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## 143 Arbitrary Arrests/ Detentions Documented in Syria in January 2022, Including Two Children

Further Restrictions on Freedom of  
Expression Affect Even the Slightest  
Criticism of the Syrian Regime's Corruption



Wednesday 2 February 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 analyses in Syria.

Content

I. Background and Methodology.....2

II. Summary of the Most Notable Events Related to the Detainees Issue in January.....4

III. Record of Cases of Arbitrary Arrests by the Parties to the Conflict January.....7

IV. Most Notable Cases and Incidents of Arbitrary Arrest/Detention in January.....9

V. The Most Notable Work Carried Out by SNHR on the Detainees Issue.....13

VI. 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.....14

VII. Conclusions and Recommendations.....17

## 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 cataloguing whether detainees are released or join the ranks of the forcibly disappeared has been one of the greatest challenges and difficulties faced by the Syrian Network for Human Rights (SNHR), as is clarified in our methodology<sup>1</sup>.

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.

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 January 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 SNHR's Detainee and Forcibly-Disappeared Department daily:

- Records cases of arrest/ detention/ torture which departmental personnel collect from various sources, such as victims' families, SNHR members in Syrian governorates, cooperating local activists, and former detainees (survivors of detention), conducting daily updates of data on cases of arrest/ detention, enforced disappearance and release, according to verified information on the person's condition, before diligently working to contact the families of the detainees and forcibly disappeared persons, and those close to them, for the purpose of collecting as much information and data as possible, in light of the extraordinary and extremely complex challenges.
- This information, once received, is then registered on the database after being cross-checked with several sources. The Detainee Department also constantly works to pursue any new leads or information about each detainee, the place of detention, and his or her current conditions via continuous interaction with the detainees' families and those close to them, as well as meeting with survivors of arrest/ detention and documenting their testimonies about the circumstances and experience of their detention and the violations they were subject to, along with those whom they saw within the detention centers.

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. Summary of the Most Notable Events Related to the Detainees Issue in January:

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 January are the following:

**First:** Syrian regime forces continued in January 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 arrests targeting civilians in connection with their criticism of the deteriorating living conditions in the regime-held areas.

**Third:** We recorded random incidents of arrests of citizens in Damascus Suburbs governorate, with most 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, including individuals who had concluded settlements of their security status.

**Fourth:** We recorded separate arrests in many Syrian governorates, most notably Damascus and Aleppo, in connection with civilians receiving money transfers from their relatives outside Syria.

**Fifth:** We documented arrests carried out by the regime's security services of civilians who had previously been released from regime detention centers, with these arrests being carried out with the aim of materially extorting the families of detainees.

**Sixth:** We documented arrests targeting a number of returning civilians, all refugees and IDPs, after they returned to their original areas, now back under the control of Syrian regime forces; these were concentrated in Hama and Aleppo.

In terms of releases from prisons and detention centers in January, we documented the release of 18 detainees held by the Syrian regime, most of them from Damascus Suburbs, Daraa, and Hama governorates, who were released from regime detention centers in Damascus after the end of their arbitrarily imposed sentences. According to the released individuals' families, relatives, and friends, and to the information recorded on our database the former detainees spent an average period of between one and three years in the Syrian regime's detention centers, where they were held in extremely poor conditions which included being subjected to torture, and endured an almost complete lack of healthcare and medical care, along with severe overcrowding; all had been arrested without receiving any explanation of the reasons for their detention and without any arrest warrants being provided.

On January 25, 2022, the Syrian regime issued a partial amnesty through Legislative Decree No. 3 of 2022 granting a general amnesty to internal and external crimes of desertion from military service committed before January 25, 2022, under the following:

- a. For the full penalty for the perpetrators of the crimes of internal escape stipulated in Article 100 of the Military Penal Code.
- b. For the full penalty for the perpetrators of the crimes of external escape stipulated in Article 101 of the Military Penal Code.

In addition, the amnesty provisions did not include defectors who were fugitives and evaders unless they surrendered within three months for internal flight and four months for external flight. The Syrian Network for Human Rights did not monitor any releases under this decree, because most of those covered by the decree are forced back into military service again before being released.

