

# Arbitrary Arrests and Enforced Disappearances





This report is the fourth in a series, which together constitute the Humanitarian File prepared by the Syrian Civic Platform (SCP). This data was collected through consultations held with nearly 3,500 diverse Syrians between October 2017 and May 2018.

## Contents:

1- Executive Summary .....	3
2- Introduction .....	5
3- Arbitrary arrests And enforced disappearance in The Syrian provinces: .....	8
a- Damascus Countryside province .....	8
b- Deir Ezzor province .....	11
c- Daraa province .....	15
d-Quneitra province .....	18
e- Suweida province .....	21
f-Idlib province .....	25
g-Homs Province .....	28
h-Raqaa province .....	31
i- Hassakeh province .....	34
4- Conclusion: .....	37
5- Political and Legal Analysis: .....	37
6- General recommendations: .....	38

## Executive Summary:

The issue of arbitrary arrest and enforced disappearance is one of the most critical issues affecting Syrians across the country. Government of Syria (GoS) security and intelligence agencies are responsible for the arrest and disappearance of a largest number of political and civil activists, as well as opposition fighters; such detention by the GoS has often been accompanied by systematic torture.

Opposition armed groups have also arbitrarily arrested and forcibly-disappeared rival rebels, as well as medical personnel and media activists. These disappearances have often occurred in light of the infighting that is taking place between various armed groups in areas under contested control.

This report sheds light on the views of the population in various Syrian provinces on the issue of arbitrary arrests and enforced disappearances. It is the fourth of a series of reports that together constitute the Humanitarian File compiled by the SCP and based on community consultation sessions conducted with diverse groups of Syrians between October 2017 and May 2018.

The accompanying reports address the following issues:

- Siege
- Forced demographic change
- The Astana de-escalation zones agreement
- Internally displaced persons (IDPs) and refugees.

The report was based on 304 community consultation sessions conducted between October 2017 and May 2018, in nine Syrian provinces: Idlib, Hassakeh, Raqqa, Deir Ezzor, Homs, Damascus countryside, Suweida, Daraa, and Quneitra. Additional sessions were conducted with Syrians seeking asylum in Turkey, Jordan, Lebanon, and Iraqi Kurdistan. A total of 3,376 people participated in the sessions, 46.6% (1,580) of whom were women, and 705 of whom represented civil society organizations (CSOs).

From the consultations, this report arrives at the following conclusions:

1. In most Syrian villages, towns and cities, arbitrary arrests and the use of enforced disappearance are widespread and are carried out by all parties to the conflict.

2. Detainees suffer gross human rights violations and abuses in detention centers and facilities; each day that passes will likely see more of the disappeared tortured or executed.

3. All parties to the conflict operate secret as well as publicly acknowledged prisons.

4. Military and civil judicial oversight bodies do exist; however, most of them are not fair and impartial due to their lack of autonomy, and the high incidences of corruption, bribery and nepotism.

5. The role of CSOs regarding detainees and the disappeared are almost insignificant and limited to providing statistics on their numbers, conducting advocacy campaigns and mobilizing people around the world to support their cases, and in some instances providing lawyers to defend detainees.

## Introduction:

Arbitrary arrest and the use of enforced disappearance by the GoS have prevailed in Syria on a large-scale since the onset of the popular movement in 2011. They constitute methods adopted by the GoS against individuals and groups to suppress popular revolt.

Likewise, in areas under the control of non-state parties in Syria, other forces that have emerged during the Syrian conflict have also arbitrarily arrested and forcibly-disappeared their opponents for various reasons.

Arrests conducted by all parties to the Syrian conflict against individuals and groups in Syria are often not based on legal grounds and not made in accordance with procedures established by Syrian law. This practice can be described as arbitrary detention, which is defined by the Working Group on Arbitrary Detention (WGAD) as detention that contravenes provisions of the major human rights instruments.

The mandate of the WGAD originally defined three categories of arbitrary detention:

- **Category I:** when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty;
- **Category II:** when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by applicable international human rights instruments, such as the detention of persons on the basis of their religion or political opinion.
- **Category III:** when the violation of international norms relating to the right to a fair trial is of such gravity as to make detention arbitrary.

When discussing the issue of arbitrary detention in Syria, it is necessary to also discuss the related issue of enforced disappearance, as the parties to the conflict often arrest their opponents, without disclosing the location of the detainees until they are either released or executed.

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1- Statement by the UN Working Group on Arbitrary Detention at the conclusion of its mission to Italy, November 14, 2008. <https://www.unric.org/it/attualita/20536>

According to the international Convention for the Protection of All Persons from Enforced Disappearance: “enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>2</sup>

There are no precise statistics on the number of detainees and the disappeared in Syria due to the challenges posed by detention documentation. However, according to the Syrian Network for Human Rights (SNHR), the estimated number of detainees is likely to exceed 215,000,<sup>3</sup> (99%) of whom have been detained by the GoS.

The following conclusions with regards to detainees and enforced disappearances were included in Amnesty International’s 2017-2018 report<sup>4</sup> on the issue of detention:

- The Syrian security services held thousands of detainees without trial, often in conditions that amounted to enforced disappearance. Tens of thousands of people remained subject to enforced disappearance, some since the outbreak of the conflict in 2011. They included peaceful critics and opponents of the government as well as family members detained in place of relatives wanted by the authorities.
- Torture and other ill-treatment of detainees by government security and intelligence agencies and in state prisons remained systematic and widespread. Torture and other ill-treatment continued to result in a high incidence of detainee deaths.

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2- International Convention for the Protection of All Persons from Enforced Disappearance. <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx>

3- SNHR estimates the number of prisoners at 215,000 prisoners at least from March 2011 until Dec 2014-115-029. May 2018, <http://sn4hr.org/gallery-1/bft689-13/>

