including nearly 3,329 health care personnel](#) who are still arrested or forcibly disappeared, despite its being more than a year since the COVID-19 pandemic emerged in Syria, with new strains emerging since then, and the many subsequent calls for the urgent immediate release of all medical personnel due to Syrian society's desperate need of their expertise.

Rather than releasing prisoners of conscience and other detainees, including detainees whose sentences have ended, in order to contribute to alleviating the terrible overcrowding suffered by detainees which poses an additional threat to their lives due to the spread of the coronavirus, the Syrian regime has been arresting even more citizens, as SNHR has documented, meaning additional overcrowding in detention centers.

This behavior completely contradicts the demands of some countries allied with the Syrian regime, as well as prominent figures and organizations affiliated with them, to ease or freeze the sanctions imposed by other nations on the regime, under the pretext of helping it to overcome the coronavirus. The Syrian regime's policy towards the issue of detainees clearly reveals the inconsistency of this request, clarifying precisely how the Syrian regime deals with citizens in light of the spread of the COVID-19 coronavirus and how indifferent it is to their wellbeing.

IV. Record of Cases of Arbitrary Arrests by the Parties to the Conflict in May

A. Record of cases of arbitrary arrests since the start of 2022:

SNHR documented at least 860 cases of arbitrary arrest/detention between the beginning of 2022 and June 2022, including 38 children and 23 women (adult female), 654 of whom have subsequently been categorized as cases of enforced disappearance.

The record of cases of arbitrary arrest/detention at the hands of the parties to the conflict and the controlling forces in Syria since the beginning of 2022 were distributed as follows:

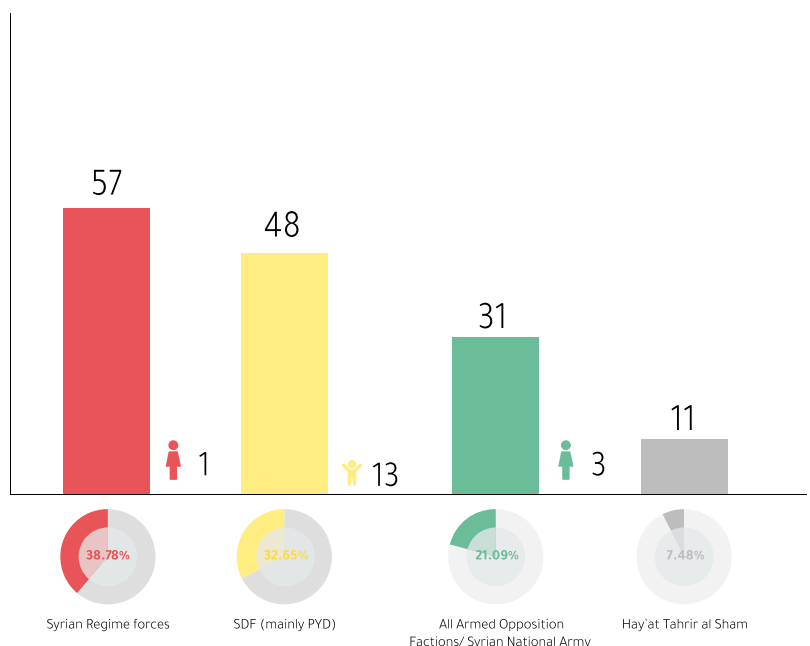
The chart shows the increasing rates of cases of arbitrary arrest in February 2022. This was due to widespread arrests carried out by Syrian regime forces, some of which occurred on a mass scale in regime-control areas over various charges.



B. Record of cases of arbitrary arrests in May:

In May 2022, SNHR documented at least 147 cases of arbitrary arrest/detention, including 13 children and four women, at the hands of the parties to the conflict and the controlling forces in Syria, 121 of which have subsequently been categorized as cases of enforced disappearance.