Meanwhile, Syrian Democratic Forces continued enforcing the group's policies of arbitrary detention and enforced disappearance in January, with the number detained increasing this month as SDF personnel continued carrying out campaigns of mass raids and arrests, targeting civilians on the pretext of fighting ISIS cells, with some of these campaigns backed by US-led coalition helicopters. We also documented arrests targeting civilians from the same families, with these arrests concentrating in Raqqqa and Deir Ez-Zour governorates. In addition to these cases, we documented an arrest of a member of the Kurdish Yekiti Party, who was released after being severely beaten in Hasaka city.

We also recorded Syrian Democratic Forces kidnapping two 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.

January also saw Hay'at Tahrir al Sham 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. 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. We also documented arrests carried out by Hay'at Tahrir al Sham personnel of civilians affiliated with Hizb ut-Tahrir in connection with their criticism of Hay'at Tahrir al Sham, as well as the arrests of a number of sheikhs from inside a Quran memorization institute in Idlib city.

Meanwhile, all Armed Opposition factions / Syrian National Army also continued carrying out arbitrary detentions and kidnappings in January, 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 and village headmen on charges of collaborating with Syrian Democratic Forces. These arrests 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 131,000 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.

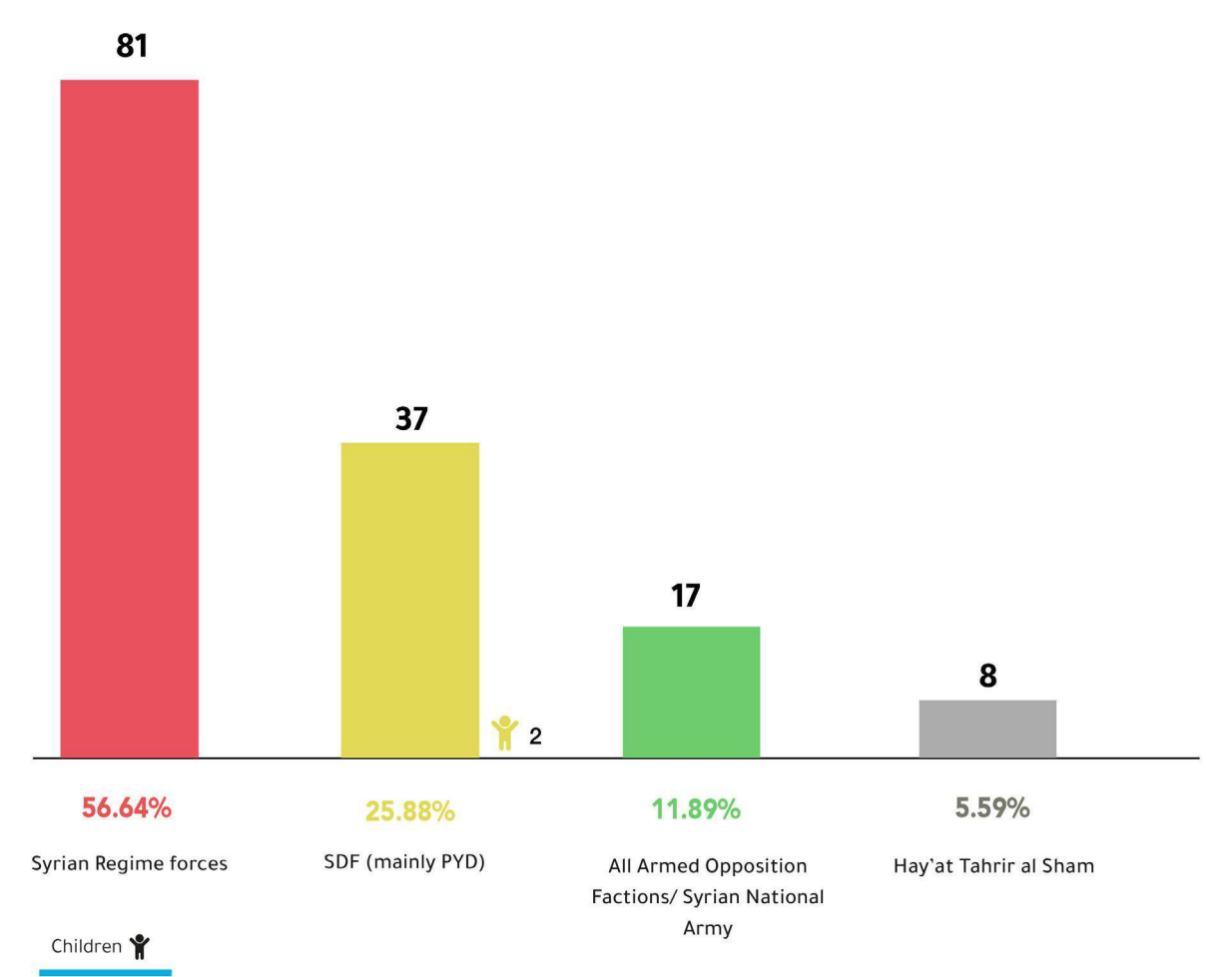
Rather than releasing prisoners of conscience and other detainees, including detainees whose sentences have ended, in order to contribute to alleviating the terrible overcrowding suffered by detainees which poses an additional threat to their lives due to the spread of the coronavirus, the Syrian regime 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.

