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The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria

638 Refugees Were Forcibly Disappeared After Their Return and 15 Returning Refugees Were Killed as a Result of Torture



SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Thursday, August 15, 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 of the Report:

The widespread human rights violations that have taken place in Syria since the beginning of the popular uprising for change and democracy in March 2011, which is still ongoing, have been the direct and main reason behind the displacement of more than half of the Syrian people as both IDPs and refugees (UNHCR indicates that at least 11.8 million Syrians are currently either refugees or IDPs). Many types of violations practiced by the Syrian authorities can now be classified as crimes against humanity; that is, they have become widespread and comprehensive, and are used as standard strategy by a calculated decision on the regime leadership's part to deliberately practice these violations to push Syrian society to end their demands for the change of rule of the Assad family, and to acquiescence and surrender to the regime's tyranny. The Syrian regime has used almost every type of weapons against civilians and has intensified the use of aerial bombardment using, inter alia, barrel bombs and cluster munitions, extending to the repeated use of chemical weapons. The regime's brutal tripartite strategy of arrest, enforced disappearance, torture is another of the main reasons for the displacement of civilians. In addition, the Syrian regime has adopted a policy of siege and starvation against the people of the regions and villages that rebelled against its rule, and launched successive military campaigns on the remaining residents of these villages and towns, ultimately bringing them to a stage of full depletion that leads the survivors to accept compulsory settlements under which tens of thousands of people have again been displaced.



The entry of other parties into the Syrian conflict, such as Shiite and Sunni extremist organizations, the Kurdish Democratic Union Party (PYD) forces, factions of the Armed Opposition, the Global Coalition to Defeat ISIS, and the Russian forces, has contributed to the forced displacement of more people internally and externally, but the practices and violations of the Syrian authorities have collectively remained the largest cause of the displacement of Syrians, due to using the organs and institutions of the Syrian state which are under its control in the implementation of violations and crimes, such as the institution of the army with all its equipment and forces, and the institutions of security, finance, transportation, passports and civil registry, up to the absolute control on the People's Assembly and the judiciary. Due to overt and massive Iranian and Russian support, including the use of chemical weapons, the Syrian regime was able to retake the Eastern Ghouta in the Damascus Suburbs governorate, southern Syria and the northern suburbs of Homs. Immediately thereafter, numerous and repeated statements emerged from the highest levels of Russian government claiming that the conflict was almost over, asking refugees to return and the international community to assist in the reconstruction process.

Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights (SNHR), says:

"No-one can guess what will happen to a refugee who wants to return to Syria. He may be allowed to enter the country. He may be arrested after a period of time without explaining any reason, as is usual for the security services, and may disappear later, and we may get information that he died due to torture. It is impossible to discover whether the refugee is wanted by all security services; this is a very complicated process that requires huge amounts of money. The Syrian state under the current regime has become a mafia authority, and we warn refugees of the risk of returning, and call on all states to respect customary international law and not to forcibly return anyone because that state will bear responsibility for what might happen with them."

Methodology:

In this report, the Syrian Network for Human Rights reveals the falsity of the Russian statements, and the extent of the horror and the threat that awaits the refugees returning to the areas of Syria under the control of the Syrian regime. Despite the extensive and longstanding relations we've built up over eight years of trust and work with the Syrian society, it took nearly eight months of work to complete this report and collect its data to cover the largest possible sample, in order to reach the widest possible areas and neighborhoods to which these refugees returned, and then to monitor the violations they were subjected to.



The report sheds light on the most notable violations by Syrian Regime forces against Syrians who decided to return from their places of displacement or from the countries of asylum in which they resided, in particular arbitrary arrests, enforced disappearances, death due to torture, and forced conscription into the regime forces for some refugees, in addition to looting of their property and confiscating their houses, as well as the severe shortage of services they faced in the areas to which they returned. The report includes the most notable of the violations committed by Syrian Regime forces since 2014, the year in which we recorded the escalation of targeting of returnees with arrests, up until August 2019. The report relies on the Syrian Network for Human Rights' database, which has been created through daily documentation processes over years, and more specifically on the interviews and investigations conducted by the SNHR team since the beginning of 2019. We obtained these accounts through visits and direct interviews or by speaking via many means, such as phone or smartphone apps and social media platforms. This report contains 10 accounts, and we explained the purpose of these interviews beforehand to the eyewitnesses, who gave us permission to use the information they provided without us offering or giving them any incentives. Also, SNHR endeavors always to spare the eyewitnesses the agony of remembering the violations as much as possible, and provides assurances that we will conceal the identity of any witness who prefers to use an alias. We confirm that we were unable to cover all violations against returnees, given the extraordinary challenges facing us, most notably the difficulty in accessing a larger number of relatives of victims or survivors of the detention, and the increasingly restrictive draconian security conditions that have been violently reimposed by the Syrian regime with the help of Iranian and Russian surveillance devices that put our staff at exceptional risk.