The record of cases of arrest/detention documented in May were distributed according to the parties to the conflict and the controlling forces, as follows:



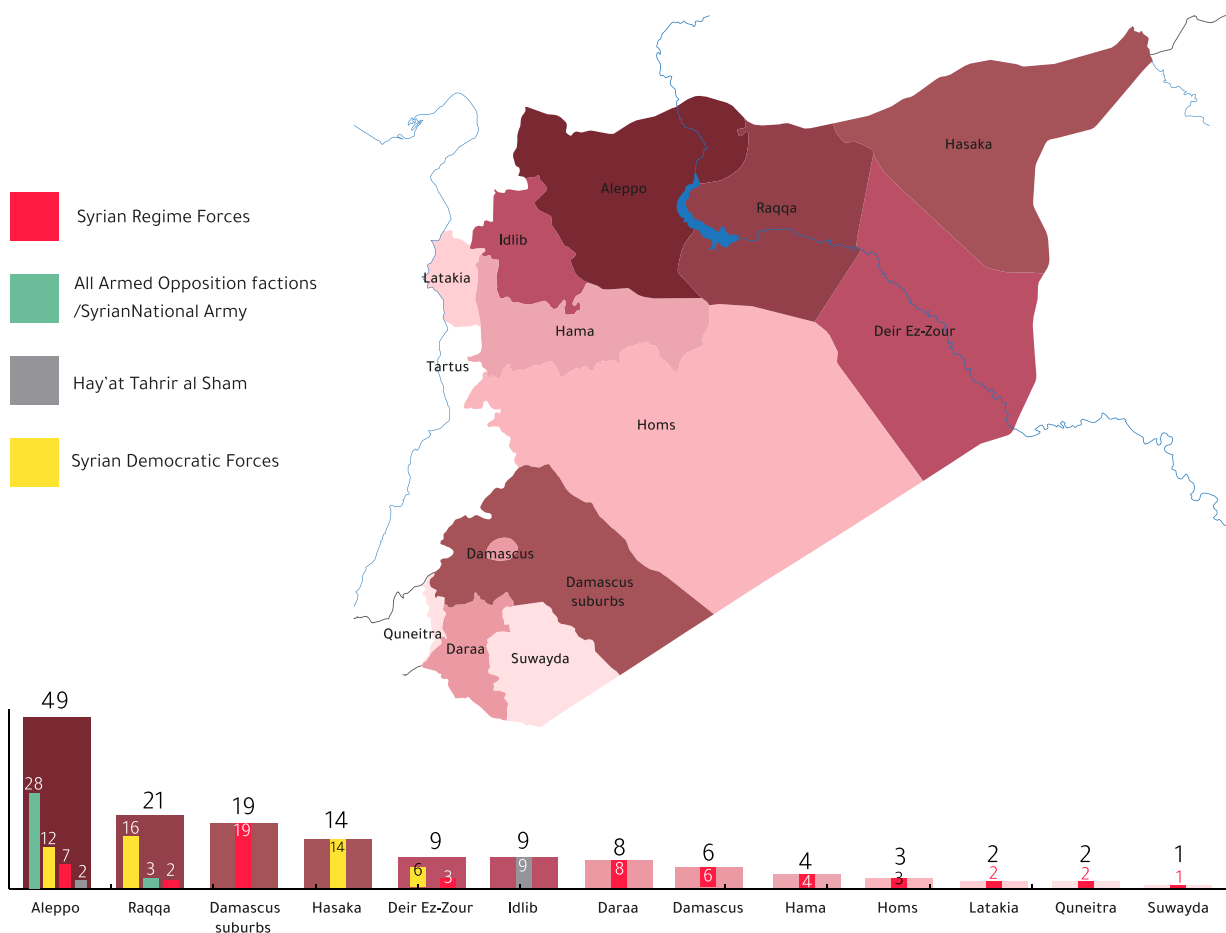
A. Syrian regime forces: 57 individuals, including one woman. Four of these have been released, while 53 individuals have subsequently been categorized as cases of enforced disappearance.

B. Hay'at Tahrir al Sham: 11 individuals. Three of these have been released, while eight individuals have subsequently been categorized as cases of enforced disappearance.

C. All Armed Opposition factions/Syrian National Army: 31 individuals, including three women. 12 of these have been released, while 19 individuals have subsequently been categorized as cases of enforced disappearance.

