



# **Commentary on the EASO Country of Origin Information Reports on Syria (December 2019 – May 2020)**

**July 2020**

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ARC Foundation is extremely grateful to Paul Hamlyn Foundation for its support of ARC's involvement in this project.

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## Introductory remarks

Asylum Research Centre Foundation (ARC Foundation) and the Dutch Council for Refugees (DCR) welcome the publication of the seven recent European Asylum Support Office's (EASO) Country of Origin Information (COI) reports on Syria:

- [Actors](#) (December 2019)
- [Exercise of authority in recaptured areas](#) (January 2020)
- [Situation of women](#) (February 2020)
- [Socio-economic situation: Damascus City](#) (February 2020)
- [Targeting of individuals](#) (March 2020)
- [Internally displaced persons, returnees and internal mobility](#) (April 2020)
- [Security situation](#) (May 2020)

It is our understanding that these reports will provide the basis for EASO's development of a Country Guidance report on Syria later this year.

This marks the first time that an ARC Foundation/DCR Commentary focuses on a number of COI reports from one country. Overall we welcome that the EASO reports on Syria include a wide range of sources and address most relevant issues. Our comments are intended as constructive feedback, including comments on the various reports' methodologies, as well as on specific issues/profiles of importance for an assessment of international protection status determination of Syrians. Therefore some of our comments pertain more generally to the methodological approach adopted under EASO's new June 2019 [COI Report Methodology](#).

Given that each of the seven EASO reports under review were drafted by different actors, and given the diverging methodological approach as elucidated in the next section of our Commentary, it is not surprising that there is a degree of overlap in subjects and that certain cross-cutting issues in all reports are not uniformly dealt with. This Commentary therefore undertook to review a number of issues dealt with across several of the EASO reports:

- Treatment of persons perceived to be opposing the government;
- Treatment of returnees from abroad;
- Forcible conscription by government forces, treatment of draft evaders, deserters and defectors;
- Availability and effectiveness of state protection in general and specifically for women and LGBTI individuals in Syrian government controlled areas.

As part of our research we have highlighted additional excerpts from sources already included in the EASO COI reports, which in our view would have warranted inclusion, and suggested further non-exhaustive sources that were publicly available at the time of drafting these EASO COI reports, but which were not taken into consideration.

As active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of these EASO COI reports and to have been able to provide our observations in advance of the report's final publication.

## Key observations

### Methodology

- We strongly welcome the fact that none of the seven EASO reports under review here provide an *Executive Summary* or that they offer source assessments, as we expressed concerns over in our [Comments on the EASO Country of Origin Information Report: Eritrea National service, exit and return, September 2019](#).
- Whilst we appreciate the challenging task of researching, collating and presenting the vast amount of information available in a coherent way, publishing less reports on Syria would have prevented overlaps of information and would have facilitated cross-referencing.
- There is insufficient use of cross-referencing within specific reports and across all reports, meaning that users may miss important information. For example, had only three Syria reports been published covering *Targeting of individuals*, *Security and humanitarian situation*, and *Internally displaced persons, returnees and internal mobility*, this would likely have increased the accessibility of the information to users and thus would have ensured that all relevant information is considered when assessing an asylum claim, preparing for a case or developing policy guidance for decision-makers.
- The Terms of Reference for the reports are rather broadly formulated. It is considered that more precise questions would have been helpful for the drafters, and would indicate more clearly to the reader what information has been searched for, and therefore which information could not be found. We strongly recommend that EASO also consult with relevant external bodies, institutions, civil society actors and/or country experts who are not linked to a state during the Terms of Reference drafting process.
- It is important for a COI report to acknowledge its limitations and where gaps in COI lie, and to potentially try and fill those gaps by seeking the views of country experts who may provide more 'on the ground' information. As far as possible, multiple views should be sought.
- Timeframes for research should clarify whether they relate to events occurring or dates of sources published. Greater clarity on the sources consulted during the 'finalisation of this report' stage would have been welcome, given that for some of reports, this stage extended the research timeframe by three months.
- The *Exercise of authority in recaptured areas* report is the only one to mention in its subsection that the situation in Syria is unstable which should be borne in mind when reading the report. It is considered that it would have been helpful for each report to have made clear that the situation in Syria is unstable, and thus subject to change, and have indicated which issues are the most fast moving.
- Given how fast-moving the situation in Syria can be for certain topics, it is recommended that at the time of drafting of the Syria Country Guidance, that either the EASO reports are updated and reissued, or that the Syria Country Guidance relies on other public sources published after the seven EASO COI reports. This is all the more important given how rapidly the COVID-19 pandemic and related crisis is unfolding. If not all the reports can be updated, then we suggest that those addressing issues most subject to flux be prioritised, i.e. the reports on *IDPs*, *returnees and internal mobility*, *Targeting of Individuals* and *Security Situation*.

### Treatment of persons perceived to be opposing the government

- Whilst the *Targeting of Individuals* report lists a range of profiles to fall within the broad group of persons perceived to be opposing the government and includes separate sections with information on each profile, humanitarian workers and lawyers were not provided with such a separate section.
- Family members of perceived government opponents are not addressed as a profile in the *Targeting of Individuals* report. It is considered that this profile warranted a distinct section within the report, or at least, greater prominence within each subsection, and that the treatment of family members of draft evaders and deserters should have been specifically addressed.
- Additional information should have been included on the capabilities of the Syrian government to conduct electronic and other forms of surveillance in country and abroad, as well as on current incidences of torture in detention.

### **Treatment of returnees from abroad**

- Given the current importance of this particular issue for decision-makers we would have welcomed:
  - more sources, and more detailed description of sources on the treatment of returnees from abroad, and on the dangers and uncertainties connected, even after reconciling with the Syrian government;
  - more sources on mechanisms of monitoring of Syrians by the Syrian government, especially outside of Syria.

### **Forcible conscription by government forces, treatment of draft evaders, deserters and defectors**

- Given the lack of cross linkages between the respective reports, it is likely that important information may get lost. For example, in the section on 'Wanted lists' in the *Targeting of individuals* report, it is not mentioned that persons might appear on such lists on the basis of being sought for military service.
- On occasion, information which intuitively would belong in a particular section is absent. The section 'Consequences of draft evasion and desertion' of the *Targeting of individuals* report neglects to mention that *returnees* face forcible conscription.
- The *Targeting of Individuals* report includes a surprising lack of information on the treatment of draft evaders, deserters and forcible conscription in reconciled areas. It is also considered that the report should have mentioned which recaptured areas mass arrests and forcible conscription has been undertaken in, as are documented in EASO's *Exercise of authority in recaptured areas* report.
- Similarly, in the *Targeting of Individuals* report the treatment at checkpoints of persons wanted for military service hasn't been fully elucidated. This report should have alerted readers that the *Internally displaced persons, returnees and internal mobility* report was addressing 'Checkpoints in government-controlled areas' in detail and therefore should have directed the reader to consult this report for information on the forcible conscription at checkpoints in reconciled areas. Similarly, it would have been useful if the *Targeting of Individuals* report had flagged that the forthcoming *Security Situation* report would be addressing evidence of the forcible conscription by governorate, including of persons who had signed reconciliation agreements.

- Key sections of the report are also not itemised, and thus don't appear in the 'Contents' page, meaning that they may be overlooked by readers. Such an example is the sub-section 'Conscription in the Syrian army' which mentions the scale of persons being detained and forced into military service and the scale of wanted persons, including for military service found within section 'Returnees from abroad' of the *Targeting of individuals* report, where it might be overlooked.
- It is observed that the *Targeting of Individuals* report makes no mention that compulsory conscription has been used as a form of punishment and it is considered that the coercive element of recruitment is underplayed. The report also neglects to mention that prisoners have been forcibly recruited after serving their sentences, that defectors have reportedly been disappeared or have died in detention and that persons have been killed after refusing to be recruited in reconciled areas. The *Targeting of Individuals* report also neglects to mention that persons *suspected of planning to desert* have been killed.
- Limited information is included on the treatment of family members of draft evaders and deserters, despite this being documented by other sources available at the time of drafting the *Targeting of Individuals* report.
- The *Exercise of authority in recaptured areas* report does not mention that campaigns of arrests mainly targeting people who are to undergo military service have occurred, nor that persons who had completed the reconciliation process and received protection papers have also been targeted for arrest and detention, including returnees, as is documented in the *Targeting of Individuals* report.
- It is considered that insufficient detail is provided in the *Targeting of Individuals* report on the forcible recruitment of children by government actors. The report also cites sources that might give the impression that children have the capacity to voluntarily consent to conscription, ignoring the forcible/coercive element of child recruitment, how this relates to self-defence or fear of repercussion for not joining, as well as the issue of whether children have the requisite mental capacity to give informed consent. This is contrary to UNHCR's guidance that "forced recruitment and/or direct participation in hostilities of a child below the age of 18 years in the armed forces of the State or by a non-State armed group would amount to persecution".

### **Availability and effectiveness of state protection in general and specifically for women and LGBTI individuals in Syrian government controlled areas**

- Very limited information was included to enable an assessment as to whether the Syrian police forces have the ability and willingness to protect persons fearing non state agent perpetrated persecution. Key considerations for such an assessment were not addressed.
- Only two profiles, women and LGBTI individuals, included sub-sections on protection despite other additional profiles, such as members of specific ethnic and/or religious groups or children, requiring such information in any assessment of risk.
- Whilst the terms of reference sought to address whether a woman may seek protection with the help of a male relative, the premise of this is questionable as sexual and gender-based violence against Syrian women by non-state actors is mainly perpetrated by male relatives, particularly in cases of domestic violence and 'honour killings'. The report should have also addressed the availability of state protection for women from female-headed households experiencing human rights abuses at the hands of non-state actors.

- No information was included on the availability and effectiveness of government-run shelters for victims of sexual and gender-based violence, or women's situations having left such shelters.
- The sub-section on whether LGBTI individuals can turn to the Syrian authorities for protection was misleading as all information included referred to human rights violations experienced by LGBTI individuals at the hands of state actors.



## General methodological observations and recommendations

### General observations and recommendations

We strongly welcome the fact that none of the seven EASO reports under review here provide an *Executive Summary* or that they offer source assessments, as we expressed concerns over in our [Comments on the EASO Country of Origin Information Report: Eritrea National service, exit and return, September 2019](#).

### Acknowledgements

Of the seven reports under review here, one was drafted solely by EASO: *Socio-economic situation: Damascus City*. Four others were drafted by EASO in collaboration with a state COI unit: *Actors* (Romania); *Exercise of authority in recaptured areas* (Norway); *Targeting of individuals* (Germany) and *Security Situation* (Sweden). Two of the reports were drafted by a state COI unit alone: *Situation of women* (Finland) and *Internally displaced persons, returnees and internal mobility* (Sweden).

We welcome the fact that all seven Syria reports available at the time of drafting this commentary in May 2020 benefitted from the quality review of both at least one state COI department and one non-state COI actor; ACCORD in all cases. The *Actors* report was also peer-reviewed by an expert on Syria, Aron Lund. Whilst it is appreciated that Aron Lund may not have been available to review all of the EASO reports on Syria, it is considered that the EASO COI report likely to be relied upon for the most number of cases in refugee decision-making is the report on *Targeting of individuals* and therefore that should have been prioritised for external review by a country expert.

### Introduction – Purpose

Six of the reports include a distinct section on what the dual purpose of the document is; namely to provide information for the assessment of international protection status determination and in particular to inform the EASO country guidance development on Syria. Instead the *Exercise of authority in recaptured areas* report just details what issues are explored, which could be read to imply that it potentially will not be cited in the Syria country guidance, or at least was not drafted for this purpose. Interestingly, of the six reports that document a purpose, four mention that it is to “provide relevant information” whilst two others mention instead that it is to “analyse the situation of women in Syria” and to “analyse the situation of Internally Displaced Persons (IDPs) and returnees in Syria”.

Whilst the EASO Methodology defines analysis as “the neutral evaluation of an issue or problem, usually made by breaking it down into its constituent parts, organising and describing these parts, and identifying their inter-relationships”<sup>1</sup>, it is considered that in common parlance of ‘analyse’ also implies an interpretation of the information. It is recommended that in order to distance itself from this meaning, that when ‘analysis’ is mentioned in an EASO product, it should be explained that it is defined according to EASO’s definition.

The four most recently published reports: *Socio-economic situation: Damascus City*; *Targeting of individuals*; *IDPs, returnees and internal mobility* and *Security Situation* reference the existence of the other available EASO COI products on Syria which they should be read in conjunction with. It is considered that the other reports could have also made this point, even if the reports were not yet published, as they were all underway at the time of publication of the first EASO report, *Actors* (December 2019). The *Actors* report does at least mention this point within the following subsection:

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<sup>1</sup> EASO, [Country of Origin Information \(COI\) Report Methodology](#), July 2019, Glossary, p.27

[EASO, Syria: Actors, December 2019](#)

[...] 2. The Government of Syria

[...] 2.4 Overview of abuses committed by government security forces and associated armed groups

[...] Detailed information on human rights violations by government security forces and associated armed groups and individual profiles targeted will be covered in the upcoming EASO COI report on Syria: Targeting of individuals. [...]

**Methodology - Terms of Reference (ToR)**

We welcome the fact that six of the reports explain how the terms of reference were drafted. Again, the *Exercise of authority in recaptured areas* report is the outlier in this regard, stating simply that the “Terms of Reference for this report can be found in the annex of this report”. Four of the reports explicitly state that EASO “defined” the terms of reference “based on discussions held and input received from COI experts in the EASO Specialist COI network on Syria and from policy experts in EU+ countries”. Instead, the *Situation of women* report as well as the *IDPs, returnees and internal mobility* and *Security Situation* report mention that “EASO provided input to the Finnish Immigration Service/ Swedish Section for Information Analysis”, presumably indicating that the terms of reference were primarily drafted by the relevant State COI Unit, given that these actors were the sole authors of the reports.

We strongly recommend that EASO consult with relevant external bodies, institutions, civil society actors and/or country experts who are not linked to a state during the Terms of Reference drafting process, modelled on the Dutch practice which involves civil society actors in drafting the Terms of Reference for the Netherlands Ministry of Foreign Affairs *Ambtsbericht*.

Broadly speaking, the various Terms of References are similarly detailed and map on to the final *Contents* page of the publications with some exceptions highlighted throughout this commentary. The Terms of References are rather broadly formulated. It is considered that more precise questions would have been helpful for the drafters, and would indicate more clearly to the reader what information has been searched for, and therefore which information could not be found.

However, the structure of the *Exercise of authority in recaptured areas* report departs most from the terms of reference provided. It only lists five points, two of which relate to IDPs:

[EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)

[...] Terms of Reference

How does the government treat the civilian population in reconquered areas?

Which groups of individuals are called for military service?

Which groups are targeted for arrest/violence?

Are IDPs able to return to their hometowns after government reconquest?

How are the IDPs treated upon return? [...]

The situation for IDPs is not specifically reflected in the *Contents* page of the report. That being said some information on displaced persons is found within the subsections entitled *Consequences for the population*. It would have been preferable if such subsections also appeared in the *Contents* page and that where no information was found on a particular area, that it was clarified whether this information was sought (and not found). It is interesting how much prominence was given to military service in the *Terms of Reference*, given that this section is only briefly detailed in the final report (about half a page). See below for a more detailed discussion on how military service is addressed throughout the seven EASO reports as well as how the *Terms of Reference* of the *Actors* report differs for some of the issues addressed in relation to state protection.

### **Methodology – Timeframe for research**

All seven reports indicate what the cut-off date for inclusion of source material was by the drafters and that any event taking place after that date is not included in the respective report. Two reports detail what the specific starting period of the research time frame - the *Exercise of authority in recaptured areas* indicates that this was “the period from 2014”. It is presumed that this means January 2014, but greater clarity on this point would have been preferable. The *Security Situation* report clearly states that “The reference period is 2019 and the first two months of 2020”. However, it would have been useful if the reports had clarified whether the time frames relate to events occurring or sources published.

Both the *Socio-economic situation: Damascus City* and *Targeting of individuals* reports explain that they contain “information on the conflict in Syria since 2011 but focuses primarily on recent trends, with updated information on 2019 where available”. It is not clear what timeframe “recent trends” relates to, and thus why information from 2019 would constitute an update to that.

All reports also make clear that some additional information was “added during the finalisation of this report in response to feedback received during the quality control process”, which extended the time frame for source material inclusion. In some instances, this extended the time frame by a few weeks e.g. for the *Exercise of authority in recaptured areas* this shifted from 1 October to 28 October 2019. However for others, this extended the period by around three months: for the *IDPs, returnees and internal mobility* and *Security Situation* report the timeframe extended from 12 December 2019 until 12 March 2020. It is not possible for a reader to assess whether *all* relevant publications published in this time have been consulted by EASO or by the reviewer(s), or whether only a particular list of sources were consulted for updates. This remains unclear given that no list of sources consulted is provided, which it is considered would have been best practice. This is more problematic the longer this period becomes, and therefore it is suggested that when it exceeds one month, the drafters should also check for all relevant information published in this timeframe themselves.

### **Methodology- Sources**

All seven reports describe the sources they rely upon. Four of which explain that the reports were based on “UN reports, reports from human rights organisations, academic publications and news articles”: *Actors; Situation of women; Targeting of individuals* and *IDPs, returnees and internal mobility*. Governments sources are omitted from this list, however, despite being cited in each of the reports e.g. United States of America Office of the Director of National Intelligence, US Department of State, Danish Immigration Service and United States Congressional Research Service respectively, to name only a few.

The *Security Situation* report details the two main sources on civilian fatalities in Syria used in the report: the Violations Documentation Centre in Syria and the Syrian Network of Human Rights and helpfully summarises the respective reports’ methodologies. It also mentions that “For data on violent incidents, publicly available curated datasets from the organisation Armed Conflict Location and Event Data Project have been used” and again succinctly details how the source collects and provides data.

The *Situation of women* report provides a very useful description of the limitations on reporting of sexual and gender based violence, particularly in emergency situations, citing two sources on this point. It also helpfully explains the extent to which sources reporting on these issues differentiate between government controlled and non-state armed group held areas. Given the importance of this information, it is considered that it should have been given greater prominence in the report, for

example by the use of a distinct numericalised sub-heading, or by repeating it in the introductory section.

EASO only conducted one interview which was included in two of the Syria reports: with Christopher Kozak, Institute for the Study of War, for *Targeting of individuals* and *Security Situation*. However, that he was interviewed was not mentioned in the Methodology of the *Security Situation* report, but only in the *Bibliography* section. A short biography of Christopher Kozak was provided in both reports, but they did not make clear which questions were posed to him nor was the transcript of his interview included. Whilst we appreciate that sensitive or personal security concerns may preclude EASO from publishing full transcripts (which would be preferable in order to promote transparency), in our view not publishing at least the interview questions undermines the transparency of the *Targeting of individuals* and *Security Situation* reports as users are unable to see the nuance of how questions are framed.

Whilst we welcome Christopher Kozak's valuable contribution, we consider that it would have been helpful to have interviewed additional experts in order to gain a broader picture. Furthermore it would have been helpful to consult experts on some additional issues, especially when public information seems to be scarce.

The *Exercise of authority in recaptured areas* drafted by Landinfo and EASO explains that it "draws heavily" on conversations and interviews conducted by Landinfo with international organisations and local actors on its fact-finding missions in the spring of 2018 and in April 2019. It is considered that it would have been preferable to have detailed the methodology and terms of reference of these fact finding missions and provided links to the final products, if they exist as stand-alone products and weren't solely conducted with the EASO report in mind. Six oral sources are described in varying degrees of detail in the *Bibliography*. Again, the report does not provide information as to the questions that were posed to the interlocutors nor are the transcripts of their responses included. As above, whilst we appreciate that sensitive or personal security concerns may preclude Landinfo or EASO from publishing full transcripts of some or all interviews (which would be preferable in order to promote transparency), in our view not publishing at least the interview questions undermines the transparency of the *Exercise of authority in recaptured areas* report as users are unable to see the nuance of how questions are framed.