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

**Record of cases of arbitrary arrests in January:**

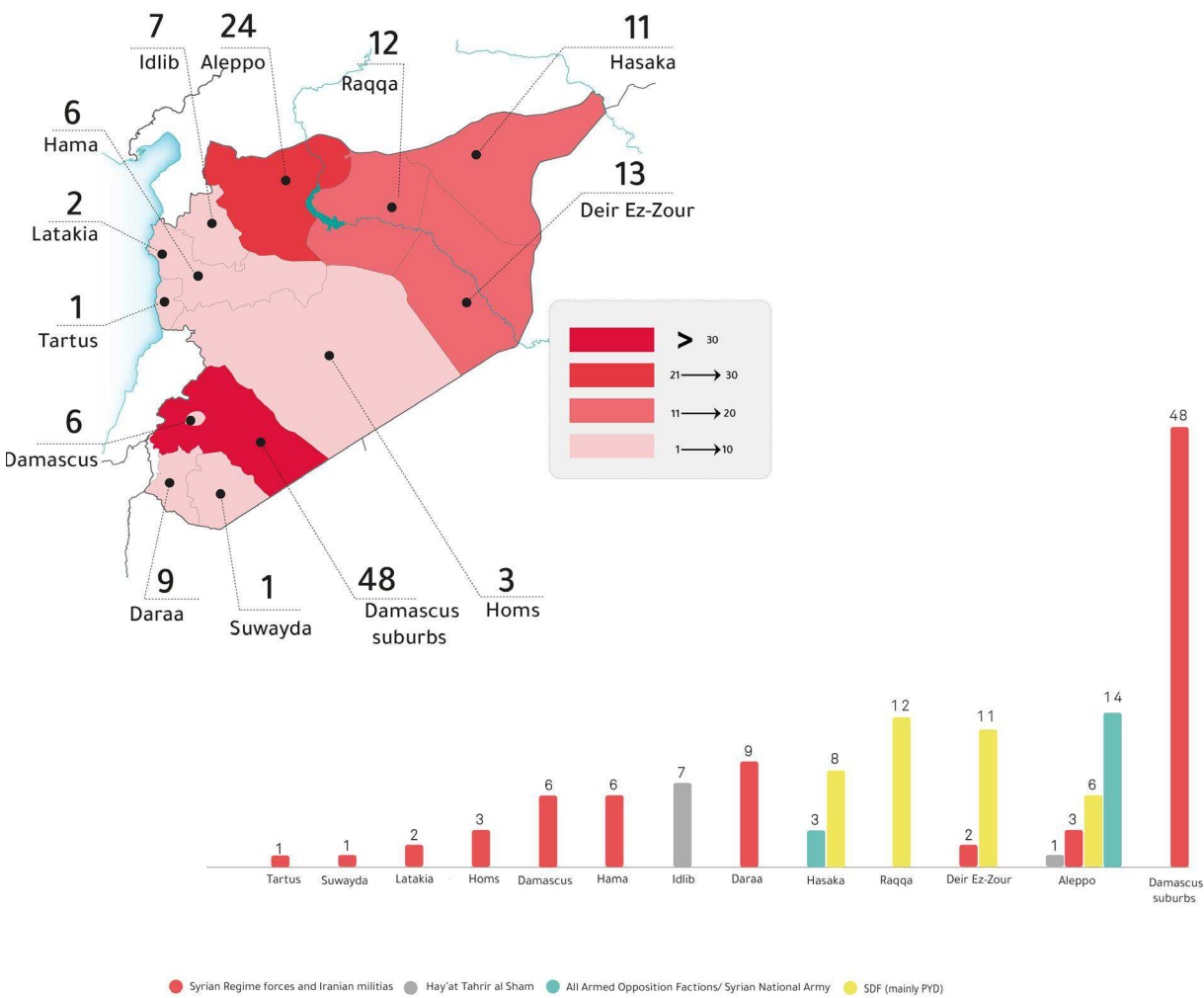
In January 2022, SNHR documented at least 143 cases of arbitrary arrest/ detention, including two children, at the hands of the parties to the conflict and the controlling forces in Syria, 116 of which have subsequently been categorized as cases of enforced disappearance.