D. Syrian Democratic Forces: 48 individuals, including 13 children. Seven of these have been released, while 41 individuals have subsequently been categorized as cases of enforced disappearance.

The cases of arbitrary arrests/detention documented in May at the hands of the parties to the conflict and the controlling forces were distributed across all the Syrian governorates as follows:



The map above shows that the highest rates of cases of arbitrary arrests/detentions during this period were seen in Aleppo governorate, followed by the governorates of Raqqa, Damascus Suburbs, Hasaka, Idlib, Deir Ez-Zour, then Daraa.

V. Most Notable Cases and Incidents of Arbitrary Arrest/Detention in May

A. Syrian regime forces:

- Most notable incidents:

On Sunday, May 8, 2022, personnel from the Syrian regime's State Security Force carried out a campaign of arrests at one of the regime's temporary checkpoints on the road between Douma and Harasta cities in Eastern Ghouta, east of Damascus Suburbs governorate. SNHR documented the arrest of eight civilians from Douma city, who were taken to an undisclosed location.

On Friday, May 20, 2022, personnel from the Syrian regime's Military Security Force carried out a campaign of raids and arrests in the Dummar neighborhood of Damascus city. SNHR documented the arrest of three civilians, who were taken to an undisclosed location.

- Most notable cases:

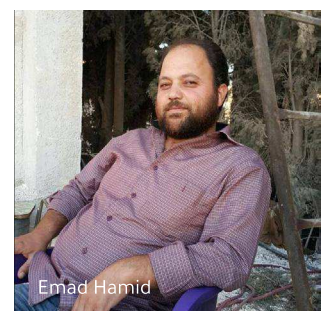
Khalil Sayel al Basiri and Khaled Khalil al Basiri, two brothers from Nawa city in the western suburbs of Daraa governorate, were arrested by the Syrian regime's Military Security Force personnel in a raid on their homes in the city on Tuesday, May 10, 2022, and were taken to the Military Security branch in Daraa city.

Ahmad Ayed al Abdullah, a taxi driver from al Mukhtalata neighborhood in Raqqa city, born in 1997, was arrested by Syrian regime forces on Thursday, May 26, 2022, while he was passing through one of the regime's checkpoints in al Sabkha town in the eastern suburbs of Raqqa governorate, and was taken to an undisclosed location.

B. Hay'at Tahrir al Sham

- Most notable cases:

Emad Hamid, from al Atareb city in the western suburbs of Aleppo governorate, was detained by Hay'at Tahrir al Sham personnel on Saturday, May 7, 2022, in a raid on his home in the city, over his criticism of Hay'at Tahrir al Sham's policy. He was taken to an undisclosed location.



Muhammad al Ibrahim from Shnan village in the southern suburbs of Idlib governorate, was arrested by Hay'at Tahrir al Sham personnel in a raid on his home in the village on Monday, May 9, 2022. He was taken to an undisclosed location.



C. The Armed Opposition/Syrian National Army

- Most notable incidents:

On Sunday, May 15, 2022, Syrian National Army forces carried out a campaign of raids and arrests/detention in Dargireh village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the detention of three civilians on charges of collaborating with Syrian Democratic Forces, with all three being taken to an undisclosed location.

- Most notable cases:

Arin Fakhri Muslem, a 35-year-old woman from Shetka village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was detained by Syrian National Army personnel while she was passing through one of their checkpoints at the entrance to Afrin city on Tuesday, May 3, 2022. She was taken to an undisclosed location.



Hanan Hashko, the Mukhtar [village head] of Sheikh Mohammadli village, which is administratively a part of Afrin city in the north of Aleppo governorate, was detained by Syrian National Army personnel on Sunday, May 22, 2022, while he was passing through one of the SNA's checkpoints while heading from the village to Afrin city, and was taken to an undisclosed location.



Halimah Joulo, a 55-year-old woman from Kawanda village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was detained by Syrian National Army personnel on Tuesday, May 24, 2022, in a raid on her home in the village, and was taken to an undisclosed location.