It would have also been interesting to note whether all interlocutors were asked the same set of questions, how structured the interviews were and whether the interviews were recorded. It is assumed that their responses are presented as summaries in the report and are not verbatim and it would have been interesting to note whether the interlocutors signed off the summaries and/or notes of the meetings. Also it is recommended to make clear if the persons conducting the interviews also drafted the report, as their observations and impressions may have a bearing on analysis they provided. Furthermore, it would have been of interest to note whether there was convergence or not between the answers.

The *Socio-economic situation: Damascus City report* states that it draws heavily on two reports which in turn rely on contributions from oral sources:

[EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

[...] Introduction

[...] Sources

[...] The report also draws heavily from two reports: the Danish Immigration Service COI report on the socio-economic situation in Damascus city (March 2019)<sup>6</sup>, based on Skype interviews with sources in Damascus and Beirut, and the joint Danish Immigration Service / Danish Refugee Council COI report

on the security situation in Damascus Province and issues regarding return to Syria (February 2019)<sup>7</sup>, based on interviews conducted between 16 to 27 November 2018 in Beirut and Damascus. [...]

[...] 6 Denmark, DIS, The Socio-Economic Situation in Damascus City, March 2019, url, p. 6

7 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url [...]

However, when these reports are cited in the *Socio-economic situation: Damascus City*, they are referenced as simply the Danish Immigration Service, as shown in the references above. It is considered that it would have been better practice if the footnote had also specified which oral source the excerpt relied upon, for all of the EASO reports the report was cited in. To take the following example from the *Targeting of individuals* report:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

1.3.6 Treatment upon return

Consequences of illegal exit and applying for asylum abroad

[...] Sources interviewed by DIS reported that there are no consequences known of having applied for asylum abroad and that such applicants are not punished on return.<sup>154</sup> [...]

[...] 54 Denmark, DIS/DRC, Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria, 21 February 2019, url, p. 20 [...]

It was observed that some Arabic publications were cited in the reports. Whilst it is commendable that a wide variety of sources, including in different languages, are included, no further information is provided as to who provided the translation of these reports despite EASO's *Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports* advising to do so and explicitly stating that "If a COI researcher competent in the relevant language makes their own informal translation of a short quote into English, this must be signalled [sic] to the reader by noting it in the text with square brackets [informal translation]".<sup>2</sup> On occasion, it was also observed that the EASO reports don't reference each sentence. For example [emphasis added]:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.4 Capacity [...]

According to ILAC, the legal procedures in Syrian courts are very slow, and a case could take years to be closed. Reportedly, Syrian first instance courts had to deal with 4 000 to 5 000 cases per year, which left judges overwhelmed.<sup>177</sup> Insufficient courts and lack of legal provisions for speeding up trials led to pre-trial detentions that sometimes exceeded the sentence for the crime. Thousands of detainees were reportedly held incommunicado for months or years before being brought to trial.<sup>178</sup>

[...]

[...] 2.2.6 Prison conditions [...]

Prison and detention centre conditions were reportedly 'harsh and in many instances were life threatening due to food shortages, gross overcrowding, physical and psychological abuse, and inadequate sanitary conditions and medical care'. Children were held in prisons together with adults.<sup>206</sup> [...]

[...] 2.3.3 Police [...]

The Emergency police is responsible for answering to emergency calls while the administrative [neighborhood] police deals with non-emergency situations. The riot police was deployed to put down protest demonstrations and since the onset of the conflict was conducting arrests and it closely cooperated with the intelligence agencies.<sup>302</sup> [...]

[...] 177 ILAC, ILAC Rule of Law Assessment Report: Syria2017, April 2017, url, p. 33

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<sup>2</sup> EASO, [Writing and Referencing Guide for EASO Country of Origin Information \(COI\) Reports](#), June 2019, 3.8.4 Using information from non-English language source

178 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 14 [...]  
206 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 8 [...]  
302 Lifos, OFPRA, The Syrian Police Force – Structure and Roles, June 2018, url, pp. 7-8 [...]

Whilst the attributed sources might be clear, it is considered better practice for the principle of transparency and traceability that every sentence of the report be referenced for avoidance of doubt.

### **Structure and use of the report**

All seven reports usefully provide an overview of the structure of their respective chapters. Four reference the existence of the additional EASO Syria COI reports. As above, it is considered that the other reports could have also made this point, even if the reports were not yet published, as they were all underway at the time of publication of the *Actors* report (December 2019).

The *Exercise of authority in recaptured areas* report is the only one to mention in this subsection that the situation in Syria is unstable which should be borne in mind when reading the report:

#### [EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)

[...] Introduction

[...] Structure and use of the report

[...] The situation in Syria remains unstable, even in parts of the country where the state has been in control throughout the conflict and in areas formerly held by the opposition. This should be borne in mind while reading the report, as this provides an important insight into the strategy of the Syrian state for dealing with these areas, and the impacts on the population. [...]

It is considered that it would have been helpful for each report to have made clear that the situation in Syria is unstable, and thus subject to change, and have indicated which issues are the most fast moving.

### **Comments on any forthcoming Country Guidance on Syria**

Six of the EASO reports detail that their purpose is in part to “inform the EASO country guidance development on Syria” It is therefore expected that Country Guidance will be issued on Syria in the not too distant future. Given that EASO Country Guidance documents are “based on common country of origin information”<sup>3</sup>, they almost exclusively rely on EASO-produced COI products. As EASO acknowledges in the *Exercise of authority in recaptured areas* report, given how unstable the situation in Syria can be, which is particularly the case for some of the fast-moving topics addressed in *Security Situation*, *Socio-economic situation: Damascus City* and *IDPs, returnees and internal mobility* reports, if the Syria Country Guidance solely relies on these seven EASO products as they stand, it could be based on information that documents an outdated and incomplete situation.

We therefore recommend that either the EASO reports are updated and reissued at the time of drafting of the Syria Country Guidance, or alternatively that the Syria Country Guidance relies on other public sources published after the seven EASO COI reports. This is all the more important given how rapidly the COVID-19 pandemic and related crisis is unfolding. If not all the reports can be updated, then we suggest that those addressing issues most subject to flux be prioritised, i.e. the reports on *IDPs, returnees and internal mobility*, *Targeting of Individuals* and *Security Situation*.

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<sup>3</sup> EASO, [About Country Guidance](#), undated [Last accessed 14 May 2020]

## Profile-specific observations and recommendations: Treatment of persons perceived to be opposing the government

This chapter focuses on how the EASO COI reports on Syria have dealt with the treatment of persons perceived to be opposing the government. To this end the following sections in the subsequent report have been reviewed:

### [EASO, Syria: Targeting of individuals, March 2020](#)

- 1. Persons perceived to be opposing the government
  - 1.1 Treatment of persons perceived to be opposing the government
    - 1.1.1 Arbitrary arrest, detention and enforced disappearances
    - 1.1.2 Torture and other forms of ill-treatment
    - 1.1.3 Wanted lists

## [Targeting of individuals](#) (March 2020)

### Terms of Reference

As mentioned in the [General observations and recommendations](#), the terms of reference of this particular report are broadly formulated. With regard to the question “a. Who is targeted, by which actor, how, what is their treatment, why does targeting occur, when has targeting happened”, some sub-questions would have been helpful for the drafters of the report. For example on the “how” of targeting, it would have been useful to ask if, and in which ways the different actors in Syria are capable of and engaging in monitoring of Syrians, both in Syria and abroad, which would probably have resulted in a helpful separate sub-section on this issue, as argued below. Furthermore, a question could have been added on possible consequences for participating in demonstrations in the early phase of the Syrian conflict. Finally, specific questions on family members of perceived opponents would also have been helpful, and would have guided the drafters to make a helpful specific section on this topic, as proposed below.

### 1. Persons perceived to be opposing the government

This section lists which groups of people are perceived to be opposing the government [emphasis added]:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government [...]

GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government<sup>15</sup>, professionals such as humanitarian workers, doctors, lawyers, journalists<sup>16</sup>, bloggers and online activists<sup>17</sup>, as well as draft evaders<sup>18</sup> and defected soldiers.<sup>19</sup> Individuals living in opposition-controlled areas<sup>20</sup>, those in recaptured areas<sup>21</sup>, returnees from abroad<sup>22</sup>, relatives of suspected armed groups members<sup>23</sup> and those who have been in contact with family members or friends residing in opposition-controlled areas, have also been targeted.<sup>24</sup> [...]

[...] 15 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 18; SJAC, Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents, April 2019, url, p. 28

16 AI, Human rights in the Middle East and North Africa: Review of 2018 - Syria [MDE 24/9903/2019], 26 February 2019, url, p. 63

17 Freedom House, Freedom on the Net, 1 November 2018, url

18 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15



- 19 AI, Between Prison and the Grave: Enforced Disappearances in Syria, November 2015, url, p. 7; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/19/69], 22 February 2012, url, p. 13
- 20 UN Human Rights Council, Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic, 3 February 2016, url, p. 4
- 21 OHCHR, Human Rights Digest Syria, The “unreconciled” concerns of civilians in Dar’a Governorate, May 2019, url, p. 8
- 22 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 22-24
- 23 UN Human Rights Council, Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic, 3 February 2016, url, p. 4
- 24 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15 [...]

For most of these groups, separate sections have been included. However, the position of humanitarian workers *vis á vis* the Syrian government, and of lawyers, although briefly mentioned, are not covered in a separate section, paragraph or heading. This has the effect that their respective risks are less visible in the report. We would suggest to have separate sections on their situation, and include cross-references to those.

Furthermore, some groups are not mentioned as being perceived as opponents by the Assad regime in this EASO report nor in the other EASO reports at all, although UNHCR in its ‘Protection Considerations’ of November 2017 suggested that the following additional profiles are likely to be at risk from the Syrian state; Academics, teachers and artists [emphasis added]:

[UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V, 3 November 2017](#)

[...] III. Assessment of International Protection Needs of Asylum-Seekers from Syria [...]

A. Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims [...]

7) Certain Professionals

Certain professionals have reportedly been targeted by all sides in the conflict, on the basis of their real or perceived association with another party to the conflict, or because they have expressed views or have undertaken activities in support of another party to the conflict. [...]

**Academics and Teachers** There are reports of teaching staff at universities in government-held areas having been dismissed or imprisoned for their real or perceived opposition to the government or support for anti-government groups.<sup>288</sup> In areas taken over by ISIS, education personnel have reportedly been pressured to “repent” for having taught the official curriculum and to attend Shari’a courses if they wanted to remain in employment. Professors and teachers refusing to teach in line with the group’s instructions and curriculum, or who were otherwise seen as opposing ISIS, have reportedly been subjected to abduction, torture and execution.<sup>289</sup> [...]

**Artists** Artists engaged in both performing arts and in visual arts have reportedly been targeted for detention and deprivation of liberty, disappearance and killing by all parties to the conflict, including in particular for expressing critical views of one of the parties.<sup>300</sup> [...]

[...] 288 Freedom House, Freedom in the World 2017 – Syria, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. See also above “Persons Opposing, or Perceived to Be Opposing, the Government” (Section III.A.1) and sources referenced therein.

289 Reuters, Islamic State Kills 12 in Palmyra, among Them Teachers, Soldiers: Monitor, 19 January 2017, <http://reut.rs/2iMg8mf>; Raqqa Is Being Slaughtered Silently, ISIS Curriculum and Educational System, 18 September 2016, <http://go.shr.lc/2cTLQgZ>; The Atlantic Council, A Closer Look at the Educational System of ISIS, 26 April 2016, <http://bit.ly/1TxYPR4>. [...]

300 In a report released in mid-2015, SNHR documented the killing of 22 artists and the detention/disappearance of 57 others, mostly at the hands of government forces, anti-government armed groups and ISIS; SNHR, Syrian Artists: Between Freedom and Oppression – Most Notable Violations Against Artists in Syria, 28 June 2015, <http://bit.ly/2pBBvND>. See also, Vocativ, The Islamic State Is Enforcing a Ban on Everything Fun, 30 March 2016, <http://voc.tv/2lJlevz>; Middle East Eye, ‘One of Syria’s Bravest Cartoonists’ Tortured to Death in Prison, 23 September 2015, <https://shar.es/1FZNuc>; Freemuse, Syrian Artists Standing Against Tyranny, 27 April 2015, <http://bit.ly/2qlh1Ao>. [...]



## Family members of perceived opponents

It is also considered that the same list of profiles of persons perceived as opponents to the government overly narrowly defines family members at risk as those of ‘suspected armed groups members’ and those ‘who have been in contact with family members or friends residing in opposition-controlled areas’ [emphasis added]:

### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government<sup>15</sup>, professionals such as humanitarian workers, doctors, lawyers, journalists<sup>16</sup>, bloggers and online activists<sup>17</sup>, as well as draft evaders<sup>18</sup> and defected soldiers.<sup>19</sup> Individuals living in opposition-controlled areas<sup>20</sup>, those in recaptured areas<sup>21</sup>, returnees from abroad<sup>22</sup>, relatives of suspected armed groups members<sup>23</sup> and those who have been in contact with family members or friends residing in opposition-controlled areas, have also been targeted.<sup>24</sup> [...]

[...] 15 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 18; SJAC, Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents, April 2019, url, p. 28

16 AI, Human rights in the Middle East and North Africa: Review of 2018 - Syria [MDE 24/9903/2019], 26 February 2019, url, p. 63

17 Freedom House, Freedom on the Net, 1 November 2018, url

18 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15

19 AI, Between Prison and the Grave: Enforced Disappearances in Syria, November 2015, url, p. 7; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/19/69], 22 February 2012, url, p. 13

20 UN Human Rights Council, Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic, 3 February 2016, url, p. 4

21 OHCHR, Human Rights Digest Syria, The “unreconciled” concerns of civilians in Dar’a Governorate, May 2019, url, p. 8 22 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 22-24

23 UN Human Rights Council, Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic, 3 February 2016, url, p. 4

24 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15 [...]

Whilst other sections of the report mention that family members of draft evaders and defectors as well as family members of activists have also been targeted, these points are scattered in different sections of the report, and therefore might be given undue attention.

With regards to family member of draft evaders, section 2 of the EASO report states [emphasis added]:

### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces

[...] At times, **family members of those evading military service and deserters have faced retaliation** by GoS in the form of intimidation and arrest.<sup>177</sup> [...]

[...] 177 TIMEP, Brief: Legislative Decree No.18 – Military Service Amnesty, 6 December 2018, url [...]

This information has also been reported by the Independent International Commission of Inquiry:

[UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 31 January 2019](#)

[...] Arbitrary arrests and detention

[...] 73. [...] During the reporting period, activists, civil defence volunteers, conscript deserters, recent returnees and others generally perceived to be opposition supporters were the most likely to be detained arbitrarily. Women with familial ties to opposition fighters or defectors were similarly detained for intelligence-gathering purposes or retribution. [...]

The situation of family members of activists is mentioned in the following sections of the report and therefore should have been also included amongst the above list [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.1 Treatment of persons perceived to be opposing the government

1.1.1 Arbitrary arrest, detention and enforced disappearances

[...] 1.2 Different profiles interpreted by the government as opposition

According to the US Department of State (USDOS) annual report on human rights practices in Syria (covering 2018), since the start of the conflict in 2011 the four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents **and their families**.<sup>31</sup>

[...] 1.2.3 Civilians originating from, or residing in, areas perceived to be opposing the government

[...] In May 2019, Human Rights Watch reported that in recaptured areas, Syrian intelligence agencies were reported to be arbitrarily detaining, disappearing and harassing people, especially former armed and political opposition leaders, media activists, aid workers, defectors, **and family members of activists and former anti- government fighters**, even if the government had signed reconciliation agreements with them.<sup>108</sup> [...]

Human Rights Watch claimed the government also **punished family members of alleged opposition supporters** by applying a number of laws that violate their individual property rights.<sup>111</sup> In recaptured areas, GoS used the counter-terrorism Law No 19/2012 to seize properties of individuals deemed to have been involved in terrorism activities. Under Law No 19, the state can freeze or confiscate both movable or immovable property of such individuals. Around 70 000 Syrians reportedly faced asset freeze decisions during 2017-2018, which were carried out by the Ministry of Finance. **Family members of those convicted of terrorism activities were included in some decisions**, making it unclear if they were also being convicted or barred from claiming any right on the properties seized.<sup>112</sup> [...]

[...] 31 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 18 [...]

108 HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url [...]

111 HRW, Syria. Suspect's Families Assets Seized, 16 July 2019, url; Reuters, Syrian state seizes opponents' property, rights activists say, 12 December 2018, url

112 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 16 [...]

The targeting of family members of activists is also corroborated by a source referenced elsewhere in the *Targeting of Individuals* report. For example, the following source cited in *1.1.3 Wanted lists* as footnote 55 details that [emphasis added]:

[SNHR, At least 2,460 Cases of Arbitrary Arrests Documented in Syria in the First Half of 2019, 2 July 2019](#)

[...] II. June Outline

[...] Syrian Regime forces, throughout the month of June, continued with their policies of pursuing civilian members of the families of activists involved in the popular uprising for democracy and of the families of fighters of factions of the Armed Opposition in areas under their control, with SNHR documenting the Syrian Regime forces carrying out campaigns of raids and arrests that targeted entire families related to members of factions of the Armed Opposition. These arrests, which included women and children, were concentrated in the areas of the Eastern Ghouta, specifically in Douma city, in Damascus Suburbs governate. [...]

The targeting of family members of activists is also corroborated by other sources available at the time of drafting the *Targeting of Individuals* report:

[Middle East Institute, Forgotten Lives: Life under regime rule in former opposition held East Ghouta, May 2019](#)

[...] VIOLATIONS AND ARRESTS

[...] It should be noted that these estimates do not include people in the mass detention centers located in East Ghouta, which were established by the regime after capturing the area. These “shelters” hold people and families seen by the regime as a potential threat, including the families and relatives of former opposition fighters, relatives of civil activists, as well as the families of former and current members of extremist groups. [...]

[Amnesty International, Human rights in the Middle East and North Africa Review of 2018, Syria, 26 February 2020](#)

[...] Arbitrary detention and enforced disappearances

According to local monitors, government forces arbitrarily detained and, in some cases, forcibly disappeared civilians in areas under the control of the government, especially Daraa and Eastern Ghouta in Damascus Countryside governorate. Those detained included former fighters who had reconciled with the government, family members of armed group commanders, humanitarian workers and families of activists displaced to north-west Syria. Many were subjected to torture or other ill-treatment, some dying in detention as a result. [...]

Another section of the *Targeting of Individuals* report mentions the detention of family members of wanted persons more broadly:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.1 Treatment of persons perceived to be opposing the government

1.1.1 Arbitrary arrest, detention and enforced disappearances

[...] Amnesty International (AI) noted that tens of thousands of people are still missing, most of them since 2011, including ‘peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents as well as individuals detained in place of relatives wanted by the authorities’.<sup>26</sup> [...]

[...] 26 AI, Human rights in the Middle East and North Africa: Review of 2018 - Syria [MDE 24/9903/2019], 26 February 2019, url, p. 63 [...]

It is considered that given the information above, that the *Targeting of Individuals* report should have included a subsection on *Treatment of family members of perceived opponents*. Moreover, the list of profiles persons perceived to be opposing the government should have also specifically included: family members of draft evaders and deserters; family members of activists as well as family members of wanted persons.