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



- A. Syrian Regime forces:** 81 individuals. 12 of these have been released, while 69 individuals have subsequently been categorized as cases of enforced disappearance.
- B. Hay'at Tahrir al Sham:** Eight individuals. Two of these have been released, while six individuals have subsequently been categorized as cases of enforced disappearance.
- C. All Armed Opposition factions/ Syrian National Army:** 17 individuals. Four of these have been released, while 13 individuals have subsequently been categorized as cases of enforced disappearance.
- D. Syrian Democratic Forces:** 37 individuals, including two children. Nine of these have been released, while 28 individuals have subsequently been categorized as cases of enforced disappearance.

The cases of arbitrary arrests/detention documented in January 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/detention during this period were seen in Damascus Suburbs governorate, followed by the governorates of Aleppo, Deir Ez-Zour, Raqqqa, then Hasaka.

The map above also shows an increase in the number of arbitrary arrests/detentions in Damascus Suburbs governorate due to Syrian regime forces carrying out widespread arrests, some of which were on a mass scale, targeting civilians from various backgrounds.

## IV. Most Notable Cases and Incidents of Arbitrary Arrest/Detention in January:

### A. Syrian Regime forces:

#### - Most notable incidents:

On Tuesday, January 4, 2022, personnel from the Syrian regime's Political Security Force carried out a campaign of raids and arrests in Qedsayya city in Damascus Suburbs governorate. SNHR documented the arrest of seven civilians, all of whom had previously settled their security status, with all the detainees being taken to an undisclosed location.

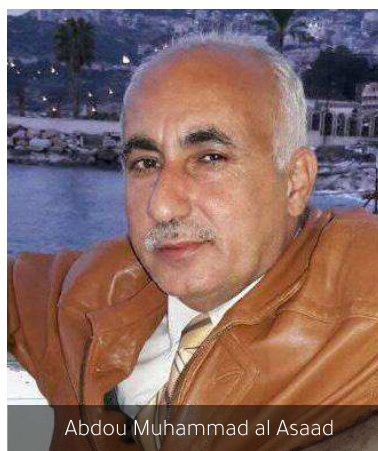
On Thursday, January 13, 2022, personnel from the Syrian regime's Military Security Force carried out a campaign of raids and arrests in Khan al Sheeh town, west of Damascus Suburbs governorate. SNHR documented the arrest of six civilians, who were taken to one of the regime's detention centers in al Keswa city to the south of Damascus Suburbs governorate.

On Friday, January 14, 2022, Syrian regime forces personnel carried out a campaign of raids and arrests in the neighborhoods of al Shamiya and al Wadi in al Hama town, west of Damascus Suburbs governorate. SNHR documented the arrest of three civilians, who were taken to one of the regime's detention centers in Damascus city.

On Monday, January 17, 2022, Syrian regime forces personnel carried out a campaign of raids and arrests in al Sabil neighborhood in Daraa city. SNHR documented the arrest of three civilians, who were taken to one of the regime's detention centers in Dara city before being released after some hours of detention.