D. Kurdish-led Syrian Democratic forces (mainly PYD)

- Most notable incidents:

On Wednesday, May 4, 2022, Syrian Democratic Forces detained four civilians, including a doctor and two nurses among the staff at al Resala Hospital in Theyban city in the eastern suburbs of Deir Ez-Zour governorate, in a raid on their workplace in the hospital, on charges of harboring gunmen in the hospital. They were taken to an undisclosed location.

On Saturday, May 7, 2022, Syrian Democratic Forces carried out a campaign of raids and arrests/detentions in Raqqa city. SNHR documented the detention of four civilians, who were taken to an undisclosed location.

On Thursday, May 12, 2022, Syrian Democratic Forces carried out a campaign of raids and arrests/detentions in al Meshlab neighborhood of Raqqa city in connection with an anti-Syrian Democratic Forces demonstration criticizing the living and service conditions and arrests in the areas under the Syrian Democratic Forces' control. SNHR documented the arrest of nine civilians, including two teachers, all of whom were taken to an undisclosed location.

- Most notable cases:

Marwa Muhammad, a 13-year-old girl from Manbej city in the eastern suburbs of Aleppo governorate, was abducted from her home in the city for forced conscription by Syrian Democratic Forces personnel on Tuesday, May 10, 2022, and taken to one of their recruitment centers.

Feras Ayed al Izz, a 16-year-old boy from Barzan village in the northeastern suburbs of Hasaka governorate, was abducted from his home in the village for forced conscription by Syrian Democratic Forces personnel on Saturday, May 7, 2022, and taken to one of their recruitment centers.

Wisam al Ahmad, a thirty-two-year-old media activist from Homs city, who works as a cameraman for 'Watan Radio', was detained by Syrian Democratic Forces personnel in a raid on his home near the State Security Circle northwest of Raqqa city on Monday, May 16, 2022. He was taken to an undisclosed location.

VI. The Most Notable Work Carried Out by SNHR on the Detainees Issue

Since 2011, the SNHR has created complex electronic programs to archive and categorize the detainees' data, which the team collects and verifies; this enables 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 their arrest. These programs also enable us to make comparisons between these parties, as well as identifying the governorates from which the largest proportion of residents have been arrested and disappeared.

Over the years, we have published periodic [news](#) reports on arrest incidents, as well as publishing a [monthly report](#) that monitors the record of cases of arrest, enforced disappearance, or release that occurred in the past month, as well as semi-annual and annual reports, in addition to dozens of additional reports that provide information on the various detention centers of the parties to the conflict, and other [special reports](#) related to detainees. We also periodically submit special forms to the United Nations Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Arbitrary Detention and the Special Rapporteur on Torture.

VII. Many Face Multiple Charges Following False Confessions Extorted Via Torture and Intimidation, Before Being Referred to 'Courts' More Like Security Branches, With the Regime Issuing Decrees and Laws That Violate the Principles of Law

The Counter-Terrorism Law,⁸ the General Penal Code,⁹ and the Military Penal Code¹⁰ are among the most prominent laws under which detainees are tried. In most cases, the exceptional courts at which the detainees are tried use a range of main charges which are particularized according to the detainees' cases. For example, one of the charges contained in the Penal Code, such as weakening national sentiment, will be brought against a detainee along with another charge from the Counter-Terrorism Law, such as financing terrorism; this means the detainee is not charged with a single charge, but rather a set of charges, none of which are based on evidence or facts.