## **1.1 Treatment of persons perceived to be opposing the government**

Subsections 1.1.1 *Arbitrary arrest, detention and enforced disappearances*, 1.1.2 *Torture and other forms of ill-treatment*, and 1.1.3 *Wanted lists* cite a range of sources describing that persons perceived to be opposing the government have been arrested, detained, tortured and executed on a broad scale. This information is important and relevant and we welcome the way it is presented.

### **1.1.1 Arbitrary arrest, detention and enforced disappearances**

This subsection includes some information on the monitoring capabilities of the Syrian government. Information on this issue is also provided in other sections of the *Targeting of individuals* report, as

well as in the *Actors* report. To ease accessibility to this particular information it would have been useful to include a separate section on this particular issue:

[European Asylum Support Office \(EASO\), Country of Origin Information Report: Syria, Targeting of individuals, March 2020](#)

[...] 1.1.1 Arbitrary arrest, detention and enforced disappearances

[...] An April 2019 report by the Syrian Justice and Accountability Centre (SJAC)<sup>33</sup>, based on a sample of 5 003 documents drawn from about 483 000 papers retrieved from Syria during the civil war, revealed how the intelligence agencies created a wide network of informants and used phone surveillance to ensure that the government kept a close watch of the most mundane of Syrians' everyday life and restrict criticism of Assad and his government. [...].<sup>34</sup>

[...] Furthermore, the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI) reported that civilians were arrested for communicating with their relatives in rebel-held territory or abroad.<sup>36</sup> According to interviews by the Finnish Immigration Service (FIS) with an anonymous expert on Syria in September 2018, GoS appeared to remain capable of monitoring telephones and social media of its citizens and to compile several lists of alleged government opponents.<sup>37</sup> [...]

[...] 1.2.3 Civilians originating from, or residing in, areas perceived to be opposing the government

[...] Communicating with relatives abroad also led to arrests and monitoring of phones was alleged by civilians residing in Douma, Rural Damascus.<sup>98</sup>

[...] 8.1 Targeting by government forces and affiliated armed groups

[...] A FIS report, based on a fact-finding mission to Damascus and Beirut in April 2018, stated that the GoS had 'a good capacity to monitor phones and social media' and that, according to an interviewed Syrian expert, the government monitored the phones of activists and that 'they might be regularly taken in for questioning'.<sup>562</sup> [...]

[...] 33 The Syrian Justice and Accountability Centre is an US based non-profit organization who collects and preserves documentation of violations of human rights, humanitarian, and international criminal law in Syria. See url

34 SJAC, Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents, April 2019, url, p. 28 [...]

36 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019, url, p. 13

37 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 38 [...]

98 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019, url, p. 14 [...] 562 Finland, FIS, Syria: Fact-finding mission to Beirut and Damascus, April 2018, 14 December 2018, url, p. 38 [...]

[EASO, Syria: Actors, December 2019](#)

[...] 2.3.2 Intelligence agencies

[...] General Intelligence Directorate, also known as the State Security, comprises of around a dozen branches and geographical offices. Specific branches are responsible for monitoring opposition and overseeing administration and travel bans.<sup>265</sup>

Political Security Directorate is the smallest of the main agencies<sup>266</sup> being comprised of up to ten branches which are responsible for monitoring state employees, politicians, Syrians abroad and managing all the civilian prisons in the country.<sup>267</sup> [...]

[...] 265 EIP, Refugee return in Syria: Dangers, security risks and information scarcity, June 2019, url, p. 8

266 Lund, A., Syria's Civil War: Government Victory or Frozen Conflict?, Swedish Defence Research Agency, December 2018, url, p. 43

267 EIP, Refugee return in Syria: Dangers, security risks and information scarcity, June 2019, url, p. 8 [...]

It would have been useful to delve deeper into the subject of electronic and other forms of surveillance both within Syria and abroad. Publicly available sources available at the time of drafting this EASO COI report highlighting the monitoring capabilities and reach of the Syrian authorities included amongst others:

UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria, February 2017

[...] IV. Persons Holding, or Perceived to Be Holding Anti-Government Views

[...] The Government reportedly monitors mail, online activities and political meetings.<sup>53</sup> The Government has been reported to use equipment to intercept communications, install spying software onto activists' personal computers, block text messages, and track mobile and satellite telephones.<sup>54</sup> Online surveillance has reportedly led to the arbitrary arrest, incommunicado detention, torture and killing of numerous political dissidents, activists, citizen journalists and others.<sup>55</sup> Countless people have reportedly been arrested for using social media to share, "like" or comment on a photo or video supporting the anti-government protests or uprising.<sup>56</sup> The so-called Syrian Electronic Army (SEA), which emerged in April 2011, reportedly hacks mainly websites and social media sites of opposition groups, certain western media and human rights organizations, and blocks them or floods them with pro-government content, reportedly with the tacit approval of the government.<sup>57</sup>

Following the outbreak of anti-government protests in March 2011, it has been reported that Syrians engaged in such protests abroad have systematically been monitored, intimidated and at times physically attacked by Syrian embassy personnel and others believed to be acting on behalf of the Syrian government. When Syrians engage in protests or related activities abroad, remaining family members in Syria have reportedly been interrogated, threatened through phone calls, e-mails and Facebook messages, arrested, physically abused or even killed.<sup>58</sup> In Germany, four Syrian embassy officials who had allegedly monitored activities of Syrian opposition members were expelled. 59 Syrians in exile reportedly also fear being monitored, threatened, or exposed on social media as "anti-government" by other Syrians, who may be acting on their own initiative or as informants on behalf of the Syrian government.<sup>60</sup> [...]

[...] 53 "The state has stopped trying to block Facebook but instead uses it for surveillance, monitoring the pages of opponents and dissidents. (...) Private discussion is subject to heavy surveillance and punishment in areas controlled by the government (...)" ; Freedom House, Freedom in the World 2016 - Syria, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>. "The government controlled and restricted the internet and monitored e-mail and social media accounts. Individuals and groups could not express views via the internet, including by e-mail, without prospect of reprisal (...)" The government often monitored internet communications, including e-mail and interfered with and blocked internet service, SMS messages, and two-step verification messages for password recovery or account activation. The government employed sophisticated technologies and hundreds of computer specialists for filtering and surveillance purposes, such as monitoring e-mail and social media accounts of detainees, activists, and others"; US Department of State, 2015 Country Reports on Human Rights Practices - Syria, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. See also, Freedom House, Freedom in the World 2016 - Syria, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>.

54 "Numerous cases of targeted surveillance and phishing campaigns targeting email accounts and social media accounts of Syrian opposition groups and activists, as well as NGO workers and journalists, have been reported since April 2011"; Open Democracy, Syria's Digital Civil War, 13 February 2015, <http://bit.ly/1KLFrNU>. See also, Freedom House, Freedom on the Net 2016 - Syria, 14 November 2016, <http://www.refworld.org/docid/5834007113.html>; Reporters Without Borders (RSF), Enemies of the Internet 2014 - Syria: Online Tracking Is a Family Affair, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>; Digital Frontier Foundation, Campaign Targeting Syrian Activists Escalates with New Surveillance Malware, 4 April 2012, <http://bit.ly/2kQuKmG>.

55 "Many of those targeted are not known for their political activism, so the reason for their arrest is often unclear. This arbitrariness has raised fears that users could be arrested at any time for even the simplest online activities - posting on a blog, tweeting, commenting on Facebook, sharing a photo, or uploading a video - if it is perceived to threaten the regime's control"; Freedom House, Freedom on the Net 2016 - Syria, 2016, <http://bit.ly/2ixlczp>, pp. 9-10. See also p. 12 of the same report.

56 RSF, Enemies of the Internet 2014 - Syria: Online Tracking is a Family Affair, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>.

57 "The progovernment Syrian Electronic Army has mounted a series of cyberattacks on opposition supporters, activists, and news outlets, including major foreign media"; Freedom House, Freedom in the World 2016 - Syria, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>. "The hacking group known as the Syrian Electronic Army has wreaked havoc online for years, defacing a seemingly endless series of media websites and Twitter accounts, as well as targeting Syrian dissidents and activists both in Syria and abroad"; Motherboard, How the FBI Identified Two Members of the Syrian Electronic Army, 22 March 2016, <http://bit.ly/2jv7Ent>. See also, Freedom House, Freedom on the Net 2016 - Syria, 14 November 2016, <http://www.refworld.org/docid/5834007113.html>.

Open Democracy, Syria's Digital Civil War, 13 February 2015, <http://bit.ly/1KLFrNU>; RSF, Enemies of the Internet 2014 - Syria: Online Tracking Is a Family Affair, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>; International Press Institute/IPI, World Press Freedom Review 2012-2013, 23 December 2013, p. 23, <http://bit.ly/1KYOGLg>.

58 "Many have been filmed and orally intimidated while taking part in protests outside Syrian embassies, while some have been threatened, including with death threats, or physically attacked by individuals believed to be connected to the Syrian regime. Some of the activists have told Amnesty International that relatives living in Syria have been visited and questioned by the security forces about their activities abroad and, in several cases, have been detained and even tortured as an apparent consequence"; Amnesty International, The Long Reach of the Mukhabaraat: Violence and Harassment Against Syrians Abroad and Their Relatives back Home, 3 October 2011, <http://www.refworld.org/docid/4e8e94e52.html>, p. 5. Cases of monitoring, including photographic and video surveillance of Syrians taking part in peaceful demonstrations and watching of online activities, have been reported by Amnesty International and others in Belgium, Canada, Chile, France, Germany, Spain, Sweden, the UAE, the UK and the USA; Emma Lundgren Jörum, Repression Across Borders: Homeland Response to Anti-Regime Mobilization among Syrians in Sweden, *Diaspora Studies*, Vol. 8, No. 2, 16 April 2015, <http://bit.ly/2kqFIHi>, pp. 104-119; Welt, Syrischer Diktator: Wie Assad Oppositionelle in Deutschland Terrorisiert, 19 July 2012, <http://bit.ly/2jVG2Yl>; EU Observer, Syrian Intelligence Accused of Threatening People in EU Capital, 2 April 2012, <http://bit.ly/2jVAehA>; The Local, Syria 'Monitoring' Exiles in Sweden: Envoy, 26 March 2012, <http://bit.ly/2kflrbe>; Dagens Nyheter (in Swedish), "Syrien Övervakar Syrier i Sverige", 25 March 2012, <http://bit.ly/2jBSGsf>; The National, Syrian Expats Fear Reach of Regime, 27 February 2012, <http://bit.ly/2kfuu0U>; Frankfurter Allgemeine Zeitung (in German), Assad Sieht Dich, 11 February 2012, <http://bit.ly/2jUE5sS>; N-TV (in German), Überfall auf Syrer in Berlin: Außenamt Warnt Botschafter, 28 December 2011, <http://bit.ly/2jHzHwf>; CNN, Syrian-Born American Held for Spying, 12 October 2011, <http://cnn.it/2kpnIYE>; Wall Street Journal, Syria Threatens Dissidents Around Globe, U.S. Says, 17 August 2011, <http://on.wsj.com/1hWqPLG>; The Times, Diplomat 'Leads Secret Police Threats Against Syrian Opposition in Britain', 24 June 2011, <http://bit.ly/2jBGdVC>. Amnesty International also reported that it had received reports about harassment and intimidation by individuals believed to be close to the Syrian government against Syrians in Jordan, Lebanon and Turkey; Amnesty International, The Long Reach of the Mukhabaraat: Violence and Harassment Against Syrians Abroad and Their Relatives back Home, 3 October 2011, <http://www.refworld.org/docid/4e8e94e52.html>, FN 3.

59 In December 2013, the Berlin state court convicted a German-Syrian dual national of spying on exiled dissidents in Germany for Syria's intelligence services and sentenced him to a nine-month suspended sentence. He was said to have worked for the Syrian intelligence through contacts in the military attaché's office at the Syrian Embassy in Berlin, providing it with photographs of political dissidents and other information. He reportedly also stole two mobile telephones from a dissident at a 2011 rally and passed along the data on them; Associated Press, Syrian Convicted of Spying in Germany, 18 December 2013, <http://bit.ly/1fUubQ2>; The Local, Syrian Charged with Spying from Embassy, 30 July 2012, <http://bit.ly/1jFRYIA>; Bloomberg, Germany Expels Four Syrian Embassy Diplomats after Spy Charges, 9 February 2012, <http://bloom.bg/zSDYnp>.

60 "Activists and human rights lawyers [in Germany] say the Assad loyalists, also known as shabiha, go undercover and supply the Assad regime with intelligence"; Al Jazeera, Syrian Refugees in Germany Fear Undercover 'Shabiha', 25 October 2015, <http://aje.io/w3zd>. "[An] activist had her picture taken at a high-profile anti-regime activity in Stockholm. It was published by a proregime Facebook group with members asking for information on her identity and whereabouts. She later received an anonymous text message saying 'You are dead'. It is difficult to examine whether this type of direct (or, in the case of the Facebook discussion on an activists' identity, indirect) threats link to Syrian authorities or whether they are rather the result of initiatives taken by pro-regime individuals"; Emma Lundgren Jörum, Repression Across Borders: Homeland Response to Anti-Regime Mobilization among Syrians in Sweden, *Diaspora Studies*, Vol. 8, No. 2, 16 April 2015, <http://bit.ly/2kqFIHi>. See also, Berlin Journal (in German), Shabih: Assads Folterer Kommen als Flüchtlinge Getarnt nach Deutschland, 17 January 2016, <http://bit.ly/2jYvWnk>; Zeit Online (in German), Gefürchtete Gespenster, 9 December 2015, <http://bit.ly/1NVjNwj>. [...]

### Syria Direct, Cyber attacks and surveillance in Assad's Syria: they can do whatever they want, they own the infrastructure', 26 July 2018

[...] *Othman, born in Qamishli in northeastern Syria's Hasakah province, is a Washington DC-based security analyst and consultant who has followed the online movements of the Syrian government and rebel groups since the war began.*

[...] What is the Syrian state capable of when it comes to cyber warfare and monitoring?

Regarding the Syrian government's technological capabilities, you have to really distinguish between targets inside the country, which are using Syrian government infrastructure; and targets—whether in Syria or not—that are not using government infrastructure. Internet is solidly centralized in Syria, so you have users who use DSL in places like Damascus and you have other users who use 3G technology via mobile to access internet in other places. Both types of users are actually using Syrian



infrastructure—infrastructure that is controlled by the Syrian government—which means the Syrian government is the man in the middle. In these cases, the government can listen, they can collect traffic, they can censor, they can surveil, they can do whatever they want because they own the infrastructure.

[...] As for people who are outside of the scope of the Syrian government's infrastructure, we can see the Syrian Electronic Army or the Syrian Network Team coming in. These two groups are—I would not say advanced—[but] they were good, really good, when it comes to building malware, finding targets, attacking them, exploiting vulnerabilities on personal computers and tracking these users.

[...] The thing is, these kinds of malware are weapons. They can be weaponized, they can be used anytime. I believe it's obvious that Bashar al-Assad is taking over. The minute the government assumes full control [of the country], it will be time to start initiating new mass attacks against dissidents [in Syria] or in the diaspora. [...]

#### [Freedom House, Freedom on the Net 2018: Syria, 1 November 2018](#)

[...] Surveillance, Privacy, and Anonymity [...]

Reports of sophisticated phishing and malware attacks targeting online activists emerged in February 2012.<sup>60</sup> The U.S.-based Electronic Frontier Foundation (EFF) reported that malware called Darkcomet RAT (remote access tool) and Xtreme RAT had been found on activists' computers and were capable of capturing webcam activity, logging keystrokes, stealing passwords, and more. Both applications sent the data back to the same IP address in Syria and were circulated via email and instant messaging programs.<sup>61</sup> Later, EFF reported the appearance of a fake YouTube channel carrying opposition videos that requested users' login information and prompted them to download an update to Adobe Flash, which was in fact a malware program that enabled data to be stolen from their computer. Upon its discovery, the fake channel was taken down.<sup>62</sup> Due to the prevailing need for circumvention and encryption tools among activists and other opposition members, authorities have developed fake Skype encryption tools and a fake VPN application, both containing harmful Trojans.<sup>63</sup>

A 2014 report by Kaspersky Labs revealed that some 10,000 victims' computers had been infected with RATs in Syria, as well as in other Middle Eastern countries and the United States.<sup>64</sup> The attackers sent messages via Skype, Facebook, and YouTube to dupe victims into downloading surveillance malware. One file was disguised as a spreadsheet listing the names of activists and "wanted" individuals. [...]

[...] 60 Eva Galperin and Morgan Marquis-Boire, "How to Find and Protect Yourself Against the Pro-Syrian-Government Malware on Your Computer," Electronic Frontier Foundation, March 5, 2012, <http://bit.ly/xsbmXy>.

61 Eva Galperin and Morgan Marquis-Boire, "Fake YouTube Site Targets Syrian Activists With Malware," Electronic Frontier Foundation, March 15, 2012, <http://bit.ly/1XQhHzX>.

62 "Syrian Malware" Up-to-date website collecting the malware <http://syrianmalware.com/>.

63 Kaspersky Lab Global Research and Analysis Team, Syrian Malware, the evolving threat, August 2014, <http://bit.ly/1pCJ0gK>

64 See Reporters Without Borders, "Violations of Press Freedom Barometer," for 2016 and 2017, [https://rsf.org/en/barometer?year=2017&type\\_id=233#list-barometre](https://rsf.org/en/barometer?year=2017&type_id=233#list-barometre). [...]

#### [US Department of State, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019](#)

[...] Section 2. Respect for Civil Liberties, Including:

[...] Internet Freedom

[...] The government often monitored internet communications, including email; it interfered with and blocked internet service, SMS messages, and two-step verification messages for password recovery or account activation. The government employed sophisticated technologies and hundreds of computer specialists for filtering and surveillance purposes such as monitoring email and social media accounts of detainees, activists, and others.

[...] In addition to promoting hacking and conducting surveillance, the government and groups that it supported, such as the SEA [Syrian Electronic Army] reportedly planted malware to target human rights activists, opposition members, and journalists. Local human rights groups blamed government personnel for instances in which malware infected activists' computers. Arbitrary arrests raised fears that authorities could arrest internet users at any time for online activities perceived to threaten the

government's control, such as posting on a blog, tweeting, commenting on Facebook, sharing a photograph, or uploading a video.

Observers also accused the SEA of slowing internet access to force self-censorship on government critics and diverting email traffic to government servers for surveillance. [...]

#### [Syria Direct, Nowhere to run: Syrian refugees face Damascus' security apparatus in the EU, 23 October 2019](#)

[...] Though the European Union (EU), and Germany in particular, have become a safe haven for Syrian refugees, some refugees—mainly political and humanitarian activists—continue to be haunted by the long reach of the Syrian government's security apparatus, especially as talk of regime change becomes a thing of the past.

[...] If the stability of the Syrian government alone scares refugees, then "the regime's policy of spying on old immigrants and recent refugees with the help of other refugees, [similarly] increases their fears," a former Syrian diplomat living in Germany told *Syria Direct* anonymously.

The former diplomat, who worked in several Syrian diplomatic missions during his career, added that: "the regime relies on immigrants and refugees to track their peers and to ascertain who is against it and who is with it. They do what the embassy cannot do directly with regards to refugees." [...]

#### [Freedom House, Freedom on the Net 2019: Syria, 4 November 2019](#)

[...] Limits on Content [...]

Does the state block or filter, or compel service providers to block or filter, internet content? 1/6 [...] Authorities have also used technology provided by the Italian company Area SpA to improve their censorship and surveillance capabilities, according to evidence from 2011.<sup>43</sup> Analysis revealed that censorship and surveillance were particularly focused on social-networking and video-sharing websites.<sup>44</sup> The Wall Street Journal identified efforts that year to block or monitor tens of thousands of opposition websites or online forums covering the uprising.<sup>45</sup> [...]

