

Arrests in Damascus

25 February 2020

The Syrian Regime and its security agencies, including allies, have not refrained from carrying out arrests in the area it controls, for one day. Detention is a common and important tool that the Regime uses to control the local populations. Detention does not include an arrest warrant from a judicial authority, and often includes terrifying physical force upon those arrested. The process can be likened to a method of enforced disappearance, where the detainee is held for weeks, sometimes months until a family or friend is notified or finds out about their imprisonment.

In addition to being detained, the arrestee, is deprived of basic rights, is tortured, and in some cases, killed. Arrests have increased and remain a concern for the residents of Damascus and its people who live in the countryside, however, people do not discuss it publicly, and communicate in secret to each other.

In this paper, the Syrian civil platform monitors the most common patterns of arrests in the recent months, and their implications for public life in the year 2020.

First: Types of arrests

Detention for the purpose of recruitment for compulsory military service:

Arrests for the purpose of recruitment for compulsory military service did not stop for a single day over the past years. This was conducted through fixed and temporary checkpoints that are placed suddenly with unexpected checkpoints to inspect those who have not fulfilled their compulsory military service, and tension and military inspection increases if recruitment dates are approaching. For example, the Syrian military recruitment is on March 15, 2020, thus we can assume there will be a strong recruitment process through detention in the following weeks leading up to March 2020.

The Syrian Regime military apparatus has also summoned those who have also been exempted from compulsory service. An example of this was seen in the city of Douma on January 22, 2020, where at the Harasta military checkpoint, the Syrian regime forces carried out a series of raids, arrests, and careful searches of private and public cars with the intention of detaining men for compulsory military service. The checkpoint near the Harasta Hospital gave the military police review notes for hundreds of students who have either postponed, have sole status, or whom have been exempt from military service previously.

Military and air security agencies have also carried out a campaign of arrests from the markets in Al-Hamah and Qudsaya on February 13, 2020. The aim of this campaign was for recruiting for military service. Temporary barriers were placed in the squares of the city of Jaramana for the same purpose.

Detention for those involved in reconciliation:

Young people have been targeted from the East and West of Ghouta. This also includes the young men from Daraa who were transferred to Damascus, and who made a reconciliation and received a reconciliation status card. Some of them were arrested on the basis of charges or actions attributed to them, and they were referred to the relevant judiciary (Court of Terrorism Cases, Military Judiciary) to be criminalized for acts for which have already been reconciled.

These cases happen at checkpoints during movement from one region to another, and incidents have been recorded in which people were taken from their homes or from public places such as cafes and restaurants, and have even affected people performing military service inside their barracks. Judges state that these settlements

are not binding on the judiciary level, and that the reconciliation does not mean dismissing the public's right to claim, contrary to the promises made to them when approving the reconciliation.

Lawyer H.A says: "I defended a young man from Daraa who made a reconciliation and surrendered to the military police in Daraa. He was then transferred to the military police in Damascus and from there he was transferred directly to the terrorism court."

In the past year, cases of arrests in the towns of Saqba, Hamouriya, Harasta, and Zamalka were monitored by the Air Force Intelligence for 18 young men who were working in civil defense (where armed factions controlled Ghouta). Despite the settlement of their conditions during the reconciliation process, they were still arrested despite the settlement of their conditions during the reconciliations (according to the Syrian Observatory for Human Rights).

Lawyer H.Sh says: "We have a case of a young man from Daraa who joined the military service after settling his status with reconciliations, and after a year and a half of military service he received a warrant from the terrorism court. When he went to attend his session, he was arrested."

Arrests of unknown origin:

The security services of Syrian Regime carry out arrests without mentioning the reason for their arrest to the individuals getting arrested in public places, from their homes, and at checkpoints. Security services, also do not respond to the demands of lawyers to understand the reason of arrest. Also, in many cases detainees are lost while transferring them from one security agency location to another, even if the first arrest is known. On February 11, 2020, in the Qudsaya region, a campaign of arrests took place, as political security erected barricades and suddenly cordoned off the area. 7 young men were arrested for unknown reasons. The Kafr Batna area in Eastern Ghouta witnessed a campaign of arrests that lasted for several days in the beginning of February. The outcome resulted in 12 people being arrested for unknown reasons.

A shopkeeper in Qudsaya said: "It takes a long time without arresting anyone, and suddenly the arrests return, we see that they arrest young men. We do not ask or interfere, otherwise we are arrested with them, and no one knows what the reason is, and no matter what happens, they leave these people afraid all the time."

Arrests for possession of foreign currencies:

Arrests relied on two legislative decrees issued by Bashar Al-Assad, Decree No. 3 and 4 on 18-1-2020 to criminalize foreign exchange trading, or publish news about it, after a wave of protests that affected the Regime's control areas due to the deterioration of the currency rate and the weak purchasing power of the population.

Where Decree 3 stipulates: Preventing dealing in a currency other than the Syrian pound as a method of payments, and whoever violates it shall be punished with temporary hard labor for a period of no less than seven years, and a financial fine equivalent to twice the value of the payments or the amount involved, or the payment, services or goods offered, in addition to confiscating payments or the sums handled, or precious metals, for the benefit of the Syrian Central Bank.

While Decree 4 provides: temporary detention and a fine ranging from one million to five million Syrian pounds; for any person who publishes on any media or on social media pages any information that may cause substandard or instability in national banknotes, or their specific exchange rates by official bulletins or to undermine confidence in the strength of the country's currency, its bonds, and all bonds related to public financial confidence.