4- Available at <https://bit.ly/1OR8Jwi>

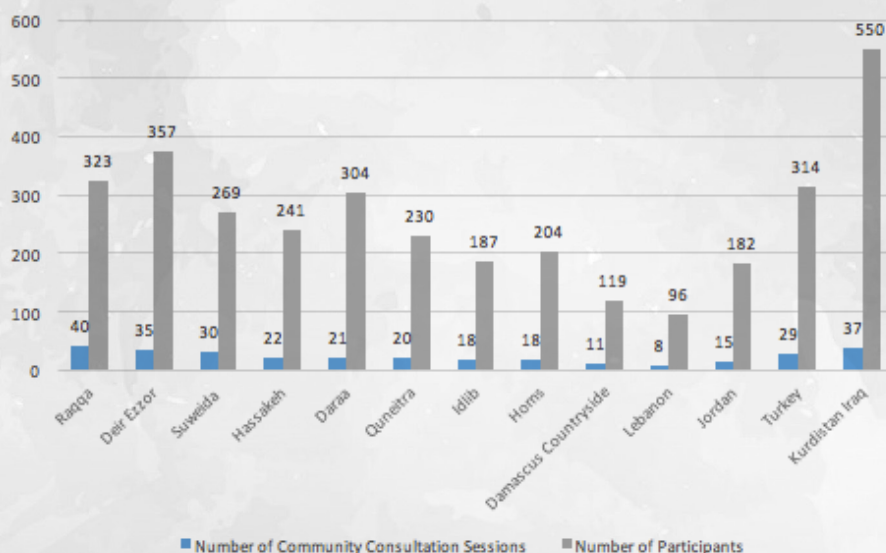
- Government forces carried out unlawful killings of detainees held in their custody in Saydnaya Military Prison near Damascus. As many as 13,000 prisoners from Saydnaya Military Prison were subjected to extrajudicial execution in night-time mass hangings between 2011 and 2015. The victims were overwhelmingly civilians perceived to oppose the government and were executed after being held in conditions amounting to enforced disappearance. Before they were hanged, the victims were condemned to death at the Military Field Court in the al-Qaboun neighborhood of Damascus in “trials” which lasted between one and three minutes.

The Court was notorious for conducting closed proceedings that fell far short of the minimum international standards for a fair trial.

In many cases the practices of opposition armed groups and other armed forces did not differ significantly from those of the GoS with regard to detention and its conditions

This report sheds light on the views of the population in various Syrian provinces on the issue of arbitrary arrests and enforced disappearances.

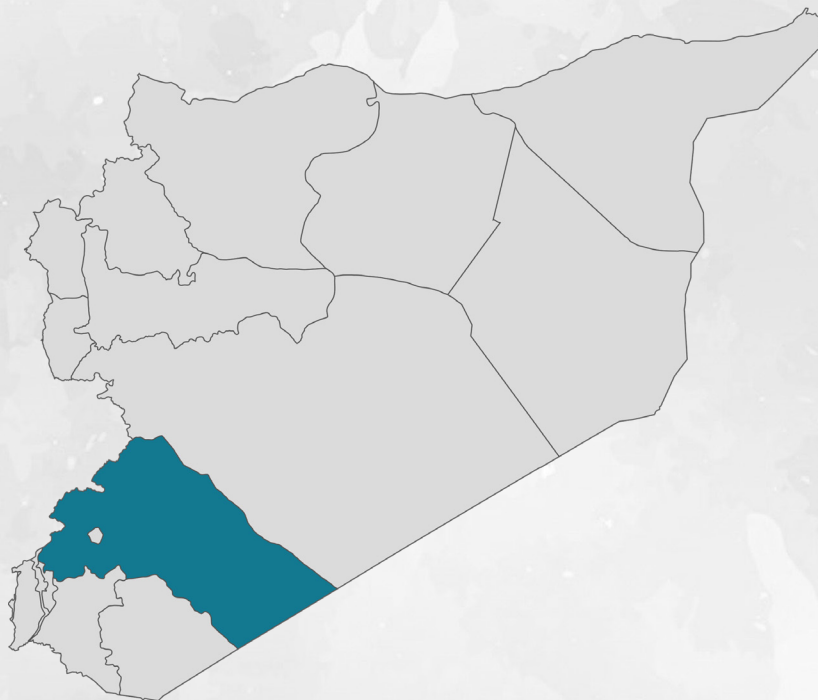
The report was based on 304 community consultation sessions conducted between October 2017 and May 2018, in nine Syrian provinces: Idlib, Hassakeh, Raqqa, Deir Ezzor, Homs, Damascus countryside, Suweida, Daraa, and Quneitra. Additional sessions were conducted with Syrians seeking asylum in Turkey, Jordan, Lebanon, and Iraqi Kurdistan. A total of 3,376 people participated in the sessions, 1,580 of whom were women, and 705 of whom represented civil society organizations. The average time for each session was between 4 and 6 hours.





## Syrian provinces

### Damascus Countryside province



## Syrian provinces:

### I. Damascus Countryside province

Over the past two years, many significant developments took place in the province of Damascus Countryside, which came under full GoS control in the first half of 2018.

Eleven discussion sessions were held with the participation of 119 people, including 70 women. The number of CSOs' representatives who participated in these sessions was 45. In addition, 8 meetings were held in Lebanon with 96 Syrians, 48 of whom were women and 60 of whom were representatives of CSOs.

#### **Arbitrary arrests and the release of detainees:**

According to the participants, after the Astana talks were launched detainees from Damascus countryside were not released. Participants considered the ongoing negotiations in Astana fictitious, and reported that arbitrary arrests were carried out on a daily basis. However, the participants reported that some detainees were released on a case-by-case basis through a prisoner swaps between those affiliated with the GoS and civilian detainees. None of the prisoners of conscience were released. Some have been executed while others remain subject to enforced disappearance.

According to some participants, the names of some detainees have been disclosed and declared dead without their bodies being handed over to their families.

The participants believed that arbitrary arrests and enforced disappearances are systematic, and are conducted by both GoS and opposition armed groups.

#### **Parties responsible for arbitrary arrests and detention:**

The participants indicated that arbitrary arrests began in 2011 by the GoS, the party primarily responsible for indiscriminate arrests in the province. They also reported that there are secret and non-secret prisons run by all parties to the conflict, including opposition armed groups. Some reported that the Damascus Countryside province includes a large number of public and covert prisons, such as Adra and Saydnaya prisons.

### **Detention conditions and treatment of prisoners:**

Participants stressed that there have been numerous human rights abuses against prisoners and detainees. According to reports issued by Amnesty International, as well as images leaked from Saydnaya prison, human rights abuses have been committed there en masse. There is no apparent consideration of human rights in prisons and detentions centers, especially in those which belong to the GoS. Participants believed that prisons and detention centers, whether belonging to the GoS or opposition groups, should be subject to independent control and oversight.

### **Existing judicial bodies and courts in the region:**

With regard to judicial bodies and their impartiality, the participants noted that several parallel judicial bodies exist in opposition-held areas, since each armed group has its own judicial bodies such as local Islamic religious courts. However, in the GoS-held areas, the judiciary is an independent institution nominally functioning under the constitution. In reality, the work of this institution is not independent and not fair. Since the beginning of the Syrian crisis, the Syrian judicial system has become corrupt and is subject to political interference. The Syrian judicial system is composed of civil and criminal courts, military courts, religious courts, as well as the Counter-Terrorism Court.