[...] 43 Andy Greenberg, "Meet Telecomix, The Hackers Bent on Exposing Those Who Censor and Surveil The Internet," *Forbes*, December 26, 2011, <http://onforb.es/1Bu1tQx>; Blue Coat, "Update on Blue Coat Devices in Syria," news release, December 15, 2011, <http://bit.ly/1FzFd8X>.

44 "Blue Coat device logs indicate the levels of censorship in Syria," Arturo Filasto, accessed August 14, 2012, <http://bit.ly/1LZDZJ3>.

45 Jennifer Valentino-Devries, Paul Sonne, and Nour Malas, "U.S. Firm Acknowledges Syria Uses Its Gear to Block Web," *Wall Street Journal*, October 29, 2011, <http://on.wsj.com/t6YI3W>. [...]

### **1.1.1 Arbitrary arrest, detention and enforced disappearances / 1.1.2 Torture and other forms of ill-treatment / 1.1.3 Wanted lists**

These three subsections include information on the number of individuals who died due to torture and the number of arbitrary arrests of people during the first half of 2019:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.1.1 Arbitrary arrest, detention and enforced disappearances

More than 100 000 people have been detained, abducted or gone missing during Syria's eight-year civil war, largely at the hands of the GoS, according to Rosemary DiCarlo, UN Under-Secretary-General for Political and Peacebuilding Affairs.<sup>25</sup> [...]

The UN Human Rights Council described the practice of arbitrary arrests as follows: 'Since March 2011, a countrywide pattern emerged in which civilians, mainly males above the age of 15, were arbitrarily arrested and detained by the Syrian security and armed forces or by militia acting on behalf of the Government during mass arrests, house searches, at checkpoints and in hospitals'. GoS forces arrested civilians perceived to be supporting the opposition or deemed insufficiently loyal to the government, including residents in opposition-held areas and relatives of suspected armed opposition fighters, among others.<sup>27</sup> [...]

[...] 1.1.2 Torture and other forms of ill-treatment [...]

During the first half of 2019, SNHR reported that 159 individuals died due to torture with GoS forces being responsible in approximately 89 % of cases.<sup>46</sup> [...]



### 1.1.3 Wanted lists [...]

The practice of arresting Syrian citizens on unspecified grounds continued in 2019.<sup>54</sup> In the first half of 2019, SNHR documented 1 733 cases of arbitrary arrest at the hand of GoS forces throughout all governorates.<sup>55</sup> [...]

[...] 25 UN News, Security Council Failing Thousands of People Detained, Abducted in Syria, Civil Society Speakers Say, Demanding Information about Missing Persons' Whereabouts, 7 August 2019, url [...]

27 UN Human Rights Council, Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic, 3 February 2016, url, p. 4 [...]

46 SNHR, Death Toll due to Torture. Statistics of 2019, n.d., ur [...]

54 SNHR, At least 183 Cases of Arbitrary Arrests Documented in Syria in October 2019, 2 November 2019, url; HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url

55 SNHR, At least 2,460 Cases of Arbitrary Arrests Documented in Syria in the First Half of 2019, 2 July 2019, url, pp. 7-8 [...]

Whilst this particular section mentions the number of detainees that have died as a result of torture, it neglects to mention the current incidence of torture in detention. It would therefore have been helpful to have included some more recent sources on new cases of arrests, torture or execution during the second half of 2019, as well as a cross-reference to section 1.2.3 *Civilians originating from, or residing in, areas perceived to be opposing the government*, which included reference to a UN Security Council report of August 2019:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.2.3 Civilians originating from, or residing in, areas perceived to be opposing the government [...] According to an August 2019 report by the UN Security Council, the Syrian government's security forces have arbitrarily arrested and detained hundreds of persons since June 2019, the majority of detentions occurring in Dar'a, Rural Damascus, Damascus and Homs governorates.<sup>109</sup> [...]

[...] 109 UN Security Council: Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018) and 2449 (2018); Report of the Secretary-General [S/2019/674], 21 August 2019, url, p. 6 [...]

A reference to, or citation of, information included in the January 2020 EASO report *Exercise of authority in recaptured areas* would also have been useful, since some sources are mentioned there on the issue of arrests in 2019, for example:

#### [EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)

[...] 3. After the reconciliation agreement

[...] 3.1 Damascus and Ghouta/Rural Damascus

[...] 3.1.8 Yarmouk and Hajar al-Aswad

[...] 3.1.8.1 Consequences for the population

[...] Several sources reported arrests, including of individuals who have signed reconciliation agreements with GoS.<sup>241</sup> In addition, relatives of individuals who were evacuated to Northern Syria (Idlib) were reportedly arrested.<sup>242</sup> [...]

[...] 241 Syria Direct, On the anniversary of the peace deal in Southern Damascus "there is no amnesty, no reconciliation", 21 May 2019, url; SOHR, The regime's security services arrests commanders and fighters of those who stuck "reconciliation and settlement" deals in the south of Damascus, 23 July 2019, url

242 SOHR, The regime's security services arrests commanders and fighters of those who stuck "reconciliation and settlement" deals in the south of Damascus, 23 July 2019, url [...]

More recent information on these issues included in sources cited elsewhere in the report include:

#### [International Crisis Group, Lessons from the Syrian State's Return to the South, 25 February 2019](#)

[...] V. Policy Implications

[...] Regime retribution against former rebels and opposition activists, in particular in the form of arbitrary arrest, appears haphazard, but is frequent enough to keep a significant part of the population in a state of continuous uncertainty and fear. [...]

[European Institute of Peace, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019](#)

[...] Executive Summary

[...] The study finds that conditions on the ground are worrying. Even among the self-selecting 'voluntary' returnees, hundreds of detentions and arrests have been reported—including of refugees from abroad, IDPs from armed opposition areas, and those who have undergone a 'reconciliation' in an area retaken by the government. Recent detainees report having experienced brutal torture while in custody; deaths in custody have also been recorded. [...]

[Syrian Network for Human Rights, At least 4,671 cases of arbitrary arrests documented in 2019. Including 178 in December, 2 January 2020 \[in the EASO report mistakenly called "At least 6,671 Cases of Arbitrary Arrests Documented in 2019"\]](#)

[...] I. Introduction and Methodology

[...] 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.

[...] III. Record of Cases of Arbitrary Arrests by the Parties to the Conflict.

A. Record of cases of arbitrary arrest in 2019:

SNHR documented at least 4,671 cases of arbitrary arrests in 2019, including 224 children and 205 women (adult female) distributed by the perpetrator parties as follows:

[...]A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias): 2797 individuals, including 113 children and 125 women. [...]

[HRW \(Human Rights Watch\), World Report 2020 - Syria, Events of 2019, 14 January 2020](#)

[...] Arbitrary Detention and Enforced Disappearances

In areas retaken from the anti-government groups, including Eastern Ghouta, Daraa and southern Damascus, Syrian security forces arrested hundreds of activists, former opposition leaders and their family members, although they had all signed reconciliation agreements with authorities guaranteeing that they would not be arrested. [...]

The point raised by the 2<sup>nd</sup> January 2020 Syrian Network for Human Rights report mentioned above, is corroborated by other sources available at the time of drafting the *Targeting of Individuals* report. For example, a 23<sup>rd</sup> January 2020 report by the same source, the Syrian Network for Human Rights, repeats the number of arrests which are mentioned in its report of 2 January 2020 and explains who and where the arrests took place, and also explains that the decrease in the numbers of arrests officially documented, compared to 2018, is due to increasing difficulties in documentation and verification in the areas under the control of the Syrian regime [emphasis added]:

[Syrian Network for Human Rights, The Annual Report of the Most Notable Human Rights Violations in Syria in 2019. A Destroyed State and Displaced People, 23 January 2020](#)

[...] VIII Report details

A: The Syrian regime (security, army, local militias, and foreign Shiite militias):

1. Violations related to the treatment of civilians and hors de combat fighters

[...] B: Arbitrary Arrest and Unlawful Detention:

**Arbitrary arrests by Syrian Regime forces in 2019 targeted refugees and IDPs returning to their areas of origin.** We recorded regular arrests of refugees and IDPs returnees who had made official settlements of their security status with the regime through committees and consulates, and had received promises in return that they would not be arrested on their return; in spite of these

promises, **they were arrested, disappeared, tortured and/or forced to join compulsory and reserve military service without the regime committing to the time limit granted to them upon settlement, which is between 3 - 6 months from their return.** In this regard, we issued a detailed report on the most notable violations by Syrian Regime forces against returning refugees and IDPs.

**The arrests have also been concentrated in the areas that saw reconciliations and settlements with Syrian Regime forces, targeting all individuals who had been active in the popular uprising and had worked for factions of the Armed Opposition, civil society organizations, local councils, along with other activists, all of whom had made official settlements of their security status; these arrests were concentrated in the governorates of Daraa, Damascus Suburbs, Homs, and Quneitra.** Civilians in these areas were also subjected to arrest campaigns, with the aim of conscripting them for military service.

Since the beginning of 2019, we have recorded many cases of arrests, whose victims included **women and children, that took place in the context of civilians travelling between the areas controlled by Armed Opposition factions and Syrian Regime forces.** We also recorded cases of arrests that occurred in relation to citizens making phone calls to areas outside the control of the Syrian regime, in addition to arrests targeting media workers, writers, and playwrights, in the context of expressing unfavorable opinions about the Syrian regime and criticizing the living and economic situation in areas under Syrian regime control, through social media.

The SNHR documented the arrest of at least 2,797 individuals, including 113 children and 125 women (adult female) by Syrian Regime forces in 2019, 1,290 of whom were released, with many others forcibly conscripted into military service, and at least 1,507 individuals, including 66 children and 83 women, who were classified as forcibly disappeared. Meanwhile we also documented the arrest of 5,607 individuals, including 355 children and 596 women (adult female) by Syrian Regime forces in 2018. This decrease in the numbers of arrests officially documented is due to increasing difficulties in documentation and verification in the areas under the control of the Syrian regime, which has re-established its brutal security grip on those areas, with the population there fearful of reporting and documenting violations, for fear of being subjected to prosecutions and threats by Syrian Regime forces.

[...] C. Torture inside Detention Centers: [...]

In 2019, the SNHR documented the deaths of at least 275 individuals due to torture by Syrian Regime Forces, compared to 951 individuals, including 11 children and two women (adult female) who died due to torture by Syrian Regime forces in 2018 [...]

[UN Security Council: Implementation of Security Council resolutions 2139 \(2014\), 2165 \(2014\), 2191 \(2014\), 2258 \(2015\), 2332 \(2016\), 2393 \(2017\), 2401 \(2018\) and 2449 \(2018\); Report of the Secretary-General \[S/2019/949\], 16 December 2019](#)

[...] II Major developments

[...] Protection

[...] 17. OHCHR has continued to receive reports of **arbitrary arrests and enforced disappearances. Reported cases include those of returnees in areas controlled by the Government through various government security forces.** Relatives of those persons were not informed or were denied information about the circumstances, outcome and location of their family members. [...]

### 1.1.3 Wanted lists

This subsection provides information on wanted lists from a range of sources, including several experts on Syria interviewed as part of the Finish Immigration Service's (FIS) fact-finding mission to Beirut and Damascus in April 2018, who told the FIS that Syrians ended up wanted by the government for a wide variety of reasons and sometimes for no reason at all:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.1.3 Wanted lists [...]

Several experts on Syria interviewed by the FIS during a fact-finding mission to Beirut and Damascus in April 2018 reported that Syrians ended up wanted by the government for a wide variety of reasons and sometimes for no reason at all [...]

While some sources seem to indicate a certain arbitrariness in the behaviour of Syria's army personnel and its allied militias, other (anonymous) sources from the FIS FFM report seem to confirm the general assessment according to which there is a systematic pattern of targeting persons perceived to be opposing the government.<sup>52</sup> [...]

[...] 52 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, pp. 40-41; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15 [...]

Although aspects of the arbitrariness of Syria's authorities is raised through the inclusion of these interviews, to give a more complete and balanced picture on the matter, it would have been helpful to cross-reference to sections 2.3 *Wanted lists* and 2.4 *Checkpoints* of the February 2020 EASO COI report *Socio-economic situation: Damascus City* [emphasis added]:

[EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

[...] 2.3 Wanted lists [...]

Each branch of Syria's security services has its own wanted lists and they 'do not coordinate their lists' for clearing names, according to several sources interviewed for a DIS/DRC report. The same source stated that it was generally difficult for people to know their status with the Syrian government; however, those with money and connections can find out if their name is on wanted lists but this risks exposing them and is not a guarantee against difficulties, including risk of arrest.<sup>69</sup> [...]

[...] 2.4 Checkpoints [...]

Similarly, a confidential source in the Netherlands' 2019 COI report on Syria, almost all checkpoints have the capacity to check a person's background and military service status and these checks are made by a range of different agencies on a computer or by phone at both mobile and fixed checkpoints. The report noted that the fact that a person can pass a checkpoint without any checks on one day is not a guarantee this will happen the next day; even those who are not sought can experience problems such as temporary detention or having to pay bribes to pass the checkpoint. 81 [...]

[...] 69 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url, p. 15 [...]

[...] 81 Netherlands, MFA, Country of Origin Information Report Syria, The Security Situation, (June/July 2019), July 2019, url, p. 53 [...]

Furthermore it would have been helpful to include information from a July 2019 report by the European Institute of Peace, which was also mentioned in the EASO COI report of April 2020 on *Internally Displaced Persons, refugees and internal mobility*:

[EASO, Syria: Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 5.1 Checkpoints in government-controlled areas [...]

Additionally, persons interviewed by EIP reported that persons who earlier did not have problems with the authorities have recently found themselves on arrest lists, suggesting that the lists are continuously updated (so-called live lists) where names are added or subtracted.<sup>290</sup> [...]

[...] 290 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, p. 12 [...]

Additional information found in the same European Institute of Peace report and as included in the EASO COI report of December 2019 on *Actors* would have also been useful to add or at least make a cross-reference to [emphasis added]:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.2 Criminal trial procedures

Exceptional system [...]

According to a June 2019 European Institute of Peace (EIP) report ‘CTC trials tend to be brief; defendants are generally unable to mount adequate defenses, and evidence gathered under torture is admissible’. Those outside of Syria can be reportedly be tried by CTC in absentia or placed on wanted lists, sometimes without prior notification.<sup>154</sup> [...]

[...] 154 EIP, Refugee return in Syria: Dangers, security risks and information scarcity, June 2019, url, p. 13 [...]

Although there is information in this section, throughout this particular report and in the other EASO COI reports on Syria, on the arbitrary nature of the behaviour of Syrian authorities and affiliated groups, it would have been helpful to have a separate section dedicated to this issue.

### **1.2.3 Civilians originating from, or residing in, areas perceived to be opposing the government**

In this section information is provided on how the government’s territorial gains over the course of the Syrian conflict were followed by continued arbitrary arrests and detention of civilians originating from or residing in areas perceived to be opposing the government. Conveniently a cross-reference is made to the EASO COI report of January 2020 *Exercise of authority in recaptured areas*. However it would have been helpful to cross-reference to the then forthcoming EASO COI report of April 2020 *on Internally displaced persons, returnees and internal mobility*, and particularly sections 3.2 *The situation of returnees from areas included in the reconciliation agreements*, 3.4.2 *Regulating status in post-reconciliation areas*, 3.4.4 *Military conscription in post-reconciliation areas*, and 5.1 *Checkpoints in government-controlled areas*. Those particular sections for example deal with regulating status in post-reconciliation areas and provide information on the situation for returnees to these areas.

## Profile-specific observations and recommendations: Returnees from abroad

This chapter focuses on how the EASO COI reports on Syria have dealt with the treatment of returnees from abroad. To this end the following sections in the subsequent reports have been reviewed:

### [EASO, Targeting of individuals, March 2020](#)

- 1.3 Returnees from abroad
  - 1.3.1 Profiles of returnees
  - 1.3.2 Syrian refugees returning from Turkey
  - 1.3.3 Syrian refugees returning from Lebanon
  - 1.3.4 Syrian refugees returning from Jordan
  - 1.3.5 Clearance
  - 1.3.6 Treatment upon return

### [EASO, Internally displaced persons, returnees and internal mobility, April 2020](#)

- 3. Situation of returnees
  - 3.1 Background
  - 3.3 Return of Syrian refugees
    - 3.3.1 Lebanon
    - 3.3.2 Turkey
    - 3.3.3 Jordan
  - 3.4 Return procedures
    - 3.4.1 Security clearance
    - 3.4.2 Regulating status in post-reconciliation areas
    - 3.4.3 Wanted lists
  - 3.5 Arrests, detentions and violations committed against returnees

### [EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

- 2.3 Wanted lists

## [Targeting of individuals](#) (March 2020)

### Terms of Reference

It was observed that the Terms of Reference of the *Targeting of individuals* report did not propose that the *Situation of Returnees* be addressed. It is a welcome development that on the basis of research undertaken by the drafters they considered the need for *Returnees* to be addressed as a distinct profile.

### 1.3 Returnees from abroad

In this section there is a helpful cross-reference to subsection 1.3.5. *Clearance*, which states that detailed information on ‘security clearance’ will be covered in the forthcoming EASO COI report of April 2020 *on Internally displaced persons, returnees and internal mobility*.

#### 1.3.2 Syrian refugees returning from Turkey

It is also helpful that this subsection includes reference to the forthcoming EASO COI report of April 2020 *on Internally displaced persons, returnees and internal mobility*, stating that more information on Syrians deported from Turkey to Syria will be covered. It would have been helpful though to

mention also that the EASO COI report on *Internally displaced persons, returnees and internal mobility* will deal in general with return procedures (at section 3.4 *Return procedures*) and arrests, detentions and violations committed against returnees (at section 3.5 *Arrests, detentions and violations committed against returnees*).

### 1.3.6 Treatment upon return

This section contains a generally thorough representation of the main findings regarding the challenges to returnees according to the July 2019 European Institute of Peace report *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*. We also welcome the cross-reference that is made to the EASO COI report of February 2020 on *Socio-economic situation: Damascus City* for information on the situation of returnees to Damascus.

### Consequences of illegal exit and applying for asylum abroad

It would have been useful to have a (sub-)paragraph number added to this heading, so it could be traced more easily via the *Contents* page.

Under this heading reference is made to the Danish Immigration Service/Danish Refugee Council's report which stated that it did not know of cases of people punished solely for illegal exit [emphasis added]:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.3.6 Treatment upon return [...]

Consequences of illegal exit and applying for asylum abroad

According to a report by the DIS on the consequences of illegal exit, in August 2018, the GoS announced that Syrians who had left the country illegally during the war would not encounter problems because of illegal exit; whilst until then, under Law No 14 of 2014, illegal exit was punishable with imprisonment and fines. Sources reported to DIS that they did not know of cases of people punished solely for illegal exit, noting that those who face problems on return are those with other security problems with the government.<sup>151</sup> [...]

Sources interviewed by DIS reported that there are no consequences known of having applied for asylum abroad and that such applicants are not punished on return.<sup>154</sup> [...]

[...] 151 Denmark, DIS, Syria: Consequences of illegal exit, consequences of leaving a civil servant position without notice and the situation of Kurds in Damascus, June 2019, url, pp. 6-7 [...]