II. Despite their horrendous current circumstances, the vast majority of IDPs and refugees refuse to return to areas controlled by the Syrian regime:

Areas outside the control of the Syrian regime continue to come under a barrage of daily aerial bombardment that has barely ceased. Throughout the eight years of the Syrian conflict, this bombardment has been and is still indifferent to any of the international law rules, rendering populated areas, hospitals, schools, and markets vulnerable to bombing; consequently, the rates of risk of death and displacement are again increased by these factors, as well as by the rates of destruction of homes, shops and cars. Under these circumstances, there is supposed to be – by the regime's calculations - massive displacement towards areas controlled by the Syrian regime, but despite this, statistics from the UN Office for the Coordination of Humanitarian Affairs indicate that around three million Syrians still live in the areas outside the control of the Syrian regime in northwestern Syria. The Syrian regime and



its Russian ally have worked systematically to destroy the people's ability to continue to live in areas outside its control, and to impose a monstrous equation of either accepting the Syrian regime's subjugation or being subjected to death, destruction and chaos. These harsh living conditions and relentless, barbaric aerial bombardment, including the indiscriminate dropping of barrel bombs, have certainly prompted thousands of Syrians over the years to flee to areas under the control of the Syrian regime, risking their lives by returning as by remaining. If there were conditions of air embargo and protection from indiscriminate bombardment, the rates of these enforced returns would be significantly reduced, as Syrians know exactly what they will face in regime-controlled areas in the form of state terror and threats by the regime's security services and affiliated militias.

The same conditions affect refugees, despite the horrendous living conditions that many are enduring, particularly in the countries bordering Syria, given the decline in the level of support and services, the high levels of threats and racism against refugees, who are being held responsible for problems over which they have no control, such as water and air pollution, elections and garbage, without taking into account that these refugees were forcibly displaced in the first place, and that most of them have lost their homes, possessions and jobs due to the crimes of the most brutal regime of the modern age simply in response to their support for the laudable objective of moving Syria from tyrannical dynastic dictatorship to pluralistic democratic rule. These refugees, who have made heroic sacrifices to free their country from terrorism, tyranny and the relentless brutality of the regime's security services, are being doubly punished while the regime responsible for their unimaginable suffering is rewarded.

In this context, we cannot say in the abstract sense that there is any genuinely voluntary return to areas of the Syrian regime, albeit that some Syrian refugees in some of the bordering countries agreeing to return; they have effectively been forced to do so by relentless racism, denial of the most basic services, and a well-founded pervasive sense of fear and threat. All this suggests a pattern of strongly coercive policies.

Despite all these factors, the percentage of those who returned to the total number of refugees does not exceed 6 percent at most, which is the rate of "voluntary" return of refugees from Lebanon; this is far lower in Jordan, with barely 2 percent of the refugees there returning, which indicates definitively that there is no confidence among refugees in the current ruling Syrian regime, its security apparatus, or the Russian and Iranian militias supporting it. Meanwhile, many in Syria are still attempting to flee the nation and to seek refuge in other countries worldwide. The situation will continue indefinitely in light of the absence of any prospect of a



just political settlement that fulfills the most basic demands of the Syrians to hold the perpetrators of crimes against humanity accountable and to dismiss the government and the regime, which is the main root of the issue and of all the aforementioned problems.

Most of the returning refugees whom we contacted told us that they had contacted an embassy or consulate of the Syrian regime in the country where they had taken refuge in order to prepare settlement documents with the security services. Consulates either coordinate with the regime's security services, or refer this work to specialized committees who register applications for those wishing to return from neighboring countries. Once approved, the refugee will be able to travel back, and we have recorded cases in which the request for a security settlement has been denied, mainly to military defectors from Syrian Regime forces.

III. The most notable violations by Syrian Regime forces against the returning refugees:

A. Arbitrary Detention, Enforced Disappearance, Abduction and Torture

- At the refugee level:

With the beginning of 2014, we monitored the beginning of the return of refugees, especially from neighboring countries. This phenomenon gradually grew due to the increasingly dire conditions which they were subjected to in the countries of asylum, as well as to the control of the Russian forces at a large number of checkpoints in areas controlled by the Syrian regime and the seizure of homes and possessions by looting and extortion which used to be carried out by Syrian Regime forces at those checkpoints. It is difficult to determine the number of refugees who have returned to Syria from all over the world, which is not at the heart of our work, with monitoring of the violations suffered by these refugees at the hands of the Syrian regime remaining the most important focal point.

From the beginning of 2014 up until August 2019, the SNHR team documented at least 1,916 cases of arrests, including 219 children and 157 women (adult female), among refugees who returned from countries of asylum or residence to their areas of residence in Syria, all of whom were detained by Syrian Regime forces.

The Syrian regime released 1,132 individuals who returned, while 784 others remained in detention, of whom 638 were forcibly disappeared. Furthermore, we recorded the deaths of 15 of these detainees as a result of torture, with 11 of those killed under torture having returned from Lebanon.