We at the SNHR wish to emphasize that the vast majority of detainees involved in the popular uprising for democracy in Syria, including political and human rights activists, media workers, relief activists, and similar prisoners of conscience, have been falsely accused by the regime's security branches of several charges based on testimonies taken from detainees by regime forces under coercion, intimidation, and torture. The most prominent of these charges are: provoking sectarian strife, threatening the system of governance, weakening/compromising national sentiment,

⁸ Syrian People's Assembly, Law No. 19 of 2012, <http://www.parliament.gov.sy/arabic/index.php?node=201&id=4306&RID=1&Last=112&First=0&CurrentPage=0&Vid=1&Mode=1&Service=1&Loc1=0&Key1=&SDate=&EDate=&Year=1&Country=&Num=19&Dep=1&>

⁹ Syrian People's Assembly, Law No. 148 of 1949, <http://www.parliament.gov.sy/arabic/index.php?node=201&id=12278&RID=1&Last=20&First=0&CurrentPage=0&Vid=1&Mode=1&Service=1&Loc1=0&Key1=&SDate=&EDate=&Year=1&Country=&Num=148&Dep=1&>

¹⁰ Syrian People's Assembly, Law No. 61 of 1950, <http://www.parliament.gov.sy/arabic/index.php?node=201&id=11811&RID=1&Last=56&First=0&CurrentPage=0&Vid=1&Mode=1&Service=1&Loc1=0&Key1=&SDate=&EDate=&Year=1&Country=&Num=61&Dep=1&>

collusion with external agents and the enemy, supporting and financing terrorism, and weakening the psyche of the nation/spreading despair or weakness among members of society, all of which are broad and wide-ranging charges, which are documented within regime security authorities' reports; these detainees may be transferred to another security branch if they are wanted by more than one branch. The detainees are forced to place their fingerprint on these coerced reports under threats, torture and general intimidation; it should be noted here that the security branches rarely allow detainees to read and sign these false confessions, instead of ordering them to use a fingerprint in place of a signature, with the detainees in most cases doing so while blindfolded with a piece of cloth; these security reports are then referred to the Public Prosecution Service, after which the majority of these cases are referred to either the Counter-Terrorism Court or the Military Field Court (The stages mentioned here may take months and possibly years, during which the detainees are subjected to the worst forms of torture, which often prove lethal.).

On March 28, 2022, the regime issued Law No. 15, amending the General Penal Code.¹¹ We list the following main amendments concerning detainees based on their expressions of opinion or the basis of the conflict:

- A. Terminological amendment to distinguish between a felony and a misdemeanor**
- B. Terminological amendment of the crime of 'weakening national sentiment' in Article 285**
- C. Terminological amendment of the crime of 'weakening the psyche of the nation' in Article 286**
- D. Expanding the crime of 'undermining the state's financial position' in Article 287**
- E. Adding a new crime of 'improving the image of an enemy state', now punishable by law**
- F. Adding a new crime punishable by law: The call for the deduction of part of the Syrian territory**
- G. Abolishing the broad and vague crime of 'inciting contempt for national conditions'¹²**

We at the SNHR note that the amendments issued by the Syrian regime regarding the General Penal Code in accordance with Law 15/2022 have been expanded with the introduction of new crimes even more vaguely defined than previously, capable of subjecting an even wider range of civilians to prosecution for exercising the slightest form of expression of opinion or the mildest criticism of the state's authority. We also believe that these amendments were issued by the regime in an effort to quell the increasing incidence of popular tension prevailing in the areas under regime control, even by regime loyalists, due to the deterioration in economic and living conditions suffered by civilians. Consequently, anyone who criticizes almost anything is arrested, which further strengthens the authority's iron grip and legitimizes arrests.

¹¹ Syrian People's Assembly, Law No. 15 of 2022, <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=22937&RID=-1&Last=120&First=0&CurrentPage=0&Vid=-1&Mode=1&Service=1&Loc1=0&Key1=&SDate=&EDate=&Year=1&Country=&Num=15&Dep=1&Dep2=>

¹² The crime of inciting contempt of the laws includes the perpetrator only if he is an employee, a clergyman, or a teacher in the public or private sector.