154 Denmark, DIS/DRC, Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria, 21 February 2019, url, p. 20 [...]

It is important to note that the sources interviewed by the Danish Immigration Service/Danish Refugee Council's fact-finding mission were: a Syrian General, who is Chief of the Immigration and Passports Department and a Damascus based lawyer. While this direct connection with Syria and/or the Syrian government does not disqualify their information, it might impede with the impartiality of their statements. It would have been helpful to mention the nature of these sources, and to balance them with other sources [emphasis added]:

#### [The Danish Immigration Service/Danish Refugee Council, Syria, Security Situation in Damascus Province and Issues Regarding Return to Syria, Report based on interviews between 16 to 27 November 2018 in Beirut and Damascus, February 2019](#)

[...] 3.3. Possible consequences of having applied for asylum in other countries upon return to Syria  
General Naji Numeir, Chief of Immigration and Passports Department said that the Syrian government would not prosecute or arrest people for obtaining asylum in neighbouring countries or other



countries, including Western countries as the government understands that they have fled from the war and from groups fighting against the government in the country.<sup>132</sup>  
A Damascus-based lawyer noted that having applied for asylum in other countries does not entail punishment upon return.<sup>133</sup> [...]

[...] 132 General Naji Numeir, Chief of Immigration and Passports Department: 257  
133 A Damascus-based lawyer: 19 [...]

Additional publicly available sources at the time of drafting this EASO COI report mention the possible negative consequences on return to Syria of claiming asylum abroad:

[UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria, February 2017](#)

[...] IV. Persons Holding, or Perceived to Be Holding Anti-Government Views [...]

5) Persons Engaging in Certain Activities Abroad

The government reportedly may perceive certain activities by Syrian nationals abroad as an expression of opposition to the government, including lodging an asylum claim,<sup>146</sup> participation in anti-government protests, contacts with opposition groups, or other expressions of opposition to the government, including through the use of social media.<sup>147</sup> [...]

[...] 146 "On their return to the country, both persons who unsuccessfully sought asylum in other countries and those who had previous connections with the Syrian Muslim Brotherhood faced prosecution" (emphasis added); US Department of State, 2015 Country Reports on Human Rights Practices - Syria, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. According to an emeritus professor of anthropology and forced migration at Oxford University, who is also the former director of Oxford's Refugee Studies Centre "[A] failed refugee claimant would be subject to arrest and detention. They would also be tortured in order to get a statement of why they left." Similarly, the Executive Director of the Syria Justice and Accountability Center reported that "a failed refugee claimant would definitely be subject to arrest and detention. He or she would be charged with broadcasting false information abroad and would also be treated as anti-government or opposition. He or she would be subject to torture in an attempt by authorities to get information about other refugee claimants or opposition. The failed refugee claimant risks being tortured to death or being tortured and then sent to prison for a very long time." According to a visiting senior research fellow with Kings College London, who specializes in Syria and has provided expert testimony in Syrian asylum cases in the UK, a failed asylum-seeker might be subject to arrest and detention on account of lodging an asylum claim abroad, however, this was not "automatic". Rather, he assessed that some officials automatically regarded failed asylum-seekers as government opponents, in which case they might be subject to arrest, detention and torture; other officials, however, might recognized that people also left the country for other reasons. In any case, he assessed that the current conflict has likely "raised the suspicion levels of officials"; Canada: Immigration and Refugee Board (IRB) of Canada, Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points, Including Failed Refugee Claimants, People Who Exited the Country Illegally, and People Who Have not Completed Military Service; Factors Affecting Treatment, Including Age, Ethnicity and Religion (2014-December 2015), 19 January 2016, SYR105361.E, <http://www.refworld.org/docid/56d7fc034.html> (hereafter: IRB Canada, Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>). Information from pre-2011 indicates that lodging an asylum claim abroad, if known to the Syrian authorities, would be considered as an expression of an anti-government opinion and result in detention upon return. Whether or not the Syrian authorities would be aware of the asylum claim would depend in particular on the mode of return (i.e. forced return); "(...) to seek asylum abroad is perceived as a manifestation of opposition to the Syrian government, so returned asylum seekers face the likelihood of arrest"; Amnesty International, Syria: Briefing to the Committee Against Torture, 20 April 2010, <http://www.refworld.org/docid/4c7fbee62.htm>. See also, Canada: Immigration and Refugee Board of Canada, Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims, Particularly when the Claim Was Made in Canada or the United States (US), 1 May 2008, SYR102807.E, <http://www.refworld.org/docid/485953751a.html> (hereafter: IRB Canada, Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims, 1 May 2008, <http://www.refworld.org/docid/485953751a.html>).

147 See above pp. 10-12. For the situation pre-2011, see IRB Canada, Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims, 1 May 2008, <http://www.refworld.org/docid/485953751a.html>. [...]



[U.S. Department of State, 2016 Country Reports on Human Rights Practices: Syria, 3 March 2017](#)

[...] D. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons [...]

Emigration and Repatriation: On their return to the country, both persons who unsuccessfully sought asylum in other countries and those who had previous connections with the Syrian Muslim Brotherhood faced prosecution. The law provides for the prosecution of any person who attempts to seek refuge in another country to evade penalty in Syria [...]

Regarding the seeming scarcity of recent sources on this issue, it would have been helpful for the authors of this EASO COI report to consult some country experts too.

Information is also included regarding the legalization of status at a Syrian representation abroad [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.3.6 Treatment upon return [...]

Consequences of illegal exit and applying for asylum abroad

According to two sources interviewed by DIS, 'by legalizing, their status at a Syrian representation abroad prior to return to Syria, persons who have left Syria illegally can return without facing any problem'.<sup>152</sup> However, other sources indicated that Syrians who return must agree to sign loyalty pledges to the government, including providing extensive background information and signed statements to cooperate with authorities, or must enter reconciliation agreements.<sup>153</sup> [...]

[...] 152 Denmark, DIS, Syria: Consequences of illegal exit, consequences of leaving a civil servant position without notice and the situation of Kurds in Damascus, June 2019, url, pp. 6-7

153 EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url; pp. 5-6; Washington Post (The), Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, 2 June 2019, url; [...]

It would have been helpful to add information on the uncertainties connected with this, by for example cross-referencing to the EASO COI report of April 2020 on *Internally displaced persons, returnees and internal mobility*, which has a subsection on security clearance of all categories of returnees (3.4.1). A cross-reference to the EASO COI report of February 2020 on *Socio-economic situation: Damascus City, in particular section 2.3 Wanted lists* would also have been helpful [emphasis added]:

[EASO, Syria.Socio-economic situation: Damascus City, February 2020](#)

[...] 2. Freedom of movement

[...] 2.3 Wanted lists

[...] The Syrian Network for Human Rights (SNHR)<sup>75</sup> reported that from 2014 - August 2019 it documented at least 1 916 arrests of Syrian refugees who returned to Syria; of these, 1 132 were released and 784 remained detained, of whom 638 were 'forcibly disappeared'. SNHR documented 15 cases of returnees who were reportedly killed due to torture. **Cases of arrests and enforced disappearances of refugees who had settled their cases with security services through consulates or committees for reconciliation were also reported.**<sup>76</sup> [...]

[...] 75 SNHR is an independent, non-governmental, non-profit organisation involved in documenting human rights violations in Syria, adhering to the standards and international conventions on human rights issued by the UN. For more information, visit: SNHR, About Us, n.d., url

76 SNHR, The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria, 15 August 2019, url, pp. 5-6 [...]

Other sources available at the time of drafting this report that could have been include here, which mention the dangers upon return, even after settling ones status with the Syrian government, are:

[The National, Some Syrians Are Returning Home to Arrests as Others Brave the Sea, 26 September 2018](#)

[...] The head of Lebanon's General Security, Major General Abbas Ibrahim, told Reuters this week that his agency had organised the return of 25,000 Syrians in coordination with Damascus, and the same number again had gone home of their own accord. According to General Security, all names are sent to Damascus for approval, and around 10 per cent of them are rejected. Those who are wanted by Syrian authorities are informed, so they can decide whether to return or not. But The National has learned that some are being arrested upon their return despite assurances.

Mohammed Al Domani, a 33-year-old Syrian refugee who came to Lebanon in 2012, went back earlier this month on one of many return trips organised by General Security over the past year. His family said he was arrested on the Syria border by the intelligence services.

Another man, Ali Al Shini, 54, was arrested on September 9 after returning from Egypt, "having been reassured by [Syrian] reconciliation officials in Damascus" that he was not being sought by authorities, according to Qays Al-Shami, a Syrian media activist based in Turkey.

"Many of these people are viewed by the Syrian government as being pro-opposition, or as not loyal to the Syrian government, so our concern is that there might be retaliation upon their return to Syria," said Leen Hashem, Syria campaigner for Amnesty International.

*"Arbitrary arrests, enforced disappearances, property confiscation, harassment, social stigma, these are the dangers," she added.[...]*

[Syrian Network for Human Rights, The Annual Report of the Most Notable Human Rights Violations in Syria in 2019. A Destroyed State and Displaced People, 23 January 2020](#)

[...] VIII Report details

A: The Syrian regime (security, army, local militias, and foreign Shiite militias):

1. Violations related to the treatment of civilians and hors de combat fighters

[...] B: Arbitrary Arrest and Unlawful Detention:

*Arbitrary arrests by Syrian Regime forces in 2019 targeted refugees and IDPs returning to their areas of origin. We recorded regular arrests of refugees and IDPs returnees who had made official settlements of their security status with the regime through committees and consulates, and had received promises in return that they would not be arrested on their return; in spite of these promises, they were arrested, disappeared, tortured and/or forced to join compulsory and reserve military service without the regime committing to the time limit granted to them upon settlement, which is between 3 - 6 months from their return. In this regard, we issued a detailed report on the most notable violations by Syrian Regime forces against returning refugees and IDPs. [...]*

## **Arrests, torture, detention**

It would have been useful to have a (sub-)paragraph number added to this heading, so it could be traced more easily via the *Contents* page.

Information is included from the July 2019 European Institute of Peace report *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity* outlying the concerns of all categories of returnees including the caveat that "... it cannot be assumed that only those within these groups are at risk of being detained or arrested, now or in the future". Similarly, an excerpt is included from a June 2019 Washington Post article stating that "Reliable figures on arrests and detention cases of returnees are not available":

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.3.6 Treatment upon return [...]

Arrests, torture, detention [...]

The EIP identified some particular risk profiles which are more susceptible to arrests while adding that arrests are taking place in all returning categories, 'and it cannot be assumed that only those within these groups are at risk of being detained or arrested, now or in the future':

- 'those who return without seeking security permissions and reconciling before travelling,
- individuals who worked in sectors or activities believed to be associated with the opposition (journalism, aid work, local councils, rescue workers),
- men of military age,
- and those with family members who were forcibly displaced to Idlib or Aleppo'.<sup>162</sup>

Reliable figures on arrests and detention cases of returnees are not available. According to returnees and human rights organisations interviewed by the Washington Post, 'hundreds of Syrian refugees have been arrested after returning home as the war they fled winds down — then interrogated, forced to inform on close family members and in some cases tortured'.<sup>163</sup> [...]

[...] 162 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 11-12, 25

163 Washington Post (The), Assad urged Syrian refugees to come home, 2 June 2019, url [...]

Additional information found in the same The Washing Post article would have been useful to also mention, namely that almost 2,000 people have been detained after returning to Syria during the past two years according to the Syrian Network for Human Rights: [emphasis added].

[The Washington Post, Assad urged Syrian refugees to come home. Many welcomed with arrest and interrogation, 2 June 2019](#)

Hundreds of Syrian refugees have been arrested after returning home as the war they fled winds down — then interrogated, forced to inform on close family members and in some cases tortured, say returnees and human rights monitors [...]

**Almost 2,000 people have been detained after returning to Syria during the past two years, according to the Syrian Network for Human Rights**, while hundreds more in areas once controlled by the rebels have also been arrested [...]

This subsection further includes information found in the July 2019 European Institute of Peace report stating that "numerous cases of returnees and IDPs having been arrested after returning to government-held areas":

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1.3.6 Treatment upon return [...]

Arrests, torture, detention [...]

The EIP report provides numerous cases of returnees and IDPs having been arrested after returning to government-held areas.<sup>164</sup> [...]

[...] 164 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 4-5 [...]

It would have been useful to add some more detailed information from the same European Institute of Peace report included at footnote 164:

[European Institute of Peace \(eip\), Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, June 2019](#)

[...] Detentions, Arrest, Torture, and Executions

[...] Torture

[...] Identifying detainees who were willing to speak was incredibly difficult due to their profound fear of being rearrested or their families harmed. Detailed information about the present conditions in prisons was therefore difficult to obtain. However, it is clear that the brutal torture that has become synonymous with Assad's prison network remains a day-to-day occurrence. Those who are arrested while returning to the country face the same treatment and the very real risk of being tortured during detention, even if they are later released. For this reason, detentions in Syria must be treated as an urgent, ongoing danger—not a historical concern to be addressed through transitional justice and accountability mechanisms.

[...] Refugee Return: Policy and Practice

[...] Refugee Status [...]

In Europe, the pressure to return is increasing, even within countries with a firm political position on return. Germany, for example, has paused its assessment of new cases while it reviews its asylum claim thresholds for Syrians. Family reunifications ceased some time ago, and a government programme was implemented to provide small financial incentives to those who chose to return to Syria. At least two of the more than 437 refugees who took up this option have been reported disappeared since they arrived in Syria.<sup>52</sup>

[...] Returning to the State [...]

Arrested Returnees [...]

Any analysis of the current fate of those returning to Syria must be understood in the context of who is returning at this time. There are widely advertised arrest warrant lists, unresolved detentions, largescale evacuations during the breaking of sieges through military campaigns, a lack of documentation, and general fear in opposition areas or among those who fled the country during the conflict. Further, UNHCR survey results discussed above reveal that the vast majority of Syrians have no plans to return to the country in the near term. Thus only those who believe themselves to be without issues with the state and free of security threats are currently choosing to return. Even within this group, some are denied permission to return. Therefore, those returning at the present time do not represent a cross-section of Syrian society by any measure. It would be reasonable to expect arrests and detentions within the group to be low or even non-existent, yet this is not the case.

Data collected within the UN system indicates that 14% of more than 17,000 surveyed IDP and refugee returnee households were stopped or detained during return, while returning in 2018. Of this group, 4% were detained for more than 24 hours. Within the refugee cohort, 19% were detained. These numbers relate specifically to the journey home and not to detentions in the weeks and months following.<sup>74</sup>

[...] IDPs returning to newly government-controlled areas from areas under opposition control, such as those returning from Idlib to Hama, or from Idlib to Eastern Ghouta, are particularly vulnerable to arrest. Those returning without undergoing the formal government reconciliation process are especially vulnerable to arrest. Recent detainees gave information about being arrested and brutally tortured in government custody within months of their return to the country.<sup>77</sup>

[...] Arrested Returnees—Open Sources

[...] In March, Syria Direct published an interview with a defector who had decided to return to Syria and has not been heard from since.<sup>81</sup> Reports have also emerged that one of the young men from Daraa province whose arrest and torture in prison helped spark the protests in 2011 had been arrested despite having gained security permissions to return home.<sup>82</sup> Another report from February 2019, in *Foreign Policy* magazine, describes the fate of two young returnees from Germany who vanished after being called in for questioning by the intelligence services.<sup>83</sup> Also in February 2019, two young men from Harasta reconciled their affairs with the state and returned from Turkey, only to be arrested by the secret police on arrival.<sup>84</sup> In December 2018, *Al-Moldon* reported that, due to an increase in the number of military police at the Jdaidet Yabous crossing, an average of four people per day were being arrested on their way from Lebanon to Syria.<sup>85</sup> In the same month, the same news outlet also reported that five Palestinian refugees were arrested after reaching Damascus on a flight from Tehran.<sup>86</sup> In September 2018, the *Irish Times* reported that at least four of the returnees it had followed had been killed. Three had been arrested within 3 months of returning and were killed 2–4 months after that in detention.<sup>87</sup> [...]

[...] 52 Medico International, *Starthilfe in den Tod*, February 2019, <https://www.medico.de/blog/starthilfe-in-den-tod-17309/>; European Council on Refugees and Exile, *Germany Supported the Return of 437 People to Syria – Reports on Disappearance of Returnees Raise Concern*, March 2019, <https://reliefweb.int/report/germany/germany-supported-return-437-people-syria-reports-disappearance-returnees-raise> [...]

74 UN Partners data collection report, February 2019 [...]

77 Interview with former resident of Homs and former detainee, April 2019. [...]

81 Syria Direct, 'To venture into the unknown': After several years in the diaspora, a defector returns to Syria and then disappears', 18 March 2019, <https://syriadirect.org/news/%e2%80%98to-venture-into-the-unknown%e2%80%99-after-sevenyears-in-the-diaspora-a-defector-returns-to-syria-and-then-disappears/>

82 <https://www.zamanalwsl.net/news/article/103153>

83 Anchal Vohra, 'A deadly welcome awaits Syria's returning refugees', *Foreign Policy*, 6 February 2019, <https://foreignpolicy.com/2019/02/06/a-deadly-welcome-awaits-syrias-returning-refugees/>

84 Damascus Voice, 'Young men from Harasta arrested after they came back from Turkey', 3 March 2019, <http://damascusv.com/archives/5901>

85 Raed al-Salhani and Alexander Haddad, 'Wanted for reserve service? 1M SYP to stop the arrest warrant', al-Modon, 1 December 2018,

<https://www.almodon.com/arabworld/2018/12/1/%D9%85%D8%B7%D9%84%D9%88%D8%A8%D9%84%D9%84%D8%A7%D8%AD%D8%AA%D9%8A%D8%A7%D8%B7%D9%85%D9%84%D9%8A%D9%88%D9%86%D9%84%D9%8A%D8%B1%D8%A9%D8%B3%D9%88%D8%B1%D9%8A%D8%A9%D9%84%D9%80%D9%83%D9%81%D8%A7%D9%84%D8%A8%D8%AD%D8%AB>

86 al-Modon, 'Palestinians coming back to Damascus taken to Palestine Branch', 20 December 2018, <https://www.almodon.com/arabworld/2018/12/20/%D8%A7%D9%84%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86%D9%8A%D9%88%D9%86%D8%A7%D9%84%D8%B9%D8%A7%D8%A6%D8%AF%D9%88%D9%86%D8%A5%D9%84%D9%89-%D8%AF%D9%85%D8%B4%D9%82-%D8%A8%D8%B6%D9%8A%D8%A7%D9%81%D8%A9-%D9%81%D8%B1%D8%B9-%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86>

87 Hayden 2018 [...]

A cross-reference to the EASO report on *Internally displaced persons, returnees and internal mobility*, especially paragraph 3.5 (*Arrests, detentions and violations committed against returnees*) would have been convenient as it states:

[EASO, Syria. Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3. Situation of returnees

[...] 3.5 Arrests, detentions and violations committed against returnees

[...] The EIP report on refugee return in Syria cites data collected from the UN system, as well as Syrian human rights organisations, like Syrian Network for Human Rights (SNHR) and Urnammu, relating to arrests and detention of IDPs and returnees. SNHR documented 312 arrests carried out in Syria of persons who returned from abroad in 2017, and no less than 719 in 2018 [...]

The threat of detention, torture and death by Syrian security state upon return can reportedly be unpredictable. Refugees interviewed by the International Crisis Group between November 2018 and July 2019 stated 'that refraining from anti-regime activities does not guarantee safe return'.<sup>243</sup> In September 2019, Human Rights Watch reported on the arrest and detention of Syrian refugees returning from Lebanon. Witnesses Human Rights Watch spoke to said that they were arrested and deported by the General Security Directorate in Lebanon, whereupon they were handed over to the Syrian border authorities upon deportation. Recent detainees informed that they were tortured in government custody within months of their return to Syria.<sup>244</sup> [...]