It should also be noted, however, that even after the Syrian regime released 1,132 of these returning refugees, it detained a number of them again, forcing them to join the military forces via enforced conscription.



Detention of returnees has been concentrated directly at the border crossings, after returnees' names and passports have been examined by regime personnel at these crossing points. Upon discovering that a returning individual is wanted by one of the security services, the security forces will arrest him/her immediately. This is particularly the case at the Masna' border crossing with Lebanon, the Kasab border crossing with Turkey, and the Nasib border crossing with Jordan. These returnees may not have been living exclusively in a neighboring country, with some of the returnees' families informing us that some of these individuals returned from different countries worldwide to neighboring countries before returning to Syria.

The most violent phase of this process which we have recorded is in the cases of arrests and enforced disappearances that occurred with refugees who had settled their security through consulates or committees as mentioned above, but who were nevertheless arrested, tortured and disappeared, which is a very common phenomenon at the hands of the Syrian Regime's brutal security services. When an individual is arrested by the security services, he or she is informed by the arresting officer that another security service branch gave him or her settlement status and that there has been no coordination between these different security personnel and departments. This scenario has been repeated in hundreds of cases, and is a well-known tactic followed, planned and coordinated by the Syrian regime, rather than being randomly chosen. That is why we stress repeatedly that there is no credibility or confidence in the current family regime ruling Syria or in its security services.

Abdul Mu'in¹ from Homs city, illegally entered Lebanon in 2012 with his brother, with his brother being defectors from the Syrian Regime military. In December 2018, Abdul Mu'in's brother decided to return to Syria. SNHR met with Abdul Mu'in in Lebanon on May 29, 2019, when he told us the details of his brother's return: **“ Here [in Lebanon] we are exposed to bad living conditions, so some of my family members decided to return despite the dangers that await them in Syria. Everyone abandoned us and we became dependent on this world. In September 2018, my brother was stopped by a Lebanese security checkpoint, who confiscated his identity papers and told him that they would not give them back to him unless he gets involved in the voluntary repatriation program. They claim it is voluntary but in fact it is a coerced return. My brother registered his name in the program, and when he obtained the approval, he returned to Syria; upon his return in December 2018**

¹ Direct interview in Lebanon on May 29, 2019



he was arrested and imprisoned for three months because he was a military man, then they forced him to rejoin his regiment. That was the destiny of anyone among dissident soldiers or those of compulsory service age who returned from Lebanon. The regime has put them on the burning fronts of Idlib because it wants to get rid of them.” Abdul Mu'in added that three dissident officers who returned with his brother had been subjected to enforced disappearance and nobody had heard any information about them, although that his brother told him that they were in Sydnya Military Prison.

Wael N.², a 25-year-old native of Hama city, had been a refugee in Lebanon since 2013. He subsequently decided to return to his city after paying military service allowance in early 2019. SNHR spoke with Wael on May 30 by telephone. He told us his account: **“Life was not easy in Lebanon. I was staying with seven other young men in a small house. We were all working in construction, blacksmithing and carpentry. Our monthly income was barely enough to cover our expenses. I settled my situation through someone in Lebanon and came back to my city, Hama, five months after my family paid for compulsory military service allowance in Syria. About a week later, we received a call from the State Security Branch, who asked me to visit them. When I visited the branch, I was arrested and they started interrogating me. The questions were about the refugees who were with me in Lebanon, and about my participation in some of the activities in the popular uprising before my escape to Lebanon. I was beaten and insulted in the branch and then released after paying 600,000 Syrian pounds to a lawyer with connections with people in the State Security Branch. I met with a number of detainees in the detention center who had also been in Lebanon, who told me that they would be transferred to the military police because they are wanted for military service. “**

After Wael was released from the State Security Branch, an officer at the branch asked him to revisit it after a month to complete the investigation. Wael was afraid of going there fearing that he would be rearrested, so he decided to return to Lebanon.

Mohammad Shahhoud, a defector from the Syrian Regime forces, from Harbnafseh town in the southern suburbs of Hama governorate, was arrested by Syrian Regime forces on March 13, 2019, while he was passing through one of the regime's checkpoints near Kasab border crossing in the northern suburbs of Latakia governorate, as he was returning from Turkey to Syria, and taken to an undisclosed location. We note that Mohammad was working on settling his security situation. His fate remains unknown to the SNHR.

² We contacted him on phone on May 30, 2019



Ayham Hindyia Atash, from Kafr al Zait town in Wadi Barada area northwest of Damascus Suburbs governorate, and formerly a refugee in Turkey, was born in 1994. He was arrested by armed elements affiliated with the Syrian regime's State Security Forces on May 27, 2017, along with his twin brother Fadil, while they were returning from Turkey to Damascus city. They were last seen on April 15, 2019, when their mother visited them in Sydnaya Military Prison in Damascus Suburbs governorate. We note that they were working to resolve their security situation prior to their arrival in Damascus.