We briefly define the [Counter-Terrorism Court](#), which was established in accordance with Presidential Decree No. 22 of 2012 to serve as a substitute for the exceptional Supreme State Security Court, and examines detainees' cases according to the Counter-Terrorism Law No. 19 of 2012, an article of legislation similar to the legislation on 'counter-revolutionary goals' issued in 1964, which violates the most basic principles and rules of law and human rights.

under which a person can be arrested simply because he or she is suspected of not supporting the Syrian regime, with the court ruling on most cases of arrest carried out by Syrian Regime forces. The Counter-Terrorism Court consists of three judges appointed by the President of the Republic, according to the proposal submitted by the Supreme Judicial Council, which is also chaired by the President of the Republic, who try civilians, military personnel, and juveniles, and issue sentences in absentia. In addition, these sentences may not be appealed except in the case of those who surrender themselves voluntarily. Although the body's official name is the Counter-Terrorism Court, it tries all types of crimes and can therefore be called an exceptional court; it is, in fact, part of the regime's security apparatus.

As for the Military Field Court, again briefly, this was established by Decree No. 109 of August 17, 1968, with its jurisdiction originally specified as being only for crimes committed in wartime; its remit was expanded in 1980, however, to allow it to operate in both war and peace times and to try civilians, military personnel and juveniles. This court is also formed by the executive authority through the Minister of Defense, and consists of a president and two members who are not required to be law graduates. The rulings issued by this court are not open to appeal, being endorsed by the Minister of Defense. Regarding the death sentences issued by this court, they are ratified by the President of the Republic, with both the Minister of Defense and the President of the Republic able to manipulate the rulings issued according to their personal whims. The Military Field Court is wholly managed by the executive authority that dominates the judicial authority, and therefore the most fundamental conditions of fair trial are not met in this court, which is also closer to a military-security branch than to a court of law.

According to the SNHR's database, the vast majority of detainees were arrested in connection with their participation in activities opposed to the Syrian regime, no matter how innocuous, such as attending demonstrations, being involved in media or humanitarian relief activism, or even as a result of their kinship ties with an activist; this means that the vast majority of detainees are arrested in connection with their political activism, meaning that they are political detainees.

Other parties to the conflict have also established courts to try their detainees in accordance with procedures that are, to a great extent, similar to the courts affiliated with the Syrian regime. Extremist Islamist groups have established Sharia courts made up of sharia judges or security personnel and issued sentences according to their extremist ideology. As for the areas under opposition control,

these have established courts which operate according to amended forms of existing Syrian laws. Syrian Democratic Forces, meanwhile, have established the 'people's courts' and established their own laws and legislation derived from the Syrian laws, with all these courts following the policy of exceptional courts by holding brief proceedings, essentially amounting to kangaroo trials, to try the cases before them without any considerations of the fundamental standards of fair trials, and relying mainly on the jurisprudence of judges, most of whom are unqualified or illegal.

Over the past 11 years, the Syrian regime has issued nearly 18 amnesty decrees, many of which are similar to one another and focus on securing the release of perpetrators of crimes, felonies and offences, while including only a very small number of detainees referred to exceptional courts such as the Counter-Terrorism Court and the military field courts, and excluding the largest proportion of detainees who were not subjected to any trial during the years of their detention, who have been classified as forcibly disappeared. We previously [issued a report](#) in which we monitored the detention and torture incidents that we recorded since the issuance of the two amnesty decrees, Decree No. 20 of 2019, and Decree No. 6 of 2020. We also issued [a special report](#) in which we outlined our follow-up work regarding the implementation of the latest decree No. 6, nearly two months after its issuance, and the record of arrests, torture and releases recorded by the SNHR between the issuance of Decree No. 6 on March 22, 2020, and May 15, 2020. In July 2021, we also issued [a special report](#) summarizing the cases and incidents of arrest and releases documented by SNHR in the period since Amnesty Decree No. 13 was issued on May 2, 2021, up to July 15, 2021. The report distinguished between the record of releases that took place related to the amnesty and those not related to it, which took place within the context of sentences' expiry. Despite all the amnesty decrees issued, at least 131,000 citizens in the categories of detainees and forcibly disappeared persons are still detained by the Syrian regime.