[...] 243 International Crisis Group, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, url, p. 22

244 HRW, *Syrians deported by Lebanon arrested at home*, 2 September 2019, url [...]

A reference to paragraph 2.3. of the *Socio-economic situation: Damascus City* report would also have been convenient, as it includes information on returnees who reportedly were killed due to torture:

[EASO, Syria. Socio-economic situation: Damascus City, February 2020](#)

[...] 2. Freedom of movement

[...] 2.3 Wanted lists

[...] The Syrian Network for Human Rights (SNHR)<sup>75</sup> reported that from 2014 - August 2019 it documented at least 1 916 arrests of Syrian refugees who returned to Syria; of these, 1 132 were released and 784 remained detained, of whom 638 were 'forcibly disappeared'. SNHR documented 15 cases of returnees who were reportedly killed due to torture. Cases of arrests and enforced disappearances of refugees who had settled their cases with security services through consulates or committees for reconciliation were also reported.<sup>76</sup> [...]

[...] 75 SNHR is an independent, non-governmental, non-profit organisation involved in documenting human rights violations in Syria, adhering to the standards and international conventions on human rights issued by the UN. For more information, visit: SNHR, About Us, n.d., url

76 SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, url, pp. 5-6 [...]

A further internal cross-reference to section 1.3.3 *Syrian refugees returning from Lebanon* would have been useful, where reference is made to a May 2019 Human Rights Watch report stating that at least three returnees, that were forced to sign voluntary return forms in Lebanon, were reportedly detained upon arrival in Syria. The *Socio-economic situation: Damascus City* report mentions the arrest of persons on return:

[EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

[...] 2.3 Wanted lists

Sources reported on disappearances and arrests on return to Syria<sup>72</sup>, including from Damascus international airport<sup>73</sup> About 18 women and children from Arbin were reportedly arrested at Qamishli airport and held for a month in 2019 at a military detention centre after arriving there from DAM.<sup>74</sup> [...]

[...] 72 FP, A Deadly Welcome Awaits Syria's Returning Refugees, 6 February 2019, url; New Arab (The), The risk of return: Why going home is not an option for all Syrians, 18 September 2019, url; Washington Post (The), Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, 2 June 2019, url; SAWA, Unpacking Return: Syrian Refugees' Conditions and Concerns, February 2019, url, pp. 31-32

73 New York Times (The), Inside Syria's Secret Torture Prisons: How Bashar al-Assad Crushed Dissent, 11 May 2019, url; Irish Times (The), Arrests and torture of Syrian refugees returning home reported, 17 March 2018, url; Irish Times (The), Road to Damascus: the Syrian refugees who want to go home, 2 December 2017, url

74 SOHR, Intelligence of the regime releases tens of citizens women of "Arbin" after being arrested at Qamishli airport northeast Syria, 18 October 2019, url [...]

It would have been helpful to have mentioned the additional information from one of the sources referenced in footnote 72, which provides general information on the risks for returnees and also a case study about the arrest of an older woman who had never been politically active. It is considered that this should have been included not only in the *Socio-economic situation: Damascus City* report, but also in *Targeting of Individuals* and *IDPs, returnees and internal mobility*:

[SAWA, Unpacking Return: Syrian Refugees' Conditions and Concerns, February 2019](#)

[...] CASE STUDY 3 – To Damascus and Back

Wurood (63, from Eastern Ghouta) related a chilling story of a 62-year-old woman who returned to Syria from Lebanon in January 2018: "The woman had spent the last seven months in Lebanon to visit family and was now heading back to Damascus. She returned in January. She thought she would be safe, since she's an older lady, in poor health. She wasn't a threat to anybody, and was never involved politically. She was completely unaffiliated with any political faction.

When she left Lebanon, she was traveling by herself. She did not expect to have any problems at the border or at checkpoints. But the Syrian authorities at the border. They never told her what she did, but I heard it was because one of her grandsons was in the FSA (Free Syrian Army)." The woman spent 45 days in prison, in extremely poor conditions. Wurood continued, "As soon as she was released, the woman tried to flee back to Lebanon. But she was weak from her time in prison, from the physical and psychological abuse and the lack of adequate food. She ended up paying a smuggler to take her over the border. The smuggler took her over the mountain pass, but this route is steep and dangerous. Somewhere along the way she fell from a height, and she broke her leg and and her hand in the fall. The woman made it back to Bar Elias but was in terrible shape. She couldn't afford medical treatment for her injuries, and she isn't even supposed to be back in Lebanon." Wurood explained that the woman left Bar Elias to go to Anjar, since she has family there, but that she has not received any word from the woman since.

POST-RETURN: CONDITIONS & PROTECTION CONCERNS [...]

I. Physical Protection

Even in areas where the security situation has stabilized, Syrian refugees have well-founded fears about their physical protection if they were to return to Syria. Overall, it is not safe for many Syrian refugees to return given persistent and well-documented protection concerns such as extrajudicial killings and forced disappearances, forced conscription, refusal of entry at the border, movement restrictions, extortion, kidnappings, and gender-based violence including rape and sexual assault. [...]

#### IV. Social Tensions & Divisions [...]

Overall, post-return conditions for returnees fail to meet basic protection standards. The risk of detention and disappearance continues unabated, and returnees may be disproportionately affected. [...]

Additional information found in publicly available sources at the time of drafting this EASO COI report, some of which referenced in any of the seven EASO Syria reports under review, provide further information on the uncertainties and dangers returnees from abroad may face:

#### [Euro-Mediterranean Human Rights Monitor, Syrians Denied Asylum Faced Death or Torture Following Return to Syria, 19 March 2018](#)

[...] Following their return to regime-controlled areas in Syria, hundreds of Syrian refugees have been arrested, tortured or killed by the Syrian regime forces, according to the Euro-Mediterranean Human Rights Monitor.

[...] Some of these refugees have been killed upon return to the regime-controlled areas, explains Euro-Med, pointing out that “recently four people were killed in Syrian military prisons due to torture and ill-treatment”. Two of these come from Hama while the other two are originally from Damascus. One of these four returned from Germany, arriving in Damascus. Following eight months in prison, his body was found lying dead on the street.

The Syrian police detained an elderly man who was returning from Sweden to Syria, interrogated him, confiscated his passport to prevent him from traveling. They also detained a young man who was returning from Germany to Damascus at the immigration office at Damascus airport. This young man was forced into disappearance in a secret prison for over a month, during which he was subjected to all kinds of torture and cruel treatment.[...]

#### [Middle East Monitor, Syria regime arrests returning Palestinian refugees, 18 December 2018](#)

[...] Coordinator-General of Maseer Association, Ayman Abu Hashem said the Syrian regime has arrested a number of Palestinian refugees who had voluntarily returned to Damascus.

Abu Hashem told *Arabi21* news site that the Syrian regime has arrested about 13 Palestinian refugees over the past few days, including five refugees who were arrested upon their arrival at Damascus airport coming from Europe to Damascus via Iran. The refugees were later taken to the Palestinian Affairs Division. [...]

Abu Hashem said that the Palestinian detainees are not politically active but the Syrian regime wants to convey a message to all Palestinian refugees that their return to Syria has become “undesirable”. [...]

#### [UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 31 January 2019](#)

[...] V. Life behind the frontlines [...]

Life under government control [...]

Arbitrary arrests and detention

73. [...] During the reporting period, activists, civil defence volunteers, conscript deserters, recent returnees and others generally perceived to be opposition supporters were the most likely to be detained arbitrarily. [...]

#### [SOHR, Regime’s Security Branches Continue Their Abusive Operations in Rif Dimashq and Arrest 2 Families in al-Tal City North of the Capital Damascus, 6 May 2019](#)

[...] Rif Dimashq Province, the Syrian Observatory for Human Rights: several reliable sources informed the Syrian Observatory for Human Rights that patrols of the “political security” branch carried out a raids and arrests in al-Tal city north of the capital Damascus, and in the details obtained by the Syrian Observatory: regime’s intelligence arrested 2 families in the city on various pretexts and charges, and the sources told the Syrian Observatory that one of the arrested families had returned from an Arabian Gulf country and settled their situation, while the other family was arrested on charges of contacting one of their relatives who is a leader in opposition factions in the Syrian north, also the political security raided a house of one of the wanted in the eastern



neighborhood of al-Tal city and they threatened his relative to surrender himself or they will arrest all members of his family. [...]

[Syria Call, Assad's regime pursues the leaders of reconciliations in Daraa, arrest new group of returnees through "Naseeb", 3 July 2019](#)

[...] In a related context, the intelligence services at the border crossing "Naseeb" arrested a new group of civilians while trying to return to their homes after an absence of more than seven years in Kuwait.

"The arrest took place immediately upon arrival at the crossing," the sources confirmed, pointing out that most of them are from the towns of "al-Gharia" and "Mseifra" in rural Daraa, have not participated in the revolutionary movement against the Assad regime.

A few days ago, a man from the city of "al-Tal" died in Damascus after being arrested by the Air Intelligence Division at Damascus International Airport upon his arrival from Saudi Arabia. He left the country more than 40 years ago and had no activity in the revolution at all.

The Syrian Human Rights Network has documented the arrest of at least 1,733 people in the first half of this year, including 80 children and 97 women, in line with persistent Russian allegations that the country is safe and suitable for the return of refugees. [...]

[UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019](#)

[...] II. Introductory remarks [...]

8. Countless other Syrian women, men and children have endured persecution. In Idlib, for example, where Levant Liberation Organization (Hay'at Tahrir al-Sham) terrorists are operating, civilians continue to be unlawfully detained or kidnapped, and often, tortured for expressing political dissent. In government-controlled areas, civilians, including recent returnees, have been arbitrarily arrested and detained, harassed, mistreated and tortured. [...]

[SOHR, The Regime Forces Arrest 5 Young Men from al-Tal City in Rif Dimashq when They Returned from Turkey and Entered the Syrian Territory from Latakia Countryside, 25 September 2019](#)

[...] The Syrian Observatory for Human Rights learned from several reliable sources that the Syrian regime's intelligence earlier this week arrested 5 young men from al-Tal city west of Rif Dimashq; when they were returning from Turkey, and in the details obtained by the Syrian Observatory: the arrest was carried out at Kasab Border Crossing with Turkey in Latakia countryside, and they were transferred to the security branches in the capital Damascus, local sources told the Syrian Observatory that the 5 young men underwent a settlement process with the Syrian regime in coordination with the reconciliation committee in al-Tal and some officers of the regime, but the security of the crossing informed their relatives that their settlement was refused because their names are on the list of members wanted for regime's security branches [...]

[Daily Sabah, Assad regime arrests 5 civilians returning to Syria, 26 September 2019](#)

[...] Bashar Assad regime forces yesterday arrested five civilians returning from Turkey to Syria at the Kasab border crossing in the northern suburbs of Syria's coastal Latakia province and took them to an undisclosed location, according to the Syrian Network for Human Rights (SNHR).

It was reported that the civilians were coming to settle their legal status. The Bashar Assad regime offered amnesty to all who agreed to end their anti-regime activities regarding crimes committed before Sept. 14, 2019.

Damascus has carried out a wave of arbitrary arrests against former activists in opposition areas that surrendered under deals brokered by its ally Moscow. [...]

[SNHR, The Most Notable Human Rights Violations as a Result of the Conflict in Syria in October 2019, 3 November 2019](#)

[...] II October outline [...]

Also throughout October [2019], Syrian Regime forces continued to pursue and arrest refugees returning to Syria via land crossings, including women, particularly at the Kasab border crossing with



Turkey, despite the returnees' having settled their security situations prior to their return, or after reaching their original areas of residence. [...]

[UN Geneva, Regular Press Briefing by the Information Service, 8 November 2019](#)

[...] There had also been reports of individuals being detained after returning to Syria in response to the granting of a partial amnesty by Syrian President Bashar al-Assad.[...]

[UN Security Council, Implementation of Security Council Resolutions 2139 \(2014\), 2165 \(2014\), 2191 \(2014\), 2258 \(2015\), 2332 \(2016\), 2393 \(2017\), 2401 \(2018\) and 2449 \(2018\), 16 December 2019](#)

[...] II. Major developments [...]

Protection [...]

17. OHCHR has continued to receive reports of arbitrary arrests and enforced disappearances. Reported cases include those of returnees in areas controlled by the Government through various government security forces. Relatives of those persons were not informed or were denied information about the circumstances, outcome and location of their family members.[...]

## **Internally displaced persons, returnees and internal mobility** (April 2020)

### **Terms of Reference**

Besides only referring to the general issue of 'returnees', specific questions on Syrians returning from abroad would have been useful. For example, specific questions could have been asked about the possibility of arrests or torture on return at the border, but also the possibility of arrest at a later stage after returning to Syria, as well as interest in returnees following security clearances.

### **3.1 Background**

We welcome the general remarks that are made on the uncertainties regarding returns, derived from the European Institute of Peace (EIP) report:

[EASO, Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3. Situation of returnees

3.1 Background

[...] Some of the challenges for displaced persons seeking to return include: lack of state guarantees, to both individuals and communities; lack of adequate procedural information; as well as imposed restrictions from the Syrian government on international agencies carrying out data collection and monitoring of returnees.<sup>112</sup> [...]

[...] 112 EIP, Refugees Return in Syria: Dangers , Security Risks and Information Scarcity, July 2019, url, p. 4 [...]

### **3.3 Return of Syrian refugees**

The circumstances for Syrian refugees in Lebanon, Turkey and Jordan are described in this section. Although these countries are indeed the most important regarding the number of Syrians residing there, it would have been helpful to also provide information on additional countries with significant numbers of Syrians: Egypt, Iraq, and the Gulf states. It would have been useful if these would have formed part of or explicitly mentioned in the *Terms of Reference*.

Among others, the following reports could have been helpful:

## Egypt

- [Dutch Ministry of Foreign Affairs, Thematisch Ambtsbericht positie van Syriërs in Egypte, 24 December 2018 \(in Dutch\)](#)
- [US Department of State: Country Report on Human Rights Practices 2018 - Egypt, 13 March 2019](#)

## Gulf States

- [European Asylum Support Office \(EASO\), Syrian in Gulf States, 8 June 2016](#)

## Iraq

- [US Department of State: Country Report on Human Rights Practices 2018 - Iraq, 13 March 2019](#)
- [Norwegian Refugee Council: Desperate measures: Syrians fleeing Turkey's military operation, 17December2019](#)

## Kuwait

- [UN High Commissioner for Refugees \(UNHCR\), Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: State of Kuwait, June 2014](#)
- [US Department of State: Country Report on Human Rights Practices 2018 - Kuwait, 13 March 2019](#)

## Saudi Arabia

- [US Department of State: Country Report on Human Rights Practices 2018 - Saudi Arabia, 13 March 2019](#)

## United Arab Emirates

- [UN High Commissioner for Refugees \(UNHCR\), Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: United Arab Emirates, June 2012](#)
- [Austrian Centre for Country of Origin and Asylum Research and Documentation: Anfragebeantwortung zu den Vereinigten Arabischen Emiraten: 1.\) Aufenthaltsstatus und Rückkehrmöglichkeiten; 2.\) Allgemeine Lage von PalästinenserInnen \[a-10656\], 25 July 2018](#)

### 3.3.1 Lebanon and 3.3.2 Turkey

It would have been useful to have cross-referenced to sections *1.3.2 Syrian refugees returning from Turkey* and *1.3.3 Syrian refugees returning from Lebanon* of the *Targeting of individuals* report as they both contain information on the absence of monitoring of the voluntariness of returns.

### 3.4.3 Wanted lists

This particular issue has been covered by other EASO COI reports and therefore it would have been useful to cross-reference to the relevant sections as follows: Subsection *1.1.3 Wanted lists* in the *Targeting of individuals* report; section *2.3 Wanted lists* in the *Socio-economic situation: Damascus City* report; and subsection *2.2.2 Wanted lists* in the *Actors* report, as well as repeat the information

contained in, or refer to, section 5.1 *Checkpoints in government-controlled areas* of the report on *Internally displaced persons, returnees and internal mobility*.

### 3.5 Arrests, detentions and violations committed against returnees

It is helpful that as a general remark the report states:

[EASO, Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3. Situation of returnees

[...] 3.5 Arrests, detentions and violations committed against returnees

[...] UNHCR has only limited access to communities of IDPs and returnees, and is therefore unable to monitor and collect data on IDPs or returnees without government permission. The agency has in some cases subcontracted local NGOs, such as the Syrian Arab Red Crescent (SARC) to carry out surveys and ‘protection missions’ in the country.<sup>238</sup> [...]

[...] 238 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, p. 23 [...]

Similar information has been included in section 1.3.6 *Treatment upon return of the March 2020 Targeting of individuals* report and it would have therefore been useful to include a cross-reference to it. All of our comments above on that section apply therefore also to this paragraph in *the Internally displaced persons, returnees and internal mobility* report.

This section includes useful information from the June 2019 European Institute of Peace (EIP) report. Yet, additional information found in the same source on the fate of returnees from abroad would have been good to have included too, which we have extracted further above at p.35/36:

[EASO, Syria: Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3.5 Arrests, detentions and violations committed against returnees [...]

Arrests, torture, detention [...]

UNHCR has only limited access to communities of IDPs and returnees, and is therefore unable to monitor and collect data on IDPs or returnees without government permission. The agency has in some cases subcontracted local NGOs, such as the Syrian Arab Red Crescent (SARC) to carry out surveys and ‘protection missions’ in the country.<sup>238</sup> The EIP report on refugee return in Syria cites data collected from the UN system, as well as Syrian human rights organisations, like Syrian Network for Human Rights (SNHR) and Urnammu, relating to arrests and detention of IDPs and returnees. SNHR documented 312 arrests carried out in Syria of persons who returned from abroad in 2017, and no less than 719 in 2018. The organisation further reported over 5 600 arrests carried out in 2018 against returnees inside Syria to governmentcontrolled areas.<sup>239</sup> Both organisations attributed the rise in the number of detentions, reportedly since October 2018, to the increase in the numbers of return to formerly held opposition areas. EIP further noted that returnees from Idlib to Hama and Idlib to Eastern Ghouta are particularly vulnerable to arrest, as well as those returning without prior clearance.<sup>240</sup> Despite having reconciled their status, and completed their papers with the authorities, returnees from rebel-controlled areas are reported to have faced detention upon return.<sup>241</sup> The town of Zabadani reported some arrests of returnees. Although most have been released after questioning, some remain missing. Locals in Zabadani also report being stopped and harassed at checkpoints, and having their phones searched. Others have been questioned for communicating with relatives in Idlib.<sup>242</sup> [...]

[...] 238 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, p. 23

239 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, p. 23

240 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, p. 23

241 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, pp. 23-24

242 EIP, *Refugees Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, url, p. 25 [...]

## Profile-specific observations and recommendations: Forcible conscription by government forces, treatment of draft evaders, deserters and defectors

This chapter focuses on how the EASO COI reports on Syria have dealt with the treatment of forcible conscription by government forces, treatment of draft evaders, deserters and defectors. To this end the following sections in the subsequent reports have been reviewed:

- [EASO, Targeting of individuals, March 2020](#)
  - 1. Persons perceived to be opposing the government
    - 1.1.3 Wanted lists [...]
    - 1.3 Returnees from abroad
    - 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces
    - 2.1 Military service and official conscription [...]
    - 2.3 Consequences of draft evasion and desertion
    - 2.3.1 Penalties for evading service
    - 2.3.2 Penalties for desertion
    - 2.4 Enforcement of amnesty for draft evaders and deserters [...]
    - 12.1 Child recruitment by government armed forces and other armed groups
- [EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)
  - 2.5 'Sorting out of affairs' (taswiyat al-wada) [...]
  - 2.7 Military service
- [EASO, Syria Internally displaced persons, returnees and internal mobility, April 2020](#)
  - 3. Situation of returnees [...]
  - 3.4.4 Military conscription in post-reconciliation areas
- [EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)
  - 2.3 Wanted lists
  - 2.4 Checkpoints
- [EASO, Syria Security situation, May 2020](#) [brief search for conscription, evaders, deserters]

### [Targeting of individuals](#) (March 2020)

#### Terms of Reference

All of the profiles listed in the *Terms of Reference* for the *Targeting of individuals* report have been addressed in the final report. In general, the *Terms of Reference* is rather broad and the contents page of the report helpfully breaks down the relevant issues in greater detail. Compare the *Terms of Reference* below with the sections of the report that addresses this issue as set out above:

[EASO, Targeting of individuals, March 2020](#)

[...] Annex II: Terms of Reference

Targeting of individuals and treatment by main actors

a. Who is targeted, by which actor, how, what is their treatment, why does targeting occur, when has targeting happened

b. Possibility to access redress and protection and/or avoid or escape targeting

Research should aim to consider the main profiles:

[...] Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces [...]