Hasan al Ahmad³, a relative of one of the returnees to Syria, whom the SNHR met in Turkey, says that his cousin Mustafa returned to Syria through the Kasab border crossing in Latakia suburbs on April 24, 2019, and returned specifically to Hama city, where he was arrested by Syrian Regime forces: **“My uncle’s son had lived in Turkey for five years, and suffers from disability in his foot due to a previous injury. The psychological repercussions of his health situation led him to decide to return to Syria. So, he made a settlement at the Kasab crossing controlled by Syrian Regime forces. On his way back to Hama city, he was arrested, along with a person who was with him, by militiamen manning a military checkpoint belonging to Syrian Regime forces. One week later, the regime forces released that person, while Mustafa was transferred to Branch 215 in Damascus, and any news of him was completely cut off from us.”**

Hasan further revealed that Mustafa’s family had made enquiries about him through the reconciliation and settlement committee, but had received no information other than promises that he would be released, adding **“We cannot trust this regime. It has betrayed treaties and settlements.”**

³ Direct interview in Turkey on May 30, 2019



- At the IDPs level:

Aerial bombardment using barrel bombs and missiles, amongst other munitions, is the main reason why IDPs have fled to areas controlled by the Syrian regime simply because these areas are not under aerial bombardment. It is difficult to determine any precise record of the movement of displaced people, while the most important issue is the violations they are subjected to after their return.

Within the same period covered by the report, from the beginning of 2014 up to August 2019, the SNHR team documented at least 426 cases of arrests of IDPs who returned to areas controlled by the Syrian regime, including 13 children and 11 women (adult female).

The Syrian regime released 119 of those detained, while 307 others remained in detention, of whom 284 were forcibly disappeared; we have documented the deaths of two of these individuals as a result of torture.

It should also be noted, however, that even after the Syrian regime released 119 cases, it detained a number of them again, and forced them to join the regime military via enforced conscription.

These arrests were concentrated in the eastern suburbs of Hama and Idlib governorates, which are under the control of the Syrian regime, as well as in Aleppo city, and in Damascus Suburbs governorate in general, and in the Eastern Ghouta area in particular.

The SNHR met with Mr. Ayham Abdul Salam⁴, one of the people displaced from Douma city in Damascus Suburbs governorate, who currently lives in Idlib city. Ayham told us about the conditions of his brother's arrest, following his return to Douma in early February 2019 nearly one year after their displacement from the city, revealing that his brother was arrested at the end of March of the same year, despite following the settlement procedures. Mr. Abdul Salam stated: **"My brother sent his name to a settlement committee set up by the regime for those who had been displaced towards Idlib and wanted to return, and received approval to return a month after submitting the request, and did return with his family to Douma. After nearly a month, elements of the Military Security came to his home and arrested him. Two weeks later, we learnt that he was transferred to the Adra Central Prison, and is now subject to the court of terrorism, while his fate is completely unknown to us."**

⁴ On May 28, 2019



Abdul Latif Mohammad al Ghanim, from Raqqa city, aged 53, was arrested by Syrian Regime forces while he was passing through one of the regime's checkpoints after returning from Lebanon in February 2016. On Saturday, May 14, 2016, we received information confirming his death due to torture in a Syrian Regime forces' detention center.



Abdul Latif
Mohammad al Ghanim

Loay Thalja, a veterinarian and a political activist with the former Syrian Communist Party, from Salqin city in the western suburbs of Idlib governorate, was born in 1955. He was arrested by Syrian Regime forces on the Syrian-Lebanese border on Thursday, September 21, 2017, upon his return from Lebanon after arriving there from Saudi Arabia. On Saturday, September 30, 2017, we received information confirming his death due to torture in a Syrian Regime forces' detention center.



Loay Thalja

Mohammad Bwaydani, aged 60, from Douma city, east of Damascus Suburbs governorate, left Douma city on April 13, 2018, within the convoys of those displaced to the north of Syria, which is under the control of factions of the Armed Opposition. He was arrested by Syrian Regime forces in July 2018 after returning from al Bab city in the suburbs of Aleppo governorate to his city, Douma. On August 8, 2018, we received information confirming his death due to torture in a Syrian Regime forces' detention center, and were notified that his body had been handed over to his family.



Mohammad Bwaydani



Abdul Elah al Samman, a nurse from Homs city, who had lived as an IDP in Idlib governorate since 2015, returned to Homs city in early February 2019 after settling his security situation. On February 22, 2019, Syrian Regime forces arrested him in a raid on his place of residence in Homs city and took him to an undisclosed location.