### **Recommendations:**

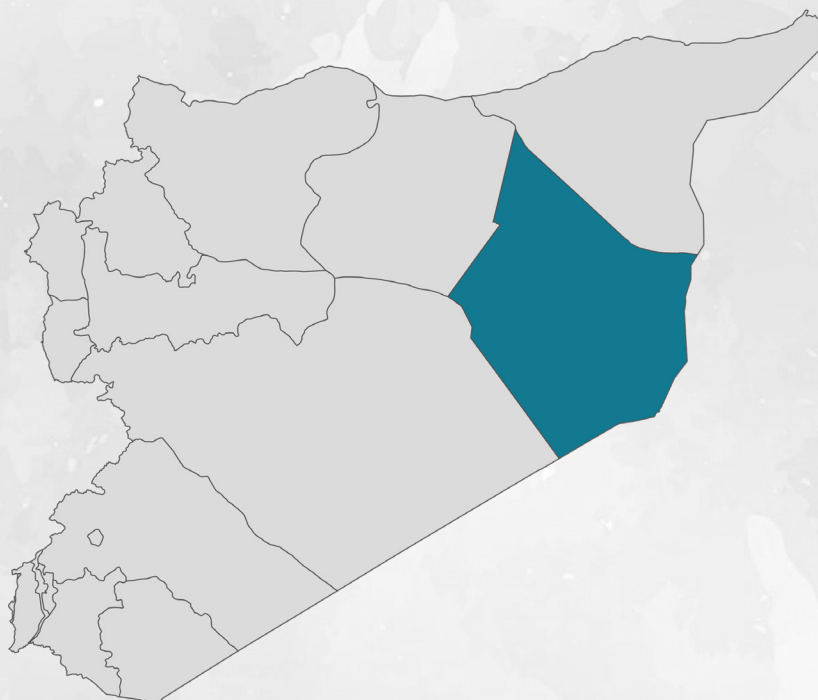
Participants suggested that independent monitoring of covert and public prisons should be activated. However, some participants expressed their lack of confidence in oversight mechanisms as a whole, as monitoring committees and international observers are often directed only to the best possible 'model' prisons, and so do not understand the full scope of the issue.

### **The role of civil society:**

Some participants believed that the role of CSOs was very limited and constrained from making any progress with respect to detainees and the disappeared, and their activism was limited to media engagement. Others indicated that CSOs have assisted detainees in courts by providing them with public and legal defense; CSOs have launched campaigns for the release of detainees, documented the names of detainees, communicated with the families of detainees; and advocated for discussions on the detainee file at almost all negotiation sessions on the Syrian issue at which they have been present.

# Syrian provinces

## Deir Ezzor province



## II. Deir Ezzor province

The military forces that share control of Deir Ezzor are; the GoS, which controls the regions south of the Euphrates River from the city of al-Bukamal in the east to the village of Maadan in the west; the Syrian Democratic Forces (SDF), north of the Euphrates River; and the Islamic State of Iraq and the Levant (ISIL), in small, isolated parts of the province.

For this report, 35 discussion sessions were held; half of them inside Syria, and the other half in the city of Şanlıurfa in Turkey with Syrian refugees from the province.

The sessions took place between February and May 2018. These consultations included 357 participants, 198 of whom were women. Fifty CSOs' representatives participated in the sessions.

### **Arbitrary arrests and the release of detainees:**

All participants, without exception, expressed their lack of confidence in the GoS especially with regard to detainees. Everyone also confirmed that detainees from Deir Ezzor hadn't been released after the start of Astana talks. The reason is that two of the guarantors for the negotiations in Astana -Russia and Iran- back the GoS. Some participants also reported that when detainees are being released, the detainees are still subjected to arrest almost immediately. In addition, participants alleged that complicated or difficult negotiations often resulted in more detainees being killed to pressure the negotiating parties.

### **Parties responsible for arbitrary arrests and detention:**

Most participants believed that arbitrary arrests were carried out by all dominant forces in the region; although most commonly carried out by the GoS, ISIL, and recently the SDF had also employed the tactic. Previously, arbitrary arrests were carried out by Jabhat Fateh al-Sham (formerly al-Nusra Front) as well as the Free Syrian Army (FSA). Participants stated that the largest number of Syrian civilians and activists were arrested and tortured by the GoS. However, they pointed out that after ISIL entered the area, it launched large-scale arrests, similar to what the GoS was doing.

## **Detention conditions and treatment of prisoners:**

Participants said that secret and non-secret prisons are widespread in almost all areas of Syria, especially those held by the GoS. They noted that opposition armed groups also operate prisons and detention centers. The biggest problem posed by covert prisons is that the names of detainees are concealed, as is their eventual fate. One of the publicly acknowledged prisons operated by the GoS in Deir Ezzor is the Central Prison.

In addition, two former education facilities have been converted into prisons. One of the participants recounted his personal experience as a detainee; he stressed that there are many basements and underground corridors in the al-Qusoor neighborhood, and that during his arrest there were underground corridors connecting the court with the Military Intelligence branch.

Most participants stressed that torture and other ill-treatment of detainees in these prisons, particularly those controlled by the GoS, are systematic and widespread. Torture and other ill-treatment continued to result in a high incidence of detainee deaths. In addition, the vast majority of detainees are systematically deprived of food, water, ventilation, medicine and medical care.

Participants also pointed out that it was almost impossible to hire lawyers to defend victims of arbitrary arrests. Often, these detainees are subject to unfair trials and may not be brought before courts, which are mostly military courts that are notorious for conducting closed proceedings that fall far short of the minimum international standards for a fair trial.

A small number of participants indicted that some detainees and prisoners were victims of "organ trafficking."

One of the participants recounted the experience of his father who was previously detained in Deir Ezzor Civil Prison and who witnessed serious human rights violations against detainees, including brutal torture and rape. One of the female participants suggested that the leaked images from GoS prisons are sufficient to clarify the crimes against humanity committed inside these prisons.

### **Existing judicial authorities in the region:**

Participants said that the regime has marginalized the role of lawyers and the judiciary. It is the government security and intelligence agencies that preside over all issues surrounding detainment.

As for areas previously held by ISIL, participants reported that the only judicial bodies recognized by ISIL were religious "Shariah" courts.

In SDF-held areas authorities have established People's Courts. Participants indicated that these courts were corrupt and that camps for displaced persons in the area had been turned into detention centers without any real judicial oversight.

The vast majority of participants stressed that there was no integrity in the GoS and ISIL judicial systems. They noted, however, that judicial processes were slightly better in the Courts established by Jabhat Fateh al-Sham. All participants stressed the ease of dealing with the FSA regarding detainees.

### **Recommendations:**

Participants suggested that special human rights committees and international organizations should be granted access to prisons and detention centers. In addition, steps should be taken to disclose the identities, fates, and whereabouts of all detainees.