### 1.1.3 Wanted lists

This section of the *Targeting of individuals* report neglects to mention that persons might appear on 'wanted lists' on the basis of being sought for military service:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.1.3 Wanted lists

Several experts on Syria interviewed by the FIS [Finnish Immigration Service] during a fact-finding mission to Beirut and Damascus in April 2018 reported that Syrians ended up wanted by the government for a wide variety of reasons and sometimes for no reason at all. A checkpoint officer's mood as well as having a similar name with a person that in fact opposes the government could lead to an arrest.<sup>48</sup>

Pro-opposition media outlet Zaman al-Wasl leaked one of those lists in 2018, which is said to originate from the year 2015 and has since been widely shared online. It contains around 1.5 million names of people wanted for arrest by the government.<sup>49</sup> Similar leaks (although containing not as many names) were released by Zaman al-Wasl in 2016<sup>50</sup> and by the Syrian Observatory for Human Rights (SOHR) in 2018<sup>51</sup>, respectively.

While some sources seem to indicate a certain arbitrariness in the behaviour of Syria's army personnel and its allied militias, other (anonymous) sources from the FIS FFM report seem to confirm the general assessment according to which there is a systematic pattern of targeting persons perceived to be opposing the government.<sup>52</sup> The Col also noted that persons perceived to be opposition supporters 'were the most likely to be detained arbitrarily'.<sup>53</sup>

The practice of arresting Syrian citizens on unspecified grounds continued in 2019.<sup>54</sup> In the first half of 2019, SNHR documented 1 733 cases of arbitrary arrest at the hand of GoS forces throughout all governorates.<sup>55</sup>

In September 2019, President Bashar al-Assad issued Legislative Decree No 20 of 2019, granting general amnesty for crimes committed before 14 September 2019 for all or part of the penalty concerned.<sup>56</sup> A GoS-affiliated publication summarised the decree's stipulations as follows: 'the decree minimizes major penalties like execution to life-time hard labour imprisonment while life sentences are lessened to 20 years in prison. The decree also covers military service penalties. Deserters from the army must surrender themselves to benefit from the amnesty'.<sup>57</sup> The decree foresees the release or decrease of punishment for some categories of prisoners, including some that were detained under the 'terrorism law'.<sup>58</sup>

Information on the implementation of the decree could not be found. [...]

[...] 48 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 39

49 Zaman al-Wasl, 1.5 milyoun matloub li-nzam al-Asad [1.5 Million Wanted by the Assad Regime], n.d., url; Daily Star (The), Syrians in exile search for answers in leaked "wanted list", 6 April 2018, url; Swiss Refugee Council, Syrien: Fahndungslisten und Zaman al Wasl [Syria: Wanted Lists and Zaman al-Wasl], 11 June 2019, url

50 Zaman al-Wasl, Khas bi-shabab Haleb wa-rijaliha: Muhrik maftuh min "Zaman al-Wasl" li-lmatlubeen li-jaysh an-nizam [Especially for Aleppo's youth and its men: "Zaman al-Wasl" search engine for those wanted by the regime's army], 12 December 2016, url

51 SOHR, Qawayeem bi'akthar min 5 alaf ism matlub li-laihtiat fi-sufuf jayesh an-nizam tasil ila sharq al-asimat dimashq wa- rifiha [lists of more than 5 thousand names required for reserve in the ranks of the regime's army up to the east of Damascus and its countryside], 18 December 2018, url

52 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, pp. 40-41; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15

- 53 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15
- 54 SNHR, At least 183 Cases of Arbitrary Arrests Documented in Syria in October 2019, 2 November 2019, url; HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url
- 55 SNHR, At least 2,460 Cases of Arbitrary Arrests Documented in Syria in the First Half of 2019, 2 July 2019, url, pp. 7-8
- 56 SANA, President al-Assad issues legislative decree stipulating for granting amnesty for crimes committed before 14 September 2019, 15 September 2019, url
- 57 Syria Times (The), President al-Assad issues general amnesty, 15 September 2019, url
- 58 RFI, Syria president decrees amnesty, reduces sentences, 15 September 2019, url [...]

This is despite the fact that in section *1.3 Returnees from abroad*, there is a subsection on *Conscription in the Syrian army*, which details that persons on ‘wanted lists’ include those sought for military service [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government  
 [...] 1.3 Returnees from abroad  
 Conscription in the Syrian army  
 [...] The 2019 EIP report mentioned the existence of ‘wanted lists’ **with about 3 million names of individuals wanted, including for mandatory military service**. These lists are reportedly ‘designed to deter disloyal individuals from returning’. [...] <sup>160</sup> [...]

160 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, p. 12

Moreover, the omission from section *1.1.3 Wanted lists* in the *Targeting of Individuals* reports is in contrast to other EASO reports which have more clearly documented that ‘wanted lists’ include persons sought for military service [emphasis added]:

[EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

[...] 2.3 Wanted lists  
 Syria’s security services maintain ‘wanted lists’ that may be checked at checkpoints.<sup>67</sup> The **wanted lists are for conscripts** and those believed to be involved in opposing the Assad government. The head of Air Force Intelligence has publicly claimed that its lists have 3 million names. This number could not be verified. Syrian news site Zaman al Wasl also published a list with 1.5 million names.<sup>68</sup> [...]

67 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url, p. 15; EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url, p. 12; HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url; MEI, Despair and Decay – East Ghouta After 18 Months of Renewed Regime Rule, November 2019, url, p. 9

68 EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url, p. 12

[EASO, Syria Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3. Situation of returnees  
 [...] 3.4.3 Wanted lists  
 The head of Air Force Intelligence, Jamil Hassan, stated in a private meeting reported by an opposition news outlet last year that there are three million names on the Syrian government’s wanted list. The **list includes persons wanted for military service**. However, the figures are hard to verify, and antigovernment media outlets (e.g. Zaman al wasl, Syrian Observatory for Human Rights (SOHR)) have been known to publish names of persons wanted by the Syrian government.<sup>234</sup> [...]

234 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, p. 14

## 1.3 Returnees from abroad

Section 1.3 *Returnees from abroad* of the report includes the helpful sub-section: *Conscription in the Syrian army*. However, as this sub-section is not itemised, it does not appear in the *Contents* page, and therefore it is possible that it and the significance of the issue might be overlooked by the reader. This sub-section is particularly important as it mentions the scale of persons being detained and forced into military service and the scale of wanted persons, including for military service [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.3 Returnees from abroad

Conscription in the Syrian army

A 2014 decree stipulated that men of the age of military conscription (18-42) ‘who are unwilling to serve but who wish to return to Syria must remain outside the country for at least four years and pay an exemption fee of US\$8,000’. Men over 42 years of age who had not served in the military had to pay the same exemption fee.<sup>155</sup> An amnesty (Decree No 18/2018), announced in October 2018, removed the exemption fee for men who had not been conscripted yet. However, it did not remove the mandatory military conscription as such.<sup>156</sup> Also, according to the DIS, ‘arrest of reservists who have evaded the military service is prohibited and names of reservists wanted for active duty are dropped.’ The government emphasised that the circular was meant ‘to assure refugees that they will not be detained upon return to Syria if they were previously wanted for reservist service in the Syrian Arab Army’.<sup>157</sup>

Very few people applied for amnesty during the period (four months for those within the country, six months if living abroad). **‘Instead, thousands of young men have been detained and investigated before being forced into military service across the country in recent months,’** according to EIP.<sup>158</sup>

According to Morris, describing the situation of returnees from Jordan, ‘many fear reprisals **due to perceived cowardice or disloyalty** to the regime’.<sup>159</sup>

The 2019 EIP report mentioned the **existence of ‘wanted lists’ with about 3 million names** of individuals wanted, including for mandatory military service. These lists are reportedly ‘designed to deter disloyal individuals from returning’. The wanted lists also contain names of persons ‘believed to have been involved in opposition-related activities, which range from protesting to working in media or nongovernmental organisations (NGOs), and human rights activists and local administrative officials under opposition control’.<sup>160</sup>

Detailed information on the military service in the GoS forces and consequences for draft evaders and deserters is available in Chapter 2.

A report by the EIP, examining the concerns of all categories of returnees, found a worrying situation with many arrests and torture cases by government security forces: ‘Even among the self-selecting “voluntary” returnees, hundreds of detentions and arrests have been reported [...] **Recent detainees report having experienced brutal torture while in custody; deaths in custody** have also been recorded’.<sup>161</sup>

Arrests, torture, detention

The EIP identified some particular risk profiles which are more susceptible to arrests while adding that arrests are taking place in all returning categories, ‘and it cannot be assumed that only those within these groups are at risk of being detained or arrested, now or in the future’:

- ‘those who return without seeking security permissions and reconciling before travelling,
- individuals who worked in sectors or activities believed to be associated with the opposition (journalism, aid work, local councils, rescue workers),
- **men of military age,**
- and those with family members who were forcibly displaced to Idlib or Aleppo’.<sup>162</sup> [...]

[...] 155 Araman, A. and Loutf, S., Return to Syria after evading conscription, Forced Migration Review, October 2019, url, p. 52

156 EIP, Refugees Return in Syria: Dangers , Security Risks and Information Scarcity, July 2019, url, p. 11

157 Denmark, DIS/DRC, Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria, 21 February 2019, url, p. 29

158 EIP, Refugees Return in Syria: Dangers , Security Risks and Information Scarcity, July 2019, url, p. 11

159 Morris, Julia, The politics of return from Jordan to Syria, Forced Migration Review, October 2019, url, p. 32

160 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, p. 12 [...]



However, it is considered that this subsection of the report should have clarified specifically that *returnees* are being conscripted. That returnees are targeted for conscription could be assumed to be self-evident given that the title of this section is *1.3 Returnees from abroad*, but as can be seen in the excerpts above, this is not clearly elucidated. This issue was mentioned briefly in *1.3.6 Treatment upon return* but not within *Conscription in the Syrian army* [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.3.6 Treatment upon return [...]

Some of the challenges **that returnees may face**, according to the European Institute of Peace (EIP), are:

[...] - State guarantees as part of reconciliation agreements are not fulfilled, for both individuals and communities. There are many reports of **returnees having been arrested, detained, harassed or conscripted** after they had completed the reconciliation process and received protection papers; [...]  
<sup>150</sup> [...]

[...] <sup>150</sup> EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 4-5 [...]

This is despite this point being specifically mentioned in the report cited at footnotes 158 and 160 of the *Conscription in the Syrian army* sub-section [emphasis added]:

[European Institute of Peace, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019](#)

[...] Executive Summary

Additionally, **instances have been recorded of individuals from all returnee categories being arrested, detained, conscripted**, or harassed after completing the reconciliation process and receiving protection or security papers. [...]

The process of securitized reconciliation and return is being undertaken even within ostensibly humanitarian venues, such as so-called IDP shelters within Syria. In Eastern Ghouta, thousands of people were offered shelter and aid within IDP shelters during the military campaign waged by Assad and Russia against the area. There, men were separated from women and children and the process of reconciliation and release began. Under the watch of the aid organizations that provided assistance to the shelters, men were detained and conscripted while the so-called reconciliation forms were completed. This process is currently being repeated in Homs, where evacuees from Rukban IDP camp are being detained, ill treated, and forced to undergo interrogation and reconciliation. Fears that similar processes could be used in the event of larger-scale returns from Lebanon are rising. [...]

**Arrests of returnees to Eastern Ghouta have been reported**, in particular those returning from northern Syria, who have been arrested at checkpoints in Damascus and its suburbs, particularly the al-Qteifeh checkpoint. Local sources reported that some of these arrests were made because individuals returned without undergoing the reconciliation process and receiving government permission; those individuals were later brought to the Air Force Intelligence branch in Harasta city.<sup>149</sup> Yet returnees from northern Syria have also been arrested despite having received reconciliation guarantees.<sup>150</sup> Adnan Boidati received promises of non-arrest but was taken into custody after returning from al-Bab city in late July 2018. He died in prison and his body was later delivered to his family.<sup>151</sup> **Other young returnees have been forcibly conscripted into the military.**<sup>152</sup> [...]

[...] <sup>149</sup> SOHR, 'The regime's intelligence arrests citizen women and a child coming back from the Syrian north months after they have been displaced from the area according to deals reached with the factions operating in it and the dignitaries', 21 October 2018, <http://www.syriahr.com/en/?p=105098>; SOHR, 'After recruiting hundreds and arresting more than 700 of the returnees to its controlled areas, regime's intelligence arrests a family from Ghouta and prevents its students from reaching their universities', 19 November 2018, <http://www.syriahr.com/en/?p=107000>

<sup>150</sup> Interview with a former resident of Eastern Ghouta, February 2019.

151 STJ, 'Arrest of returnees from Northern Syria to Eastern Ghouta and one dies in custody. Nineteen persons arrested including 11 women despite promises of non-exposure', 14 August 2018, <https://www.stj-sy.com/en/view/687>

152 SOHR, 'Arrests a family from Ghouta and prevents its students from reaching their universities', 19 November 2018, <http://www.syriahr.com/en/?p=107000> [...]

This is also corroborated by other publicly available sources at the time of drafting the *Targeting of Individuals* report, the first of which was cited elsewhere in the report [emphasis added]:

[Danish Immigration Service, Danish Refugee Council, Report on the security situation in Damascus province and issues regarding return based on fact-finding mission conducted in Beirut and Damascus between 16 and 27 November 2018, 21 February 2019](#)

[...] 3.5.5. Treatment upon return

[...] According to Rami Abdurrahman (SOHR), there have been cases of returnees from Turkey who have been conscripted to the army upon return.<sup>190</sup> [...]

Meeting with Rami Abdurrahman (Ossama Suleiman), Director, the Syrian Observatory for Human Rights (SOHR), UK, 5 November 2018 [...]

Treatment of persons recently returned

220. During 2017 and 2018, over 50.000 people have returned to Syria from Turkey. These refugees, who had left Syria due to the war and the security situation in their home areas, have generally not faced difficulties with authorities upon return. However, there have been cases of returnees from Turkey who have been conscripted to the army upon return. The source underlined that young people in military service age have not come back to Syria for fear of being conscripted. Many returnees from Turkey are from Aleppo. [...]

[...] 190 Rami Abdurrahman (SOHR): 220 [...]

[Syrian Network for Human Rights, The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria, 15 August 2019](#)

[...] Methodology

[...] The report includes the most notable of the violations committed by the Syrian Regime forces since 2014, the year in which we recorded the escalation of targeting of returnees with arrests, up until August 2019. The report relies on the Syrian Network for Human Rights' database, which has been created through daily documentation processes over years, and more specifically on the interviews and investigations conducted by the SNR team since the beginning of 2019. [...]

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

A. Arbitrary Detention, Enforced Disappearance, Abduction and Torture

-At the refugee level:

[...] From the beginning of 2014 up until August 2019, the SNHR team documented at least **1,916 cases of arrests**, including 219 children and 157 women (adult female), **among refugees who returned from countries of asylum or residence to their areas of residence in Syria**, all of whom were detained by Syrian Regime forces. The Syrian regime released 1,132 individuals who returned, while 784 others remained in detention. Of whom 638 were forcibly disappeared. Furthermore, we recorded the deaths of 15 of these detainees as a result of torture, with 11 of those killed under torture having returned from Lebanon. It should be noted, however, that even after the Syrian regime released 1,132 of these returning refugees, it detained a number of them again, **forcing them to join the military forces via enforced conscription**. [...]

At the IDP level:

[...] Within the same period covered by the report, from the beginning of 2014 up to August 2019, the SNHR team documented at least **426 cases of arrest of IDPs who returned to areas controlled by the Syrian regime**, including 13 children and 11 women (adult female). The Syrian regime released 119 of those detained, while 2307 others remained in detention, of whom 284 were forcibly disappeared; we have documented the deaths of two of these individuals as a result of torture. It should also be noted, however, that even after the Syrian regime released 119 cases, **it detained a number of them again, and forced them to join the regime military via enforced conscription**. [...]

[The Independent, Don't tell Syrians to go home. We need to deal with Bashar al-Assad's regime first, 20 October 2019](#)

[...] The report, prepared by the Syrian Association for Citizens' Dignity and based on interviews with 165 returnees in Homs, the Damascus countryside, Daraa and Aleppo, **paints a dire picture of life for those Syrians who return to the country.** The report also underscores the failure of the international community to address the core problem of the Syrian conflict: the continued existence and nature of the dictatorial Assad regime. [...]

"It is not safe for displaced Syrians to return to Assad-held areas," the 44-page report's executive summary concludes. **"Returnees and most people living in regime-held areas live in fear and feel extremely vulnerable and unsafe."**

It describes continuing "widespread and systematic human rights violations" by unformed security forces, Iranian-backed militias and foreign groups. "Arbitrary arrests, **forced recruitment**, extortion and the absence of basic services are the **main factors driving this fear and the returnees' desire to leave their homes again, this time permanently.** [...]

[Ninar al-Ra'i \(European University Institute\), Facets of Syrian Regime Authority in Eastern Ghouta, November 2019](#)

[...] Arrests and Conscription

Once the 'reconciliation' procedures with the Syrian authorities were concluded,<sup>16</sup> the towns witnessed a massive campaign of arrests that were intended to support conscription efforts.<sup>17</sup> SAA units arrested dozens of youths between the ages of 18 and 42, most of whom were not enlisted in the Iranian- and Russian-backed paramilitary forces stationed in the towns. The arrests targeted university students, employees, civilians and individuals who had attempted to 'settle' their status. In arrest operations, security and military forces generally surround a particular area, then youths are taken by truck to the '350 Aghrar' Special Forces base in al-Dreij. These draftees are forced to sign papers enlisting them in the ranks of the SAA, and then they are trained. The goal of these military conscription campaigns is probably to remove youths from the towns in which they live and thus diminish the number of individuals who constitute a threat to the stability of the Syrian regime in the short term. [...]

[...] 16 The agreement between Faylaq al-Rahman and Russia announced on 23 March 2018 stipulated in one of its clauses that those who wanted to remain in the locality would be able to regularize their status within a period of six months after the conclusion of the surrender agreement.

17 The Syrian Network for Human Rights, "No Fewer Than 557 Arbitrary Arrests in Syria in May 2018, Most with the Goal of Conscription" (in Arabic), 5 June 2018, <http://bit.ly/2Hj2hmM> [...]

This is all the more important not to be overlooked given that as discussed below, section 2.3 *Consequences of draft evasion and desertion* neglects to specifically mention that returnees to government held areas have been detained and/or forcibly conscripted.

## **2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces**

### **2.1 Military service and official conscription**

It is surprising that the *Targeting of Individuals* report makes no mention that compulsory conscription has been used as a form of punishment. This is despite the following source cited in footnote 173 of this section documenting this [emphasis added]:

[TIMEP, TIMEP Brief: Conscription Law, 22 August 2019](#)

[...] By establishing compulsory military service and creating an expansive pool from which to draw reservists, Syria's Conscription Law makes military service a central element of the relationship between the Syrian state and the civilian population. With active hostilities ongoing for over eight years, this reality has been particularly underscored. In the absence of any ability to conscientiously object from conscription and with the legal scheme being applied in a discretionary manner, the

regime **has used conscription as a tool of punishment** and power consolidation, rather than to establish a culture of service to protect the nation. [...]