VIII. Conclusions and Recommendations

- The issue of detainees and forcibly 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, in 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 arbitrarily 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. The International Committee of the Red Cross has been unable to conduct any periodic visits to any of these detention centers, constituting a violation of International Humanitarian Law.
- The SNHR believes that the Syrian regime has not fulfilled any of its obligations under any of the international treaties and conventions which it has ratified. We refer specifically to the International Covenant on Civil and Political Rights. The regime has also violated several articles of the Syrian Constitution itself, with thousands of detainees detained without any arrest warrant, held for many years, without charges, and prevented from appointing a lawyer and from receiving family visits. 68.25 percent of all detentions documented have subsequently been categorized as cases of enforced disappearance, with detainees' families being denied any information on their loved ones' whereabouts, while anyone making inquiries about the detainees faces the risk of being arrested themselves for doing so. The Syrian regime has also violated the right to liberty enshrined in article 9 of the ICCPR through the widespread practice of arbitrary and unlawful detentions.
- 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.
- All Armed Opposition factions/Syrian National Army 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 also have a political entity with a largely hierarchical structure and are, therefore, also obliged to apply the provisions of international human rights law.

Recommendations:

UN Security Council:

- The Security Council should 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, which demand immediate cessation of the crime of enforced disappearance.
- In light of the spread of the coronavirus, it is vital to put pressure on the Syrian regime to release tens of thousands of arbitrarily detained persons, primarily medical personnel whose professional skills and services the Syrian people are in dire need of.
- Take action under Chapter VII of the Charter of the United Nations to protect detainees from certain death inside detention centers, and to put an end to the pandemic of enforced disappearance that continues to plague Syria, posing a threat to the security and stability of society, act to end torture and deaths due to torture inside Syrian regime detention centers, and save whoever is left among the detainees as quickly as possible.

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 previous reports. SNHR is willing to cooperate and provide more evidence and data.

United Nations, the international community, 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 102,000 documented missing persons in Syria, approximately 85 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.
- We call on the official 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.

- Stop any forcible return of Syrian refugees, since the situation in Syria continues to be unsafe, and put pressure to achieve a political transition that would ensure the automatic return of millions of refugees.
- Support organizations working to document cases of arbitrary arrest, enforced disappearance, and torture, support the course of accountability and its mechanisms, and support organizations working in victim rehabilitation programs.

The Russian regime:

- Must demand that its ally, the Syrian regime, disclose the fate of nearly 87,000 forcibly disappeared persons and immediately release tens of thousands of arbitrarily detained persons and detainees whose sentences ended, before demanding that those states which imposed sanctions on the Syrian regime lift them.
- Must provide the Syrian regime with the necessary medical supplies and equipment to examine tens of thousands of detainees and ensure that they are not infected with the COVID-19.
- Supporting a genuine political transition away from the dynastic dictatorship of one family and its brutal security services is the only way to achieve security, stability, and reconstruction.

All parties to the conflict and the controlling forces:

- The arbitrary arrests and enforced disappearances, which are still ongoing, as detailed in this SNHR monthly report, must be ended immediately, the fate of all detainees and the forcibly disappeared persons must be revealed, their families should be allowed to visit them immediately, and the bodies of detainees who were killed as a result of torture should be handed over to their families.
- Unconditionally release all detainees who have been imprisoned merely for exercising their political and civil rights, release women and children, people with special needs, the sick, and the elderly, and stop using any detainees as prisoners of war.
- Allow the independent international monitors of the Independent International Commission of Inquiry and the International Committee of the Red Cross to access all official and unofficial detention centers without establishing any prior arrangements or any restrictions or conditions, and improve the conditions of places of detention to meet the legal standards of detention centers.

- A UN committee should be formed to monitor and periodically assess 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 89 percent of all detentions.
- Publish a register containing the detainees' data together with the reasons, locations, and sentences issued.
- All sentences issued by the regime's field military courts and Counter-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.
- End the policy of carrying out arrests without legal warrants, release all detainees imprisoned by them without judicial charges, and emphasize that individuals should also be detained only briefly before being presented in a court of law, and that such trials do not take weeks or months.

Acknowledgment:

We wish to extend our sincere thanks to victims' family members and friends, as well as to eyewitnesses and local activists, all of whom have contributed effectively to the collection and verification of data, and to extend our sincere solidarity to the detainees and the forcibly disappeared persons and their families.



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