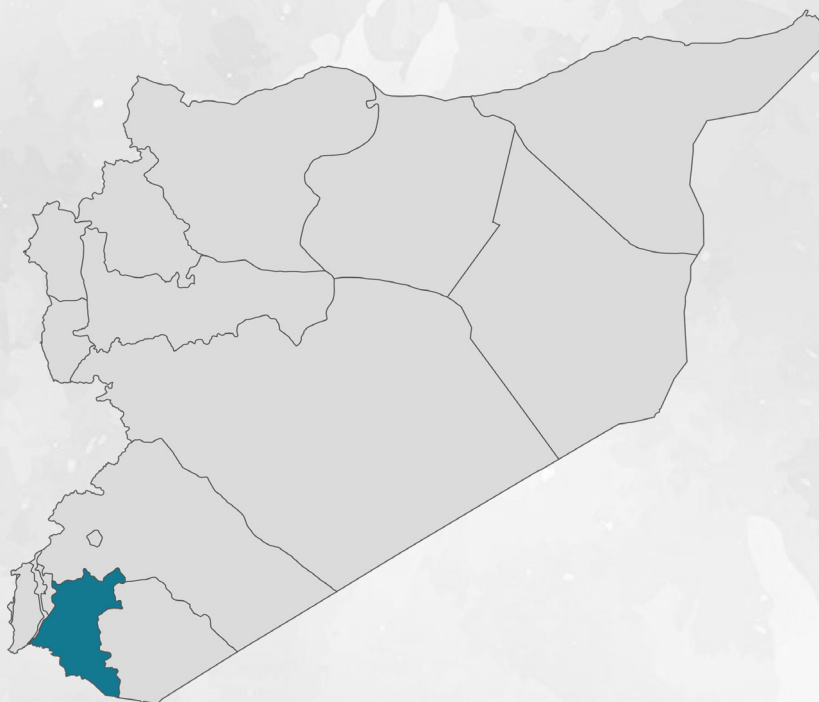
### **The role of civil society:**

Most participants said that there was no role for CSOs in Deir Ezzor because the GoS prevented CSOs from making any contact with detainees. The participants stated that CSOs were well equipped to have an effective role either through media campaigns or through preparing lists of detainees' names which may assist in the documentation processes.

Some participants said that there were some limited interventions made by tribal elders, while others reported that the Red Crescent had intervened, unsuccessfully, to prevent the arrest of families in Hamidiyeh Quarter after the GoS forces entered the area.

## Syrian provinces

### Daraa province





### III. Daraa province

It is important to mention that the situation in Daraa has changed significantly since June 18, 2018, due to the rapid GoS offensive to overtake the area, resulting in the siege of some areas and GoS control of the majority of the province. The information below was gathered prior to this offensive.

Daraa was controlled both by opposition armed groups and the GoS, while ISIL controlled some areas in the Yarmouk Basin and along the borders with the occupied Golan Heights and Jordan.

Twenty-one discussion sessions were held in Daraa with the participation of 304 people, 159 of whom were women and 144 of whom were representatives of CSOs. An additional 15 consultation sessions were held in Jordan with the participation of 182 Syrian refugees from Daraa; 70 of whom were women.

#### **Arbitrary arrests and the release of detainees:**

The participants noted the lack of guarantees provided by any authorities for the release of detainees in the province. They expressed a lack of confidence that any processes were underway that might lead to releases, which generally happen only through the exchange of detainees between the GoS and opposition armed groups. The GoS, through its deployed military checkpoints, continued to practice arbitrary arrests without discrimination.

#### **Parties responsible for arbitrary arrests and detention:**

Participants reported that arbitrary arrests were still being carried out by the GoS as well as opposition armed groups. In their opinion, the GoS is the party primarily responsible for arbitrary arrests of Syrian civilians and activists, followed by opposition armed groups.

The majority also reported that there were public prisons such the Justice Court's Prison, and there were other secret and non-secret prisons belonging to both the GoS and opposition armed groups. Some have said that in Daraa there exist: 1) a secret detention center for women in the Sahari district of Daraa; 2) another secret detention center in the Sahari district; and 3) a prison in the Yarmouk Basin, which is controlled by Islamic armed groups.

### **Detention conditions and treatment of prisoners:**

Most participants stressed that torture and other ill-treatment of detainees in prisons are systematic and widespread. Torture and other ill-treatment continued to result in a high incidence of detainee deaths. It is therefore very important that prisons be monitored by the Shoura Council located in FSA-held areas, as well as by the United Nations in GoS-held areas.

One of the participants, who was previously detained, spoke of horrific torture methods against detainee. He also pointed out that most of the detainees he met were relatives of persons who participated in the popular protests, Detainees regularly remain in prisons for long periods of time without trial.

### **Existing judicial authorities in the region:**

Participants reported that there is only one judicial body in the region, the Justice Court, but it is corrupt and lacking in logistical support, expertise and operational power.

### **Recommendations:**

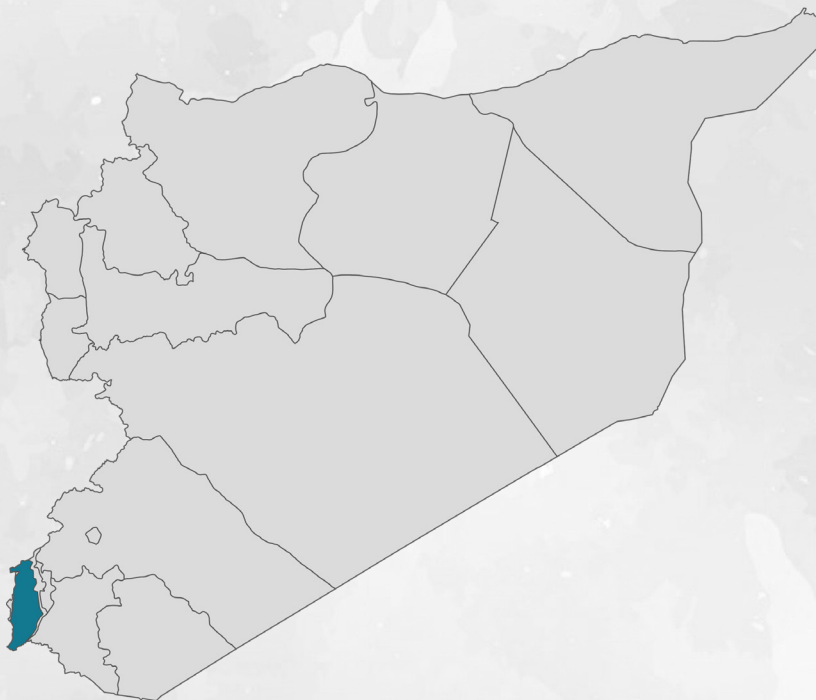
Participants insisted on the need to place prisons under international supervision, and on the application of universal human rights principles with regard to the treatment of detainees.

### **The role of civil society:**

Some participants recognized no role for CSOs with regard to the issue of detainees, while others believed that CSOs had been engaged with judiciary bodies and dignitaries, and had exerted considerable efforts to shed light on what detainees face in prisons and detention centers. CSOs also communicated with human rights organizations to support the issue of detainees. The participants indicated that there were many reports on the issue of detainees secretly conveyed to the United Nations through CSOs.

# Syrian provinces

## Quneitra province



#### **IV. Quneitra province**

It is important to mention that the situation in Quneitra has changed significantly since June 18, 2018 with the rapid GoS offensive to overtake the area, resulting in the siege of some areas and GoS achieving control of the majority of the province. The information below was gathered prior to this offensive.