B. Destroying Property and Legalizing Looting

The Syrian regime and its Russian ally are the main culprits in the destruction inflicted on residential buildings, vital facilities and infrastructure through indiscriminate bombardment with barrel bombs, missiles, artillery shells, and mortars. For example, the Syrian Network for Human Rights team responsible for monitoring incidents involving barrel bombs has documented the dropping of at least 75,000 barrel bombs by the Syrian regime's helicopters and fixed-wing warplanes on various Syrian governorates, the collective equivalent of two nuclear bombs in terms of destructive impact. The Syrian regime did not suffice this destruction, but even began enacting legislations to assist it in ransacking and looting the ruins of the properties in the areas it had destroyed. In Syria, former president Hafez al Assad enacted a constitution in 1973 that gave him near-absolute powers, and his son Bashar al Assad enshrined its terms in the 2012 constitution, enabling the president to enact whatever he decrees, even if these rulings violate the most fundamental principles of human rights. Meanwhile the representatives in the People's Assembly, the body supposedly representing the Syrian people, are in fact wholly selected by the regime's security services. This being the case, this body failed to issue any request to remove the president and government even after they used chemical weapons and barrel bombs and arrested and killed hundreds of thousands of Syrians. On the contrary, it has justified these crimes and all others perpetrated by the regime.

The Syrian regime, through its absolute hegemony over all organs of the state, including the People's Assembly, uses the People's Assembly to enact laws that legitimize crime and give legal endorsement to theft and looting by authorizing them in the form of laws. In essence, these articles of legislation are merely executive tools to strip citizens of their homes and rights. The People's Assembly in Syria can be considered an annex of the security services and one of its branches, as is also the case with the Court of Terrorism. The state in Syria is completely governed through the regime's security services.



The following are the most prominent laws and decrees enacted by the People's Assembly in Syria that is affiliated with the security services:

Law 63 of 2012 allows the confiscation of the property of "terrorists"; according to the regime's definition, anyone who demands or supports changing the dynastic system of governance to a modern pluralistic democratic system can be classified as terrorist. The Ministry of Finance has seized the properties of hundreds of activists who participated in or supported the political uprising under the pretext of their having "supported terrorism", transferring ownership of these properties to the state, with many of these properties then seized by individuals and militias within the Syrian regime, especially within the security services.

Legislative Decree 66 of 2012, aimed at regulating the destroyed areas, was limited to two areas in Damascus governorate, while Law No. 10, which appeared in 2018, covered all Syrian territory.

Legislative Decree 19 of 2015, allowed local boards of directors to establish holding companies. According to this law, the Damascus Cham Holding Company, managed by the Governor of Damascus, was established in 2016.

Legislative Decree 11 of 2016, aimed to stop any work in maintaining real estate ownership records closed due to the war in all Syrian territories.

Legislative Decree 12 of 2016 was nominally aimed at automating the cataloguing of real estate ownership records, but demanded large numbers of ownership and identification documents to prove ownership, deliberately ignoring the fact that many of these documents had been lost due to the destruction of houses by Syrian Regime warplanes.

Legislative Decree No. 3 of 2018, aimed at clearing the rubble of destroyed houses, making it almost impossible for the owners of these houses to prove ownership after ownership documents were ruined or destroyed by air strikes.

Law No. 10 of 2018, subsequently amended by Law No. 42 of 2018, aims to establish regulatory areas throughout Syria without specifying the nature of these regulatory areas, i.e. the Syrian regime can restructure any area it wants in Syria under the pretext of the existence of this law, including residential and commercial property.



All these decrees intentionally ignore the main cause of the destruction, siege and displacement of the people. It is ludicrous, therefore, to treat the contents and details of these laws as though they were legitimate articles of legislation since they were issued by the party directly responsible for the violations of bombing the residential buildings, which constitute war crimes. The Syrian authorities will certainly pass laws that enable them to earn hundreds of millions of dollars through the theft and looting of land and property, and through reconstruction operations, having already begun by passing these barbaric laws.

The expropriation and theft of properties through introducing legislation that fundamentally violates and disregards international human rights law and violates the most basic property ownership rights of Syrian citizens constitutes a major obstacle to the return of refugees and IDPs, amounting to enforced evictions and to an effort to manipulate demographics and social structures. The basic and only acceptable solution and response to the regime's criminal actions remains in the total popular rejection of these authoritarian, wholly unjust laws and the exposing of the practices and underhand behavior of the ruling authorities, and to emphasize that if these authorities continue to govern Syria, there will be no security and no return of refugees, in light of the continuing presence of such medieval practices and laws.

In addition to legalizing the theft and expropriation of land and property, the Syrian regime has opened the door wide to its armed forces and affiliated local militias to carry out large-scale theft and looting of the areas that have been displaced after storming them with the support of Russian forces. We have documented systematic ransacking and looting of the contents of houses and shops in the Eastern Ghouta in Damascus Suburbs governorate, in southern Syria, and other areas. The Syrian Network for Human Rights is currently preparing an extensive study on the looting and vandalism of the contents of houses, a report which we have been working on for more than a year, which conclusively proves that this is a widespread and officially endorsed tactic and strategy repeatedly followed by the Syrian regime in all areas it controlled, with many of these practices having a sectarian character, as shown in a number of photos and videos published by various forces and militias affiliated with the Syrian regime.