#### - Most notable cases:

Abdou Muhammad al Asaad, born in 1967, an engineer specializing in electricity generating stations and the former operating manager of al Zara station in the southern suburbs of Hama governorate, from Hanjour village, which is administratively a part of Misyaf city in southwest Hama governorate, was arrested by personnel from the Syrian regime's Criminal Security forces on Monday, January 10, 2022, in connection with criticism of poor living conditions and corruption in Syrian regime-controlled areas on his Facebook account, and taken to the Criminal Security Branch in Hama city. We recorded his release on January 13, 2022.



Abdou Muhammad al Asaad

Muhannad Saleh, from al Hama town, west of Damascus Suburbs governorate, was arrested by Syrian regime forces on Thursday, January 13, 2022, as he was passing through one of the regime's checkpoints while traveling from al Hama town to Damascus city, and taken to an undisclosed location.

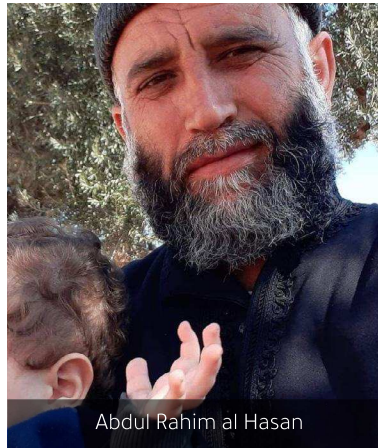
**B. Hay'at Tahrir al Sham****- Most notable incidents:**

On Monday, January 25, 2022, gunmen affiliated with Hay'at Tahrir al Sham arrested/detained five sheikhs specializing in Quran memorization, after carrying out a raid on their workplace at the Vanguard of Faith (Tala'ea al Iman) Institute for Quran memorization in Idlib city, taking them to an undisclosed location. The arrest was accompanied by the closure of the institute and the suspension of its work.

**- Most notable cases:**

Abdul Fattah Ebeid, from Idlib city, was arrested/detained by personnel affiliated with Hay'at Tahrir al Sham on Wednesday, January 12, 2022, in front of the National Hospital in Idlib city, after he hospitalized one of the wounded individuals involved in a quarrel that took place in Idlib city, and was taken to an undisclosed location.

Abdul Rahim al Hasan, affiliated with Hizb ut-Tahrir, from Kelli town in the northern suburbs of Idlib governorate, was arrested/detained by other personnel affiliated with Hay'at Tahrir al Sham on Saturday, January 15, 2022, in Kelli town on grounds of criticizing Hay'at Tahrir al Sham, and taken to an undisclosed location.



Abdul Rahim al Hasan

**C. The Armed Opposition/ Syrian National Army****- Most notable incidents:**

On Sunday, January 2, 2022, Syrian National Army forces carried out a campaign of raids and arrests/detention in Hajiko Tahtani village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the arrest of two civilians, on charges of collaborating with Syrian Democratic Forces, with both being taken to an undisclosed location.

On Thursday, January 6, 2022, Syrian National Army forces carried out a campaign of raids and arrests/detention in Jlama village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate. SNHR documented the arrest of four civilians, on charges of collaborating with Syrian Democratic Forces, with all four being taken to an undisclosed location.

**- Most notable cases:**

Ismat Ahmad Abdou, aged 25, from Ba'danli village, which is administratively a part of Jendeires district, Afrin suburbs in northwestern Aleppo, was arrested/detained by gunmen affiliated with Ahrar al Sharqiya faction of the Syrian National Army on Saturday, January 8, 2022, in Ba'danli village, and taken to an undisclosed location.

Hannan Muhammad Musa, aged 57, the Mukhtar (headman) of his home village, Qerba, which is administratively a part of Jendeires district, Afrin suburbs in northwestern Aleppo, was arrested/ detained, along with his son Bashar, by the Syrian National Army forces on Wednesday, January 12, 2022, in the village, with both being taken to an undisclosed location.

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

##### **- Most notable incidents:**

On Saturday, January 1, 2022, Syrian Democratic Forces, backed by a US-led coalition helicopter, carried out a campaign of raids and arrests/ detentions in al Ezba village in the northern suburbs of Deir Ez-Zour governorate. SNHR documented the arrest of four civilians on charges of affiliation with ISIS, with the four being taken to an undisclosed location.