Opposition armed groups controlled most of Quneitra province, while the GoS (previously) controlled only the city center and some outlying areas. The provinces of Quneitra and Daraa neighbor one another, making the two provinces strategically linked.

Twenty discussion sessions were held in Quneitra with the participation of 230 people, 62 of whom were women and 27 of whom were representatives of CSOs

##### **Arbitrary arrests and the release of detainees:**

Some participants reported that even after the launch of the Astana talks, assurances about the release of detainees were no more than rumors in order to gain time and to satisfy public opinion. Detainees hadn't been released in the province, especially those who have been detained since the beginning of popular protests. All the negotiations that had taken place and are still taking place on the issue of detainees are perceived to be futile. Others pointed out that there are many students who have been arrested from universities and whose fate has not been made public. According to the participants, the issue of detainees is an important and critical one for all Syrians, and any solution that does not address the issue of detainees is a futile solution. Participants were adamant that this issue should be a major and essential component of any negotiation process.

##### **Parties responsible for arbitrary arrests and detention:**

Participants recalled that arbitrary arrests began in 2011 by the GoS, which is primarily responsible for indiscriminate arrests. They also reported the existence of covert and public prisons belonging to all parties to the conflict. Additionally, some pro-Syrian government militia members, as well as some groups affiliated with opposition groups, arbitrarily arrest or kidnap people for personal gain and ransom.

### **Detention conditions and treatment of prisoners:**

Most participants stressed that torture and other ill-treatment of detainees in prisons are systematic and widespread. Torture and other ill-treatment continue to result in a high incidence of detainee deaths.

Participants pointed out that both the GoS and opposition armed groups have been involved in torturing detainees. They also pointed out that detainees in secret prisons are subject to all kinds of inhuman practices such as flogging, breaking bones and removing nails. The participants stressed that arbitrary arrests, without trials, are in themselves gross violations of human rights.

### **Recommendations:**

Participants suggested the following steps:

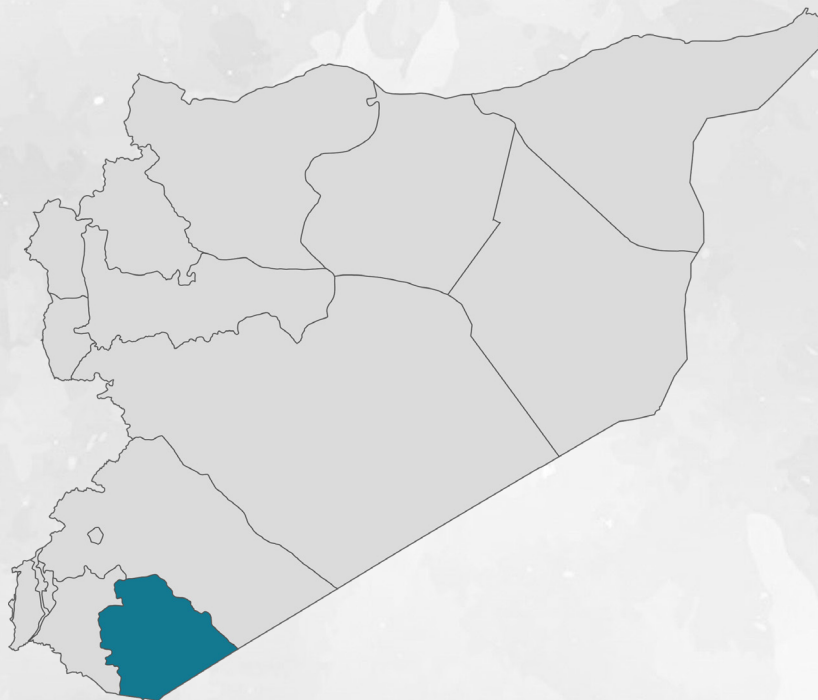
- Place the monitoring of prisons under jurisdiction of international monitoring bodies;
- Independent and impartial judicial authorities should be further involved with the issue of detainees.

### **The role of civil society:**

The participants observed that CSOs have no role regarding the issue of detainees; if any, their engagement was limited to individual initiatives to document the number of detainees.

# Syrian provinces

## Suweida province



## **V. Suweida province:**

Suweida province is under the full control of the GoS. The province is host to a high concentration of IDPs from Daraa and other areas. Thirty discussion sessions were held in Suweida with the participation of 269 people, 172 of whom were women and 48 of whom were representatives of CSOs.

### **Arbitrary arrests and the release of detainees:**

Participants indicated that there are currently no detainees in the area, but there are a number of those who were previously detained. No release of detainees was noted either before or after the start of the Astana talks. The participants pointed out that there is leniency and negligence on the part of the United Nations Special Envoy for Syria Mr. Staffan de Mistura, on the issue of detainees as he does not exert enough pressure on the GoS for their release. If some are released, the numbers are small compared to the large number of detainees who remain in the GoS prisons.

According to some participants, released detainees suffer from serious psychological problems in addition to their physical injuries. The participants mentioned many cases of detainees whose families do not know anything about them, especially those displaced from Homs.

In the words of one participant; "My husband was arbitrarily arrested by the GoS and we were asked to pay 300,000 Syrian pounds for his release, or he will be sent to Damascus to be lost in prisons."

### **Parties responsible for arbitrary arrests and detention:**

According to the participants, arbitrary arrests were widespread at the beginning of the popular movement, but currently the number of arbitrary arrests is limited. However some of the militias affiliated with the Syrian security services in the province are involved with kidnapping, robbery, killing, and extortion.

Participants reported the existence of secret and non-secret prisons, and noted that no one is allowed to enter the Suweida Central Prison without the permission of the Attorney-General. Some also reported that Jabhat Fateh al-Sham have prisons and cellars that contributed to the elimination of the FSA and its expulsion from parts of the province.

### **Detention conditions and treatment of prisoners:**

According to the participants there is no respect for human rights in prisons, as some reported that there were many detainees who were tortured to death, and that arbitrary arrests targeted primarily political and civil activists.

In the words of one former detainee: “when I was detained, there were many detainees who died under torture or disappeared without knowing what had happened to them. And there were detainees who had to admit the involvement of family members or relatives because of the severity of their torture.”

### **Existing judicial authorities in the region:**

Participants said that there were only two judicial bodies in Suweida, the civil judiciary and the military judiciary, both of which are affiliated with the GoS. The participants expressed their lack of confidence in both bodies because they lack independence, and because of their subordination to the executive authority, especially the Syrian security services. Corruption also contributes to their dysfunction.

Others reported that 70% of judges in Suweida are fair and impartial. However, the executive authority’s control over the judiciary more broadly denies the functioning of a just and fair judiciary. Furthermore, the Counter-Terrorism Court subordinates justice to general ‘security concerns.’