Looting of property carried out by elements of Syrian Regime forces in al Yarmouk Camp, south of Damascus - May 21, 2018
- Photo source: activist Ali al Ahmad



Looting of property by elements of Syrian Regime forces in the western neighborhoods of Aleppo city - November 17, 2016 - Photo source: activist Edward Dark

SNHR contacted Mr. Methqal⁵, whose property was looted at the hands of Syrian Regime forces and affiliated militias. He told us: **"In early 2019, I decided to return to my home in Qasr ibn Wardan village in Hama suburbs after I had been displaced to Idlib governorate. The regime had opened a crossing in the Senjar area in the eastern suburbs of Idlib governorate and I went through the settlement procedures and returned to the village. When I arrived at my house, the regime forces had looted everything I owned, and stolen my sheep and taken my house, in which a pro-regime militia commander who controlled the village was living."** Mithqal told us that those who took possession of

⁵ We contacted him on phone on May 25, 2019



his home asked him to prove his ownership of the house with official documents; when he provided the militiamen with the documents requested, the individual who had stolen his home refused to leave the house, instead expelling Mithqal, who added: **“I filed a complaint at the military checkpoint in charge of the area where my house stood, which is supervised by officer Yacoub al Son, but instead of them protecting my rights, I was imprisoned in a nearby military base for 15 days, then they released me to return to my house and I found it burnt down.”**

Mehyar al Salem, from al Mayadeen city in the eastern suburbs of Deir Ez-Zour governorate, was seriously injured in Syrian Regime forces' bombing of al Mayadeen city, with his right foot and the toes of his left foot having to be amputated as a result, while one of his eyes was permanently damaged. Mehyar sought refuge with his family in Turkey in early 2015 for treatment. In mid-2018, his wife returned to al Mayadeen city, which is under the control of Syrian Regime forces, to inspect their house in preparation for their return, but found one of the members of the Iranian militias had taken over the family's home. SNHR met Mehyar al Salem ⁶ in his country of asylum, Turkey, where he told us: **“My deteriorating health and my inability to support my family led me to think about going back despite the dangers I may face there. My wife traveled to inspect the situation in the city and was surprised to find a family living in our house. It was the family of an Iranian militia leader who claimed to have bought the house from me.”** Mehyar said that his wife tried to restore ownership of their home by hiring mediators but was unable to, adding: **“He threatened my wife that he would kill me if I return to the city. He told her: ‘Whoever leaves his house is not entitled to return and must be killed.’ This was not my fate alone. Iranian militias have seized dozens of houses in Deir Ez-Zour. “**

C. Taking advantage of the return of refugees and IDPs to forcibly conscript them:

The Syrian regime has been trying in every way to fill the human shortage in its military forces. It changed its previous age criteria for military service, conscripting those were born after 1982, prosecuting anyone attempting to avoid forced conscription, with regime forces arresting and press-ganging men into service in the formerly liberated areas it seized control of with the support of Russian forces. We documented this repeatedly in the Eastern Ghouta in Damascus Suburbs governorate and in the northern suburbs of Homs.

⁶ On May 24, 2019



Although the Syrian regime officially gave refugees and returning IDPs a period of 15 days to three months to be able to notify the recruitment departments, the regime security forces did not comply with these terms, and we have documented in many monthly reports the detention of refugees and IDP returnees by these forces long before the deadline given, despite their possession of documents proving that they had not passed this deadline.

Mohammad al Yasin from Hama city traveled to Egypt at the beginning of 2012 and obtained a work residence permit there. In February 2019, he decided to return with his family to Syria via Damascus International Airport after he was unable to renew his residency in Egypt. Mohammad notified the recruitment section in Hama city in order to settle his status. Although he received a three-month grace period before he was legally bound to enlist with the regime military, he was arrested a few weeks after his return on March 25, 2019 while passing through a checkpoint, known as al Maknana, near the al Basel outskirt in Hama city. SNHR spoke with Mohammad al Yasin's wife⁷, who told us about his disappearance, saying that she has not been able to obtain any information about his fate since May 2019, stating: **"When my husband was arrested he called me from the military police station in Hama, and asked me to bring him some clothes because he was going to be transferred to the military regiment. The next day I went to see him at the police station. His psychological and health condition were very bad, and he told me that the prison was full of young men wanted for military service."** Mohammad's wife told us that this was the last meeting with her husband, adding that he called her by phone a week later telling her he was in the desert of Deir Ez-Zour. Since then, she said, she had been unable to get any information about him, adding: **"I checked the military police station to ask about him and told me he was missing with another group. When I asked them how you could send them into combat without training, they replied that it was not my business."**

SNHR also spoke with 45-year-old Khaled al Zu'be⁸ from Daraa city, who has been a refugee in Jordan since 2015. Khaled's brother and four of his relatives returned from Jordan to Daraa city in January 2019. Khaled told us: **"Life is difficult here [in Jordan] and there is no future for us in this country. It was the wish of my father to return. He sent the name of my brother and the rest of my relatives to the reconciliation committee, who assured him that there were no cases against them and encouraged them to return. Less than a month after their arrival, my brother and three of my cousins joined the army, although the reconciliation committee told them that they wouldn't be called**

⁷ We contacted her on phone on May 14, 2019

⁸ We contacted him on phone on May 10, 2019



up for military service until three months after their arrival, but a military checkpoint stopped them and they were transferred to the military police. They are now on a frontline in Hama suburbs. One of my cousins was injured, and another was arrested for two months then released after paying three million Syrian pounds [approx. US \$5,825] to the Military Security Branch in Daraa city. This regime is unreliable. Is it possible that my family, which supported the popular uprising since March 2011, now has one of its members fighting alongside this criminal regime?!”