Whereas the Central Bank set the price of the dollar at 700 Syrian pounds, the money exchangers exchange the dollar for prices ranging between 900 and 1100, and in some days, it can exceed the threshold of 1,200 pounds.

Once the decrees were issued, arrest campaigns began, mainly involving money exchangers and goldsmiths, and the people who were in their shops, in order to exchange, in addition to some merchants forced to deal in foreign currencies, to import their goods even though the governor of the Syrian Central Bank had stated that the decrees did not include exporters and importers.

After the arrest of a goldsmith who used to exchange dollars in Jaramana. Most of the money exchangers and goldsmiths stopped exchanging money for fear of arrest, but as for those who still exchange, they take advantage of this fear and the need for people to exchange, and they pay 850 S.P for 1 \$. Thus, most people depend on travelers returning to the country to exchange their money outside Syria before returning. But this does not provide for all needs, in addition to people's fear of fraud when there is no previous knowledge of the person who is exchanging the money.

Also, the inspection campaigns were not limited to merchants, and exchange offices were prepared for those passing by on the roads, where they were searched, and to find out whether they carry dollars with them.

A woman in Abu Rummaneh says: "As we walked the road towards Abu Rummaneh, we saw young people dressed in civilian clothes, standing on the side of the road. They stopped and asked to open our bags to show them if we had dollars. We did not know if they were fraudsters or could steal us. We did not know if they were members of the security forces, as we are afraid to ask about this issue, for fear that we will get involved in other issues because of our question on this aspect. After they finished the inspection we continued walking. I looked back, and I saw them still searching for someone else.

Arrest and harassment of activists:

The frequency of arrests of civilian activists has decreased, however, civilians are still called upon for investigation on a regular basis. They are also threatened often to be arrested unless they attend interrogation sessions, or give information to authorities. They are also prevented from traveling outside of the country without permission.

R.K says: " We receive many invitations to participate in activities outside Syria. We often apologize for fear of the regime's security services. Nevertheless, the security services call us to ask us and confirm whether or not we will attend. They have spies to collect information everywhere. Everything has become a security breach. Detention is what scares the activists most. It can be said that the arrests have become less and not everyone is required to investigate, but they are always in touch with us to ask and inquire so that we feel we are always monitored and we are always in a state of fear".

Second: The period of administrative detention:

The Syrian constitution did not specify the period of administrative detention (Detention by a judicial officer) before referring to the competent judiciary, as the Syrian law does not contain any reference to the period of administrative detention, until the legislative decree was issued \ 55 \ issued on 04/21/2011 that added paragraph 3 to Article 17 of the Code of Criminal Procedure, issued by Legislative Decree 112 of 1950 Concerning the jurisdiction of the judicial officer, the period of detention for some crimes is determined by the judicial officer, or those who are authorized to have its powers within 7 days, which may be renewable with the permission of the Public Prosecutor, provided that it does not exceed 60 days. The following is the exact text of Legislative Decree No. 55 of 2011:

The following paragraph shall be added to Article 17 of the Code of Criminal Procedure:

The Judicial Officer or those authorized to perform his duties are specialized in investigating the crimes stipulated in Articles 260 to 339 and Articles 221, 388, 392 and 393 of the Penal Code, collecting their evidence and listening to suspects, provided that the period of their detention does not exceed seven days which may be renewable by the Public Prosecutor according to the data of each file Separately, and this period does not exceed sixty days.

The crimes stipulated in this legislative decree are crimes related to the internal and external security of the state. As for the rest of the crimes attributed to the detainee, no text is specified for them and for the period of administrative detention. Although there is no time frame, the amendment made it possible to delegate the powers of the judicial police to other security agencies.

For the period of detention in the prison after referring the arrested person to the judiciary, it is limited to twenty-four hours according to the text of Article 104 of the Syrian Code of Criminal Procedure, which stipulates:

The investigating judge shall immediately question the defendant requested by a lawsuit. As for the defendant who was brought with a subpoena, he was interrogated within twenty-four hours of being imprisoned.

In the event of twenty-four hours elapsing, the head of police shall "on his own accord" refer the defendant to the Public Prosecutor, and this shall request the investigating judge to question the defendant. If he refuses, or is absent, or a legal impediment prevents him, the Public Prosecutor requests another investigating judge, the president of the court of first instance, or the magistrate to question him. If the defendant cannot be questioned, the Public Prosecutor will order his release from prison.

This is in terms of the laws in force; but what is applied on the ground, and in practice is different from that, the security services make arrests without prior arrest warrants, but rather do it in a qualitative manner, and the detention of detainees is often done in security branches for a period ranging between a month and sixty days are subject to increase, without any rights for the detainee, and without the slightest knowledge of him about his location and without the knowledge of his relatives about his fate during this period.

Lawyer A.R says: "The detention period relates to the importance of the detainee and the importance of his activity. It may stop for at least a month, and may last for two years, and may not be transferred to the judiciary at all. Likewise, the methods of torture in general have become less severe than before. The Military Police Branch and the worst prisons, Sednaya prison.

Recommendations:

Recommendations to be taken under consideration to address the unlawful and unfair arrest practices can include:

1. Putting pressure towards revealing the fate of all detainees and those arrested;
2. End detentions for the purpose of compulsory military service, and respect the decision of conscientious objection;
3. Adhere to the reconciliation agreements and protect individuals who have settled their conditions of detention, and consider the judiciary bound by settlements;
4. Explain the reasons for detention with an official memo in accordance with the law, state the location and status of detainees, and commit to not denying them any of their rights under the law, in particular. Communicating with their family and their lawyers and obtaining medical services;
5. Put pressure toward the cessation of restrictions on civilian activists and the constant threat of arrest.