### **Recommendations:**

Participants suggested taking the following steps

- Monitoring prisons by human rights organizations or independent bodies in order to ensure the application of human rights standards in the treatment of prisoners;
- Abolish the subordination of prisons to the Ministry of the Interior and subject prisons as well as detention facilities to supervision by the civil judiciary with independent judicial authority.

It is important to note that some participants alleged that the GoS has paid millions of dollars to bribe the international monitoring bodies to whitewash their responsibility for the grave human violations against detainees.

One participant said that during the visit of an international monitoring body to the Mezzeh prison in Damascus, at the beginning of the popular movement,



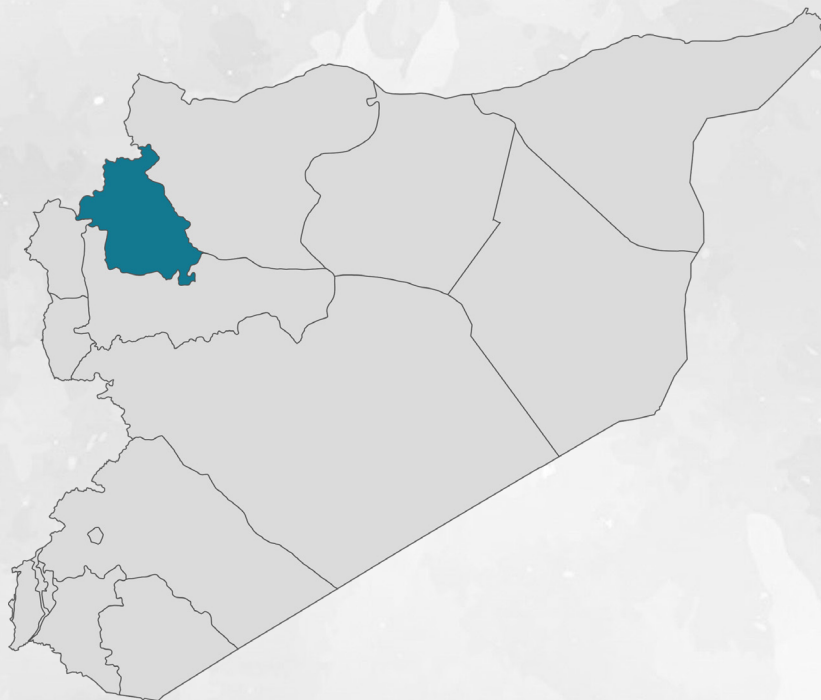
prisoners were transferred in containers to another location until inspections were completed.

**The role of civil society:**

Some participants said that CSOs played different roles to support the issue of detainees, such as announcing the names of detainees and the forcibly disappeared, defending them through lawyers, monitoring human rights violations and arbitrary detentions, and holding vigils to draw international attention to the issue of detainees and the forcibly disappeared. However, others reported that these organizations hadn't played the required role and had only implemented small interventions because the regime has limited their role.

## Syrian provinces

### Idlib province



## **VI. Idlib province**

Idlib is under the complete control of opposition armed groups, including the jihadist group Jabhat Fateh al-Sham. A total of 18 consultation sessions were held with the participation of 187 persons, 66 of whom were women and 35 of whom were representatives of CSOs.

### **Arbitrary arrests and the release of detainees:**

Most of the participants said that there had been no commitments made by the GoS to release the detainees, and that there were a number of missing persons in areas held by the GoS. Others reported that a limited number of detainees had been released.

### **Parties responsible for arbitrary arrests and detention:**

Most participants believed that all parties to the conflict in the province were involved in arbitrary arrests. Armed groups are also involved in arbitrary arrests related to ongoing reprisals between these groups. According to the participants, the main parties responsible for the arrests are opposition armed groups, stressing the roles of Jabhat Fateh al-Sham, an active Salafist jihadist militant group involved in the Syrian War, and the Syrian Liberation Front, a coalition of Islamist rebel brigades who fought against the GoS. A small number of participants indicated that the GoS was involved in arbitrary arrests and enforced disappearances.

### **Detention conditions and treatment of prisoners:**

The participants reported that there are prisons in the province, both covert and public, and there are violations of human rights in these prisons.

### **Existing judicial authorities in the region:**

The majority of participants reported that there are a number of jurisdictions which differ according to each of the armed groups in the area. Some reported that there was no judicial body active in the area. Additionally, some participants said that violations of human rights in prisons were caused by the absence of an independent civilian judiciary as well as a unified executive authority, and that the judicial process was unfair and unorganized because of military fragmentation as well as its subordination to military factions.

### **Recommendations:**

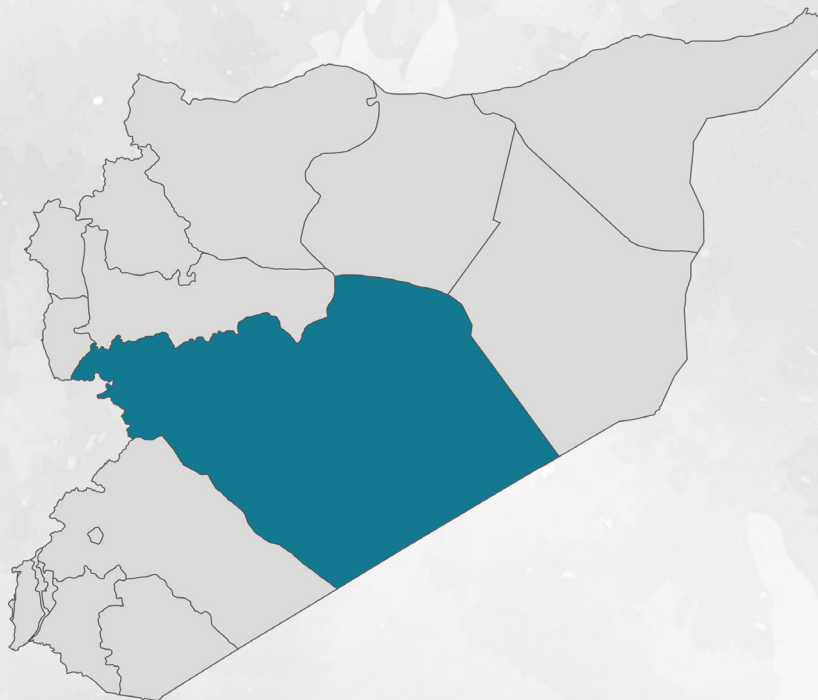
Participants suggested that prisons should be subject to international control, and stressed that there is a great need for human rights organizations to intervene.

### **The role of civil society:**

The majority of participants indicated that there is no role for CSOs in relation to the issue of detainees. Some reported that they have a limited role in negotiating for the release of detainees, documenting the number of detainees, and issuing advocacy papers supporting the issue of detainees and the disappeared.