D. The Syrian regime has not rehabilitated the areas it controlled:

Although the Syrian regime obviously does not care about the fate of the IDPs and refugees, being the main reason behind their displacement, it tries to benefit as much as possible from their return by using them in recruitment operations, and as a propaganda tool to suggest that the country is in a stable condition. The fact that the Russian regime also wishes to present this misleading image in order to obtain reconstruction funding from the international community suggests that this is being done solely in order to benefit Russian and Iranian companies. This is further proven by the lack of any effort on the Syrian regime's part to rehabilitate the infrastructure and services in the areas where it has reimposed control along with Russian forces, such as Daraya city, Eastern Ghouta in Damascus Suburbs governorate, the eastern suburbs of Hama and the northern suburbs of Homs. These areas remain devoid of basic services such as electricity, water, health, and schools. The Syrian regime seems to want others to rebuild what the regime have destroyed, and doesn't care whether or not the IDPs or refugees return; those who do return are forced to live amid the rubble of their destroyed homes without even the most basic services as a form of collective punishment for daring to demand freedom, human rights and the ousting of the unjust medieval dynastic ruling system in favor of a modern pluralistic democratic one.

SNHR spoke with Zaina⁹, one of the displaced people from al Shefouniya town in the Eastern Ghouta in Damascus Suburbs governorate. Zaina was forcibly displaced in March 2018 when she fled to Idlib governorate. In January 2019 she and her family returned to al Shefouniya town after concluding a settlement with the regime. She says: **“We were shocked by the destruction and total looting of our house. We barely recognized the features of the place, although it was in a good condition before we left for Idlib. We rented another house, which wasn't serviced by the water or electricity networks, and the damaged networks in the town have not been repaired yet. We had to buy batteries for electricity and to fill the water [from tankers] daily and take it home.”** Zaina added

⁹ We contacted her on phone on May 23, 2019



that the entire town now has only one school, saying : **“We are back despite all the risks we may face in an attempt to have a decent life, but here we live with the lowest level of services and do not have the money to cover our basic living expenses.”**

We also spoke to Ahmad al Hamdan¹⁰ , a resident of Douma village in the eastern suburbs of Hama governorate who previously fled to Idlib governorate in February 2018. He and his family returned to Douma village in November 2018. He says: **“Syrian Regime forces looted my house, and I found it badly damaged. I managed to repair it somewhat to make it habitable, but the village is unfit for habitation. Since controlling the village, the regime has not rehabilitated any facilities. There is no dispensary, no school, no water, no electricity. We rely on our own electricity generators. The regime continues to announce the return of normal life through its media, but the reality is that our lives are non-existent and we do not have the minimum necessities of life.”**

IV. Conclusions and Recommendations:

Conclusions:

- The Syrian authorities have committed several types of violations that amounted to the level of crimes against humanity, as documented by the Syrian Network for Human Rights team, including extrajudicial killings, torture, sexual violence and enforced disappearance, according to reports of the Independent International Commission of Inquiry, along with other types of violations which reach the level of war crimes such as indiscriminate bombardment, the shelling of hospitals, schools, siege, the use of chemical weapons, cluster munitions, barrel bombs and so on, to such a degree and intensity that all the violations cannot be catalogued in one report; all these violations have resulted in the dispossession and displacement of nearly half of the Syrian population, either as IDPs or refugees.
- As this report demonstrates, in addition to these crimes, several more of the fundamental rights of these IDPs and refugees have also been violated by the Syrian authorities, which have also clearly violated Principle 21 of the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons, which clearly states:
 1. No one shall be arbitrarily deprived of property and possessions.
 2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

¹⁰ We contacted her on phone on May 23, 2019



a) Pillage;

b) Direct or indiscriminate attacks or other acts of violence;

c) Being used to shield military operations or objectives;

d) Being made the object of reprisal; and

e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

It also violated principle 28: "Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity."

- The return of Syrian refugees to their homeland is the best solution to their plight, but there can be no safe return for refugees unless and until the United Nations High Commissioner for Refugees (UNHCR) ensures their protection, restitution of their property, rights and dignity, and holds the perpetrators of violations who caused their displacement accountable for their crimes. This is impossible to achieve so long as the current regime remains in power, which instead carries out systematic and planned theft and looting of property and land.