On Sunday, January 9, 2022, Syrian Democratic Forces carried out a campaign of raids and arrests/ detentions in al Suwaydiya Saghir village of al Tabqa area in the western suburbs of Raqqqa governorate, in connection with an anti-SDF demonstration criticizing the living and service conditions in the areas under SDF control. SNHR documented the arrest of nine civilians, who were taken to an undisclosed location. The arrest was accompanied by shooting at the demonstrators.

On Sunday, January 9, 2022, Syrian Democratic Forces carried out a campaign of raids and arrests/ detentions in Madana Kabir village, which is administratively a part of Manbej city in the eastern suburbs of Aleppo governorate. SNHR documented the arrest of three civilians from one family, who were taken to an undisclosed location.

##### **- Most notable cases:**

Abdul Rahim Temmeh, from Ras al Ein city, a staff member in the public relations office of the Kurdish Future Movement in Syria and member of the local council of Ras al Ein city in the northwestern suburbs of Hasaka governorate affiliated with the Kurdish National Council in the city, was abducted by gunmen affiliated with Syrian Democratic Forces on Sunday, January 9, 2022, in the Tam Baidar area in the northwest of the governorate and taken to an undisclosed location.



Abdul Rahim Temmeh

Sidrat al Muntaha Ahmad Melhem, a female child born in 2006, from Fat-touma village, which is administratively a part of al Ya'rubiya town in the northeastern suburbs of Hasaka governorate, was kidnapped for forced conscription by Syrian Democratic Forces personnel on Friday, January 14, 2022, from al Ya'rubiya town, and taken to one of the SDF's conscription camps.



Jeindar Barakat, born in 1988, a member of the Kurdish Yekiti Party in Syria, from Hasaka city, who works in a currency exchange office, was arrested/ detained by Syrian Democratic Forces personnel in a raid on his workplace in the city's al Mufti neighborhood on Tuesday, January 18, 2022, with the Syrian Democratic Forces releasing him after several hours, with signs of torture on his body.



Photos showing signs of torture on Jeindar Barakat's body



Video showing Syrian Democratic Forces' arrest of Jeindar Barakat at his workplace



## V. 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.

## VI. 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:

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, and 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 national sentiment, collusion with external agents and the enemy, supporting and financing terrorism, and weakening the nation's morale, all of which are broad and wide-ranging charges, 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 report 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.).

Regarding the [Counter-Terrorism Court](#) in short, this 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.

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 to the security services and legalizing impunity, with the most prominent of these being the following:

1. Legislative Decree No. 14 of January 25, 1969, stating 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 virtue of an order to pursue issued by the director."
2. 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."
3. Legislative Decree No. 69 of 2008, by which an amendment to the Military Penal Code gave immunity to police and political security personnel, who were previously amongst those who could be tried before the ordinary judiciary, and limited the ability to take action against them or against the army and the armed forces. Paragraph (a) of Article 1 of this decree stipulated: "Crimes committed by each of the officers, warrant officers and members of the Internal Security forces, members of the Political Security Division, and members of Customs Brigade, due to performing the tasks entrusted to them." Paragraph (b) of the same article states, "Prosecution orders for officers, warrant officers, members of the Internal Security forces, members of the Political Security Division, and members of Customs Brigade are issued in a decision by the General Command of the Army and the armed forces, in accordance with the provisions of Article / 53 / of Penal Code and the Military Trial Procedure and its amendments." 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 was banned - if it had ever taken place - for officials at any level of leadership and limited to the senior leadership.
4. Decree No. 55 issued on April 21, 2011, related to counter-terrorism, of which Article 1 states: "Added to Article 17 of the Code of Criminal Procedure, the following paragraph: responsible for law enforcement or authorized tasks investigate the crimes stipulated in Articles 260 up to 339 articles 221 and 388 and 392 and 393 of the Penal Code and collection of evidence and surveillance of the suspects, which should not exceed the reservation for them for seven days subject to renewal from the Attorney-General and in accordance with the data of each file on the unit should not exceed this period of sixty days."

These three decrees and Article 74, 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. We have noted the use of new methods of torture in the past two years that were not used in previous years, which have caused deaths due to torture to continue up to this day. The laws established by the Syrian regime do not justify committing or concealing crimes, because they are not laws but rather pseudo-legal provisions that violate the law.

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 nine 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.

## VII. 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.

## Acknowledgments

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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