# Syrian provinces

## Homs Province



## VII. Homs Province

Over the past few years, military forces exercising some control of Homs have multiplied. However in May 2018, a deal was reached in the northern countryside of Homs, the last opposition-controlled part of the province, which provided for an evacuation of rebel fighters and their families from the area.

This agreement covered the towns of Hula, Rastan, and Talbiseh. Thereafter, GoS forces have retaken control of these former opposition strongholds. The deal came after GoS forces threatened to launch a massive military campaign in the area. The area is now fully controlled by the Syrian government and its allies.

In Homs northern countryside, community consultation sessions were conducted before the recent developments in the province. The number of sessions held was 18, with the participation of 204 people, including 80 women and 76 CSOs' representatives.

### **Arbitrary arrests and the release of detainees:**

The participants expressed their lack of confidence in releasing detainees even after the start of the Astana talks, because of the lack of seriousness on the part of the GoS to make progress on this issue. Some participants confirmed that no detainee had been released for years, except in isolated cases where a few were released in exchange for large sums of money. Others reported that a file containing the names of detainees had been submitted to the Russian guarantor as part of the negotiations, but no progress had been made. Some participants reported that, at present, there had been no arbitrary arrests as the area was beyond the control of the GoS (at the time of the consultations).

### **Parties responsible for arbitrary arrests and detention**

Participants stated that the GoS arbitrarily arrested civilians and activists through its military checkpoints deployed in the surrounding areas, while in areas held by opposition armed groups, civilian police were primarily responsible for arbitrary arrests.

### **Detention conditions and treatment of prisoners:**

Participants reported the existence of publicly-acknowledged prisons affiliated with the Sharia Court. There had been some violations in prisons alleged participants but they were negligible compared to violations taking place in GoS prisons.

### **Existing judicial authorities in the region:**

Participants reported that there are religious and judicial courts in the region. Some believed that the judicial process was unfair and partial due to its weak authority and weak judicial capacity and expertise. However, other participants reported that in their experience, the judiciary operated fairly, because of the availability of competent persons in positions of authority, and that judicial decisions are applied with legitimacy and commitment.

### **Recommendations:**

Participants suggested that the United Nations and human rights organizations should prioritize the monitoring of GoS prisons and detention centers due to the number and severity of the situation there, followed by monitoring prisons controlled by opposition armed groups.

### **The role of civil society:**

The participants said that CSOs have played a significant role in supporting the issue of detainees and the forcibly disappeared. They have documented the number of detainees and presented the issue in all negotiations; provided support to the families of the detainees; delivered messages about the suffering of detainees as well as violations committed against them to international bodies and organizations as well as in international forums held on the Syrian issue.

## Syrian provinces

### Raqaa province





## VIII. Raqaa province

Following the expulsion of ISIL from most areas in Raqaa on October 20, 2017, the SDF took control of most of the province. The GoS now controls the parts of the province south of the Euphrates River.

Forty discussion sessions were held with 323 individuals from Raqaa, 115 of whom were women and 37 of whom were CSO representatives.

### **Arbitrary arrests and the release of detainees:**

Participants reported that the GoS had not released any detainees, despite rumors to the contrary.

In areas held by the SDF, tribal mediations were being carried out to release some detainees affiliated with ISIL. There have also been prisoner-swap deals between the SDF and ISIL in which notable ISIL individuals, as well as Kurdish detainees, were released.

The participants pointed out that generally speaking, detainees are not released by the SDF except in exchange for money.

The participants considered the arbitrary arrests a critical issue that disturbs all the residents of Raqaa, where arbitrary arrests are often carried out under the pretext of affiliation with ISIL or as a front for forced recruitment.

### **Parties responsible for arbitrary arrests and detention:**

The responses of the participants differed. Some of them said that ISIL was primarily responsible for the arrests when the province was under their control, while others said that the main parties currently holding detainees are the Syrian security services, as well as the security services of the Kurdish self-administration.

According to participants, the security forces of the Kurdish self-administration include their anti-terrorist units, the Asayish security forces are responsible for domestic security throughout the region, and the People's Protection Units (YPG), which have used arrests as a front for forced conscription.

## **Detention conditions and treatment of prisoners:**

The participants reported that the SDF have both secret and non-secret prisons in Raqqa, and many of the detainees are held in conditions that amount to enforced disappearance. Recently, a secret prison had been established under the Tishreen Bridge. There are prisons in all military headquarters, as well as in houses where VIPs are being held.

In addition, many schools have been converted to serve as secret detention facilities. Some participants reported that the municipal stadium in Raqqa contains a secret prison. In addition, the SDF operates non-secret prisons such as the al-Malyieh and al-Bawabeh prisons. Other participants pointed out that there are also detainees being held in Raqqa's eastern countryside by the GoS. Participants pointed out that arbitrary arrests occur under pre-fabricated charges and without evidence; people are detained without trial, and there remains a conspicuously absent independent judiciary.

## **Existing judicial authorities in the region:**

There are two jurisdictions in Raqqa; one for the Kurdish self-administration, and the other for the GoS. However, in areas held by the SDF, the judiciary is being run by non-specialized civil committees, and often unfair practices privilege Kurdish actors and individuals at the expense of other segments of the society.

## **Recommendations:**

Participants suggested taking the following steps

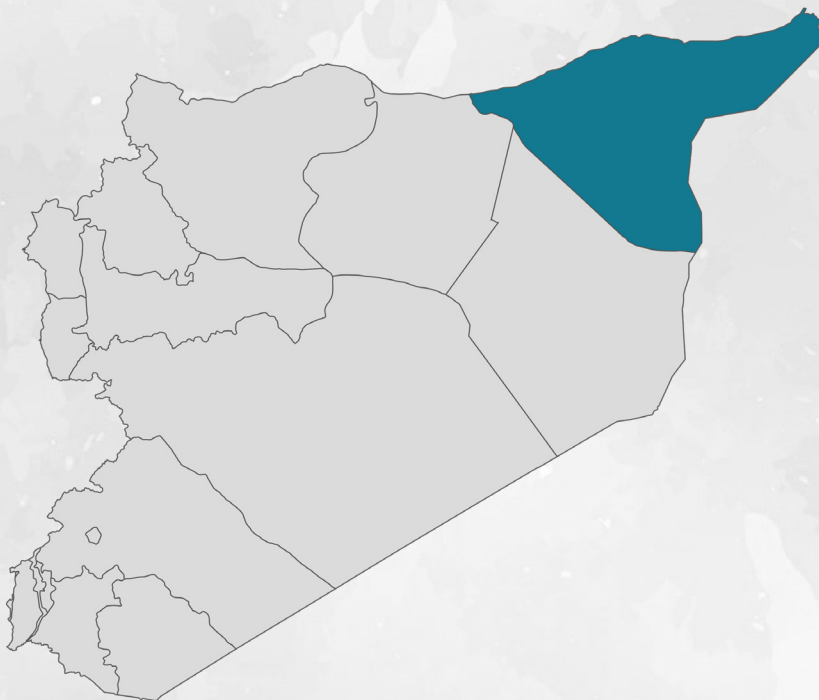
- All secret detention centers should be closed;
- All prisons and detentions centers should be subject to international monitoring, and access should be provided for human rights organizations, international committees such as the Red Crescent and the Red Cross, and local tribal committees.