Recommendations:

UNHCR:

- Notify refugees of the dangers of return in the absence of any change to the ruling regime in Syria, and periodically alert refugees to this.
- Place no trust in the promises of the Russian regime to ensure the protection of refugees upon their return to Syria, more especially for those refugees who contributed to the popular uprising calling for the overthrow of the regime and the government.
- Closely monitor the situation of refugees who have returned to Syria and report on the violations they have suffered. The Syrian Network for Human Rights is prepared to provide all the data included in this report required for this purpose.

Security Council and the United Nations:

- The issue of Syrian displaced persons poses a regional and international crisis, given the dislocation and forced displacement of more than 11.8 million Syrian citizens. This situation poses a clear threat to the safety and stability of the Syrian people, and the UN Security Council must find a just political solution that safeguards the rights of these displaced and protects their properties from the looting being carried out by the government and the current regime.



- The United Nations and its various constituent organs should make far greater efforts to expose the systematic looting and social and demographic changes being carried out by the Syrian government and regime.

International community:

- The Security Council has totally failed to play any serious role in Syria, and the civilized international community must create an alliance outside the Security Council and take all possible measures to save the displaced Syrian people from the subjugation of the regime, government and security services.

OHCHR:

- Prepare a special report monitoring, detailing and condemning violations suffered by refugees after their return to Syria.
- Expose the practices of the government and the current regime in organized looting and its normalization of such behavior with laws that legitimize these crimes.

Independent International Commission of Inquiry (COI):

- Allocate a paragraph in the next report to include violations by the Syrian government and regime against refugees who have returned and exposing the laws initiated by the Syrian regime with the aim of legitimizing the looting of land and property.

Countries of asylum:

- End the racist harassment campaigns against Syrian refugees that leads them to feel forced to return and thereby risk arrest, enforced disappearance or fatal torture, and assume their responsibilities in this regard.
- Stop forcibly returning Syrian refugees which fundamentally violates the principle of non-refoulement in customary international law, which is binding on all states.
- Put pressure on the international community and the Security Council to find a just political solution that will bring about the essential change of government from the current tyrannical ruling regime towards stable democratic governance, which will ensure the voluntary return of Syrian refugees to their country and land.

The Syrian regime:

- Stop introducing legislation that legitimizes theft and looting through the People's Assembly, which is controlled by the security services and controls all its decisions.

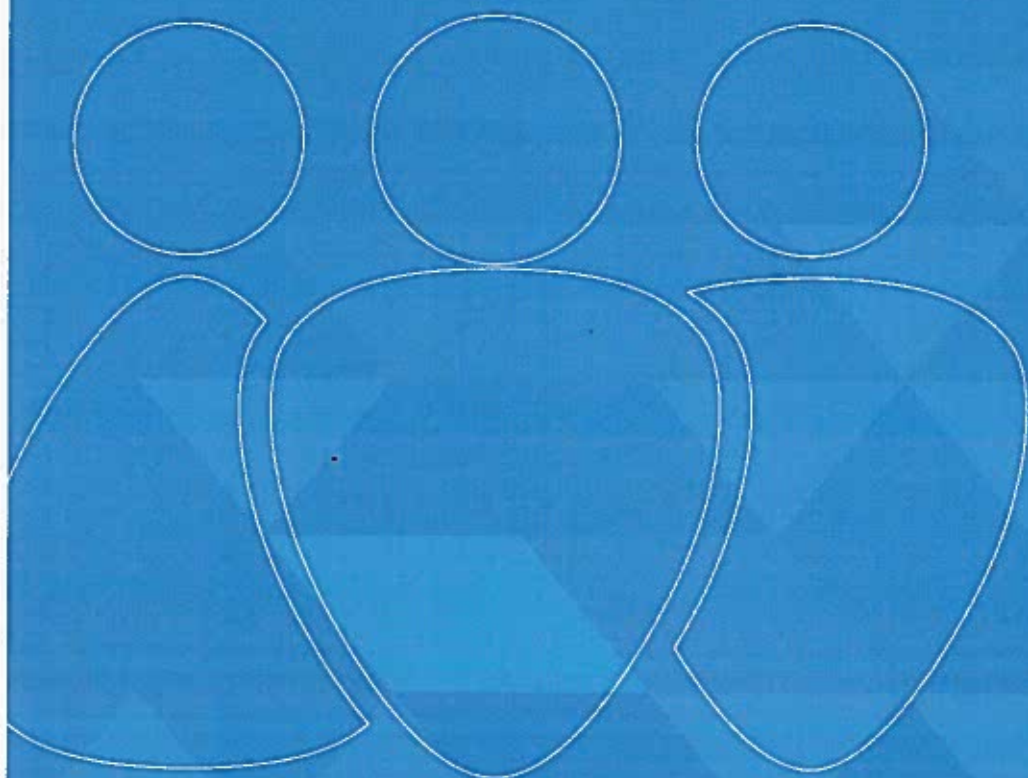


- Compensate the Syrian citizens whose houses were destroyed by aerial bombardment using barrel bombs and other munitions carried out by Syrian and Russian forces.
- Release approximately 130,000 detainees and enable the just and lawful restitution of their land and property issues.

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