## **The role of civil society:**

Most participants agreed that, at the present time, CSOs are unable to play any role in supporting detainees because of the overwhelming military force of all parties to the conflict. Nonetheless, participants suggested that going forward CSOs must play a greater role in monitoring, detecting and documenting violations, mobilizing and advocating for the issue of detainees, and monitoring prisons.

# Syrian provinces

## Hassakeh province



## **IX. Hassakeh province**

Hassakeh province is under the control of the SDF, with the GoS controlling the centers of Qamishli and Hassakeh.

Twenty-two discussion sessions were held in Hassakeh province with 241 people 142 of whom were women, as well as with representatives of 77 CSOs. Thirty-seven additional discussion sessions were held in the Kurdistan region of Iraq with 550 Syrian refugees, 210 of whom were women and 15 of whom were CSO representatives.

### **Arbitrary arrests and the release of detainees:**

The participants said that after the Astana talks had been launched, the detainees were not released. The arbitrary arrests were widespread and conducted by the GoS as well as the Kurdish self-administration. However, there were those who reported that a very limited number of political detainees were released.

### **Parties responsible for the arbitrary arrest and detention:**

Participants stated that the two parties primarily responsible for arbitrary arrests in the province are the GoS and the Kurdish self-administration. There are covert and publicly acknowledged prisons present in Hassakeh province controlled by both the GoS and the Kurdish self-administration.

Participants reported that the treatment of prisoners and detainees varies according to prisons. Among the prisons operating in the area are the Moabdeh prison, Hilaleyeh prison, al-Hay al-Gharbi prison, al-Wasta prison, Suez Canal prison.

### **Detention conditions and treatment of prisoners:**

Violations of human rights are rampant in GoS prisons. In addition, families of detainees who search or inquire about their detained family members are subject to blackmail and financial extortion in exchange for information on detainees or their release. In prisons controlled by the Kurdish self-administration, participants reported that there were rare cases of human rights violations. However, there have been many cases in which rights have been violated by various controlling parties, including during the arrest and investigation phases of detainment.

### **Existing judicial authorities in the region:**

Participants reported two judicial systems in the province: the GoS judiciary and the People's Court of the Kurdish self-administration. The judiciary of the GoS is compromised in a number of ways, most notably due to its susceptibility to bribery and regular intervention by the security services, as well as the absence of a supervisory body.

The Kurdish self-administration judiciary is also unfair due a lack of technical capacity--most of the adjudicators have no previous expertise in law and human rights. In addition, these institutions also suffer from corruption and nepotism, as well as interventions by the executive authority of the Administration. Judicial rulings are often issued without reference to laws.

### **Recommendations:**

Participants suggested that prisons should be subject to monitoring by independent bodies, civil society organizations, and INGOs in order to verify detention conditions and document human rights violations.

### **The role of civil society:**

Most participants indicated that there is at present no role for CSOs in Hassakeh regarding the issue of the detainees, except for holding vigils to draw international attention to the issue.

One participant said that his organization regularly visits Kurdish self-administration prisons, inspecting detainees' conditions and facilitating visits by their family members.

## **Conclusion:**

The report concluded with a set of findings based on participants' personal views:

1. In most Syrian villages, towns and cities, arbitrary arrests as well as the used of enforced disappearance are widespread and are carried out by all parties to the conflict.
2. Detainees suffer gross human rights violations and abuses in detention centers and facilities; each day that passes will likely see more of the disappeared tortured or executed.
3. All parties to the conflict operate secret and publicly acknowledged prisons.
4. Military and civil judicial bodies do exist; however, most of them are not fair and impartial due to their lack of institutional autonomy and widespread corruption, bribery and nepotism.
5. The role of CSOs regarding detainees and the disappeared is at present quite insignificant, and is limited to providing statistics on detainee numbers, conducting advocacy campaigns and mobilizing people around the world to support their cases, and in some instances providing legal assistance to detainees.

## **Political and Legal Analysis:**

The continuation of arbitrary arrests is a critical issue in Syria due to its widespread prevalence and the implication of multiple parties. In addition, the issue of enforced disappearance is highly sensitive because of how difficult it is to actually verify figures regarding the number of disappeared or the detention centers in which they are held.

These issues, of detainees and the forcibly disappeared, are being used as leverage in negotiations between various parties to the conflict. Allowing detained persons to become a bargaining chip in negotiations between military actors is a flagrant violation of international law. This has been made clear at the Geneva negotiations, through presenting the issue as a potential confidence-building measure, as well as making proposals for prisoner-exchanges between the GoS and opposition groups.

The United Nations has developed a Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173 of December 9, 1988. It is through these principles that the terminology of unlawful detention has been defined, in addition to 39 articles on the protection of all persons under detention or imprisonment. "5"

Additionally, the following articles of Rome Statute of the International Criminal Court (1988) identify certain aspects of arbitrary arrest and forced disappearance as torture and inhuman treatment.

- According to Article 7, paragraph 1, of the Statute, torture is a crime against humanity when committed systematically and directed against any civilian population. According to the same Article "Torture means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions."6"

- According to the Article 8, paragraph 1, of the Statute, torture or inhuman treatment is a war crime when committed as part of a plan or policy or as part of a large-scale commission of such crimes. According to the paragraph 2 of the same Article war crimes means "Grave breaches of the Geneva Conventions of 12 August 1949," which included torture or inhuman treatment.

## **General recommendations:**

In order to begin to address the issues of arbitrary arrests and forced disappearances, the following must take place:

1. Disclose information on all secret prisons and detention centers, bringing them under the supervision of international organizations and committees and human rights commissions;
2. All secret non-official detention centers should be closed;

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5- Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly Resolution 43/173, December 9, 1988. <https://bit.ly/2vltOxH>.

6- Rome Statute of the International Criminal Court, [http://legal.un.org/icc/statute/99\\_corr/cstatute.htm](http://legal.un.org/icc/statute/99_corr/cstatute.htm)

3. Facilitate access to all prisons and detention centers on a regular basis by international humanitarian actors, particularly the International Committee of the Red Cross.
  4. Abolish the subordination of prisons to the Ministry of the Interior and bring prisons and detention facilities under the supervision and control of an autonomous, impartial, empowered civil judiciary.
  5. Disclose the fate and whereabouts of thousands of detainees in all prisons and detention centers, including those who have died from torture.
  6. The issue of detainees is not subject to negotiation, nor can it be used in political bargaining. Therefore, all parties to the conflict must immediately release all unlawful detainees in prisons and detention centers.
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