Other sources available at the time of drafting the *Targeting of Individuals* report have also documented that persons have been forcibly conscripted from detention [see p. 45/46] and sources report that conscription has been used by the regime to destroy perceived anti-regime elements, for example [emphasis added]:

[Syrian Association for Citizens' Dignity, Reconciling with death, disappearance and fear, 23 July 2019](#)

[...] Frontline executions

Numerous reports and testimonies speak of the widespread practice in which **the people who have entered "reconciliation agreements" and their families, are at the same time wanted by the security branches for being "connected to anti-regime elements"** and by the **military for deployment to the most dangerous frontlines** in Idlib and Hama regions. Once they are recruited, they are immediately shipped to these frontlines where they often die at the hands of their former comrades or in murky circumstances away from the frontline itself. **Forced recruitment has become a way for the regime to obliterate what it sees as anti-regime elements** standing in the way of its vision of demographically engineering a loyal and obedient population. Examples testifying to this method of retaliation against the people who "reconciled" are numerous. [...]

It is also considered that the coercive element of recruitment has been underplayed in this section of the *Targeting of Individuals* report. The following excerpts are all those that mention how recruitment is undertaken in this section of the report. Two mention 'mass drives' or 'conscription campaigns' and two mention arrests, but not whether arrestees would subsequently be forcibly conscripted. Only one of the sources (footnote 182) mentions the forcible aspect of recruitment and only one (footnote 192) refers to arrest as a potential consequence for refusing to sign up [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces [...]

2.1 Military service and official conscription

While the law prescribes an age limit of 42 years for conscription, in practice the age limit for military service and reserve duty has been increased, which practically lead to people in their late 40s and early 50s **being forced to sign up**. Sources interviewed by FIS stated that the age limit is less dependent on the universal draft than on the government's mobilising efforts and local developments. Therefore, the Syrian authorities are usually following younger people between the age of 18 and 27 more closely while people older than that tend to avoid the recruitment more easily.<sup>182</sup> [...]

According to expert interviews carried out by FIS, it appears to be possible for a person to join and serve in the government-affiliated militias instead of doing the military service under the regular army. This holds to be true especially for the retaken and 'reconciled' areas.<sup>187</sup> The Fifth Corps – an association of militias incorporated into the official military structure in 2016 as a distinct army corps backed by Russia<sup>188</sup> - in particular is said to be the main alternative to the regular Syrian army regarding military service. That has been the case especially in the reconciled areas, retaken by the government in 2017 and 2018. According to information received by the FIS, the special status of the Fifth Corps in terms of recruitment seems not to be limited to the reconciled areas. For example the Fifth Corps elite unit, the Tiger Forces, **were recruiting** new fighters in Damascus area.<sup>189</sup>

**Recruitment occurred** in other pro-government militias such as the National Defense Forces (NDF), which often attracts recruits due to better financial incentives than the SAA.<sup>190</sup> A Syrian activist interviewed by FIS assessed 'that pro-government militias are the primary recruiters of new fighters in areas where these militias are more powerful than the Syrian army'.<sup>191</sup>

OHCHR noted that in Dar'a governorate civilians of military age were required to perform their military service either in the army, intelligence services, or the NDF. By enlisting in the Fourth Division,

men were reportedly promised to remain inside Dar'a governorate and not being sent to fight elsewhere. Hundreds of reconciled fighters and civilians joined the Fourth Division and other government-affiliated forces. Some have joined the Fifth Corps to avoid drafting by the SAA. **Those refusing these options would either attempt fleeing from government-held areas and risk arrest at checkpoints** or remain in territories outside of the government's access.<sup>192</sup> [...]

According to Christopher Kozak, conscription intake remains relatively the same even though the situation has stabilised somewhat. **Mass conscription drives and arrests** in Damascus, in core areas of the Syrian Coast and in Homs and Hama governorates are still going on. **Conscription activity** in reconciled areas, such as northern Homs governorate or southern Syria also took place, primarily because former opposition populations in these areas have largely been recruited into other pro-GoS units such as the Fifth Corps or the wide array of pro-GoS paramilitary groups rather than conscripted into the SAA.<sup>194</sup>

Kozak further noted that the bulk of the casualties in the SAA as indicated by GoS reporting, still come primarily from Latakia, Tartous, western Hama, western Homs, and Damascus governorates. These areas have been the **core recruitment ground** for the SAA for quite some time, particularly the Syrian Coast and western Homs and Hama governorates. These are the areas where reporting mentioned that most young men have been **recruited for military service** and these areas still represent a disproportionate amount of the formal SAA.<sup>195</sup>

Christopher Kozak assessed that **conscription targets** any military-aged male that the **state can get its hands on**. Some populations are seen as more loyal and more effective, such as those from the core heartland area mentioned above, but even Syrian Sunnis will be rounded up and sent to other units that are perhaps less risky in grand scheme of the war. For example, many conscripts seen as less reliable were sent to southern Syria (i.e. the SAA Fifth, Seventh, and Ninth Divisions) because those units remained primarily garrisoned and were not used for offensive operations, whereas more offensive capable units were drawn primarily from the Syrian Coast and western Homs and Hama governorates.

Kozak concluded that the GoS is conscripting as far as its reach extends across Syria. It has conducted **conscription effort** in Qamishli and conscripted individuals from Raqqa and Deir Ez-Zor governorates who had fled from the Islamic State of Iraq and the Levant (ISIL) to western Syria. In Kozak's assessment, 'it is fair to say that the Syrian Government has been an equal opportunity employer when it comes to targeting young men for conscription'.<sup>196</sup>

In Qamishli, Hasaka governorate, where the GoS retains partial control on the ground it has conducted **conscription campaigns**. The SDF has been unwilling to cooperate in this regard and as of November 2019, had the ability to prevent the Syrian Government from exercising these activities on the ground in northern Syria.<sup>197</sup> After the agreement between the SDF and GoS in mid-October 2019 that saw GoS troops deployed in previously Kurdish-controlled areas, it was reported that Syrian Kurds from the area fled to Iraq out of fear of being conscripted in the SAA.<sup>198</sup> [...]

[...] 182 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 6 [...]

187 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 8

188 Al-Jabassini, A., From Insurgents to Soldiers: The Fifth Assault Corps in Daraa, Southern Syria, Middle East Directions. European University Institute, 14 May 2019, url, p. 5

189 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 9

190 Khatib, L. and Sinjab, L., Syria's Transactional State How the Conflict Changed the Syrian State's Exercise of Power, Chatham House, October 2018, url, pp. 14-15; Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 15

191 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 9

192 OHCHR, Human Rights Digest Syria, The "unreconciled" concerns of civilians in Dar'a Governorate (May 2019), url, p. 5 [...]

194 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019

195 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019

196 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019

197 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019

198 Defense Post (The), Fearing conscription into Assad's army, Syrian Kurds flee to Iraq, 12 December 2019, url [...]

This is despite sources cited in this section clearly documenting the forcible aspect of recruitment in footnotes 190 and 198 [emphasis added]:

[Khatib, L. and Sinjab, L., Syria's Transactional State How the Conflict Changed the Syrian State's Exercise of Power, Chatham House, October 2018](#)

[...] The hollowing out of the shadow state's security and military capacity

[...] The army is trying to increase its numbers. It has raised the maximum age for voluntary conscription to 42, and is conducting forced conscription.<sup>35</sup> As government forces have retaken rebel-held areas, the regime has used what it calls 'reconciliation treaties' to recruit people into the Fourth or Fifth Corps established by Russia to boost army capacity. In reality, the **'treaties' are coerced agreements**. The regime uses siege tactics to starve residents to the point of surrender, sometimes bombarding neighbourhoods or using chemical weapons to force compliance. **Former rebels who choose to stay in areas recaptured by government forces are left with one choice:** renounce the opposition, pledge allegiance to Assad, settle their security status, and then join government forces to fight against the very rebel groups they used to belong to.<sup>36</sup> [...]

[...] 35 Forced conscription is frequently cited by male refugees as a reason for fleeing the country. See Fabbe, K., Hazlett, C. and Sinmazdemir, T. (2018), 'Persuasive Peace: Syrian Refugees' Attitudes Towards Compromise and Civil War Termination', Harvard Business School BGIE Unit Working Paper No. 18-049, 30 April 2018, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3182484](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3182484) (accessed 27 Aug. 2018).

36 Haid, H. (2018), 'Joining the Enemy: How the Syrian Regime Reintegrates Former Rebel Fighters', Chatham House, July 2018, <https://syria.chathamhouse.org/research/joining-the-enemy-how-the-syrian-regime-reintegrates-former-rebel-fighters> (accessed 29 Jul. 2018). [...]

[Defense Post \(The\), Fearing conscription into Assad's army, Syrian Kurds flee to Iraq, 12 December 2019](#)

[...] Men under age 42 who have already completed their required service are automatically considered reservists and may be called up for additional duties. Many have served non-stop since the start of the war, and there are some reports of men over 42 being called up to active army service.

"Any young man within the recruitable age range is basically at **risk of being forcibly recruited**. I don't think anyone is safe," said Basma Alloush, policy and advocacy advisor at the Norwegian Refugee Council USA. [...]

The coercive element of recruitment is corroborated by other sources available at the time of publication [emphasis added]:

[Haid Haid \(Chatham House\) Joining the Enemy: How the Syrian Regime Reintegrates Former Rebel Fighters, July 2018](#)

[...] However, far from being reconciliatory, the mechanisms **used by the regime to co-opt these irregular opposition combatants are coercive** and are unlikely to support long-term stability.

The Syrian regime usually applies various coercive methods (namely sieges and intense indiscriminate attacks) to pressure the targeted rebel-held areas to surrender. Consequently, the details of the submission agreements are negotiated by committees composed largely of local mediators with ties to the Syrian regime.

Once a surrender deal has been reached, the negotiating committee usually registers the names of armed combatants and activists, and whether they wish to evacuate or remain in their areas. The composed lists are then assessed by various intelligence and military security forces to determine who can stay and who should be relocated to other rebel-held areas.

**Obligatory conscription** is the regime's most common tactic to incorporate former rebel opposition fighters into the official armed forces. [...]

The aim of enlisting former rebel fighters is not limited to providing the official army with manpower. It also aims to make them adopt the regime political stance. The conscripts are forced to attend political reorientation programmes led by the Political Orientation Branch and designed to instruct recruits in Ba'ath party ideology, emphasizing the regime's narratives about the uprising. [...]

[Middle East Monitor, Syrians protest in Daraa over military conscription, 31 January 2019](#)

[...] Dozens of Syrians held a rally in the southern city of Daraa this week to protest against military conscription enforced by the Syrian regime, as frustration over government reprisals in the former opposition stronghold grows.

Scores of protesters, primarily young men, rallied on Tuesday to **condemn** the raiding of their homes by intelligence services, as well as **the ongoing campaign of** arbitrary arrests and **forced recruitment**. [...] According to local sources, the latest protests were prompted when hundreds of young men from the town of Nawa in rural Daraa arrived at recruitment centres on Monday, after **intelligence services threatened reprisals against them and their families if they did not present themselves for military service**. [...]

[Syrian Network for Human Rights, The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria, 15 August 2019](#)

[...] Methodology

[...] The report shed light on the most notable violations by Syrian Regime forces against Syrians who decided to return from their places of displacement or from the countries of asylum in which they resided, in particular arbitrary arrests, enforced disappearances, death due to torture and **forced conscription into the regime forces for some refugees**, in addition to looting of their property and confiscating their houses, as well as the severe shortage of services they faced in the areas to which they returned.

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

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

The following is the only excerpt in the whole of section 2. *Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces* to explicitly mention that family members of both draft evaders and deserters have faced intimidation and arrest:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces

[...] At times, **family members of those evading military service and deserters** have faced retaliation by GoS in the form of intimidation and arrest.<sup>177</sup> [...]

[...] 177 TIMEP, Brief: Legislative Decree No.18 – Military Service Amnesty, 6 December 2018, url [...]

This is despite another source cited in this section of the report, in footnote 198, mentioning that coercive methods have involved threatening families [emphasis added]:

[Defense Post \(The\), Fearing conscription into Assad's army, Syrian Kurds flee to Iraq, 12 December 2019](#)

[...] To crack down on draft evasion, police and state security forces conducted house raids and erected checkpoints to conscript military-aged men.

Others coercive methods involved **threatening families** in regime-controlled areas whose sons didn't report for duty. [...]

The following source, available at the time of drafting the report, also documented that family members of draft evaders face reprisals:

[Middle East Monitor, Syrians protest in Daraa over military conscription, 31 January 2019](#)



[...] Dozens of Syrians held a rally in the southern city of Daraa this week to protest against military conscription enforced by the Syrian regime, as frustration over government reprisals in the former opposition stronghold grows.

Scores of protesters, primarily young men, rallied on Tuesday to condemn the raiding of their homes by intelligence services, as well as the ongoing campaign of arbitrary arrests and forced recruitment. [...] According to local sources, the latest protests were prompted when hundreds of young men from the town of Nawa in rural Daraa arrived at recruitment centres on Monday, after **intelligence services threatened reprisals against them and their families if they did not present themselves for military service.** [...]

Furthermore, the following source which was cited in section 2.3.1 *The Syrian Arab Army* of the *Actors* report is overlooked from the *Targeting of Individuals* report, despite including a whole subsection on the targeting of family members of deserters and draft evaders:

[Landinfo, Syria: Reactions against deserters and draft evaders, 3 January 2018](#)

[...] 5. REACTIONS AGAINST FAMILY MEMBERS

Family members of deserters and draft evaders have occasionally been subjected to pressure or arrest. This applies especially to the families of “high-profile” deserters, such as deserters who have killed soldiers or officers, or who have joined armed opposition groups and participated in armed actions against the army (Danish Refugee Council & Danish Immigration Service 2017, p. 14; Finnish Immigration Service 2016, p. 13). For example, families in Damascus of persons who are fighting for the opposition in Eastern Ghouta have been carefully monitored and pressured to provide the authorities with information in connection with their contact with the state bureaucracy, for example when applying for a passport. There are also examples of brothers of deserters being arrested with a view to exchanging them for the deserters if they appear (Danish Refugee Council & Danish Immigration Service 2017, p. 1415; Hilsman 2016).

According to an analyst at Carnegie Middle East Centre whom Landinfo talked to in 2014, family members of those who had avoided service were not faced with government retaliation, apart from the fact that the military police occasionally searched their homes to look for those who had evaded service. Family members of deserters, however, could be faced with punishment, especially in circumstances in which the deserter was a known person. Therefore, most “high-profile” officers who deserted in the first year of the war took their families with them into exile (analyst in Carnegie Middle East Centre, meeting in October 2014). When the first officers deserted in 2011 and created the Free Syrian Army (FSA) in 2011, the army went into their villages and burned down all the houses. Since then, the army has not retaliated in the same way, but family members of deserters still risk being arrested (military adviser to the UN Commission for Syria, meeting in October 2014). Syrians in exile are sometimes reluctant to contact the authorities for fear of retaliation against family members in Syria who have deserted or evaded military service. Some Syrian refugees in Lebanon say that they do not dare to contact the Syrian Embassy in Beirut to register childbirths or renew documents. One of the reasons given is concern for family members in Syria who have not completed military service (aid organisation in Syria, meeting in May 2017). [...]

As mentioned further above family members of perceived government opponents are not addressed as a profile in the *Targeting of Individuals* report. It is considered that this profile warranted a distinct section within the report, or at least, greater prominence within each subsection, and that the treatment of family members of draft evaders and deserters should have been specifically addressed.

## 2.3 Consequences of draft evasion and desertion

It is noted that this section doesn’t specifically deal with whether *returnees* face forcible conscription. No link is provided to section 1.3.6 *Treatment upon return* which addresses this point, nor is any mention made of other EASO products that deal with this issue, i.e. the *Internally*

*displaced persons, returnees and internal mobility* report, in section 3.4.4 *Military conscription in post-reconciliation areas*.

This section also includes a surprising lack of information on the treatment of draft evaders, deserters and forcible conscription in reconciled areas. It is considered that it would have been helpful for this to have been addressed in a distinct sub-section of the *Targeting of Individuals* report.

This section therefore overlooks the fact that persons who have completed reconciliation processes have also been arrested, detained and forcibly conscripted. This point is addressed in various other sections of the report (see below), but by not clearly also addressing it as a distinct issue in section 2.3 *Consequences of draft evasion and desertion from the armed forces*, it is possible that this information will be overlooked [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 1. Persons perceived to be opposing the government

[...] 1.2 Different profiles interpreted by the government as opposition

[...] 1.2.3 Civilians originating from, or residing in, areas perceived to be opposing the government

[...] Eastern Ghouta, one of the former rebel strongholds suffered the most bombardment during wartime. **After the government's recapture** in April 2018, security forces have been carrying out night-time raids, mass arrests and forced disappearances and intelligence forces asserted themselves in every aspect of daily life, as summarised in a policy paper by Middle East Institute and Etana.<sup>101</sup> Out of a population of about 180 000, **in May 2019, approx. 1 500 were said to be arrested and 7 000 men to be forcefully conscripted for military service since the GoS takeover.**<sup>102</sup> [...]

Covering the period January to July 2019, the CoI noted that 'throughout areas under the control of government forces, including Rif Dimashq and Dar'a Governorates, the Commission continued to receive accounts of arbitrary detention and enforced disappearances'.<sup>107</sup> In May 2019, Human Rights Watch reported that **in recaptured areas**, Syrian intelligence agencies were reported to **be arbitrarily detaining, disappearing and harassing people**, especially former armed and political opposition leaders, media activists, aid workers, **defectors**, and family members of activists and former anti-government fighters, even if the government had signed reconciliation agreements with them.<sup>108</sup> [...]

1.3.5 Clearance

[...] Syrians wishing to return to their place of origin in GoS-retaken areas, are requested to gain security approval by going through a 'security clearance' involving interrogation by Syrian security forces.<sup>145</sup> This 'clearance' implies providing extensive information on any involvement they had with the political opposition. Government guarantees 'forgiveness' to returnees when they tell the truth. However, in many cases this does not work out as promised, as a recent survey amongst Syrians returning to government-held areas, cited in the Washington Post, revealed: **'About 75 percent had been harassed at checkpoints, in government registry offices or in the street, conscripted into the military despite promises they would be exempted, or arrested'**.<sup>146</sup>

[...] 1.3.6 Treatment upon return

[...] Other sources added that persons who had **evaded military conscription** or who (or family members) had connections with an armed opposition group, or who is part of an NGO inside or outside Syria, or is travelling back and forth to Syria from abroad, **may face issues such as extortion, forced conscription, arrest and detention.**<sup>148</sup> [...]

Some of the challenges that returnees may face, according to the European Institute of Peace (EIP), are:

- State guarantees as part of reconciliation agreements are not fulfilled, for both individuals and communities. There are many reports of **returnees having been arrested, detained, harassed or conscripted after they had completed the reconciliation process and received protection papers**;
- The control of Syrian security sector over society is strengthening. The Syrian military and security services arrest and detain individuals, 'both to gather intelligence and **punish those considered disloyal** and to extract payments from families for the release of loved ones';

- Refugees and IDPs wanting to return have to reconcile with the state and fill in 'extensive forms that defy international practice for refugee returns'. These forms are difficult to understand and there is no adequate information on the procedures regarding returns and reconciliation;
- Returnees are forced to give 'extensive amounts of information' about their contacts and activities abroad. 'There are no guarantees in place that this information will not be used against the individual or others, [including their loved ones], in the future';
- The Syrian government does not allow international agencies to carry out data collection and to monitor returnees.<sup>150</sup> [...]

2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces

[...] A study conducted by SYACD, documenting the security situation of returnees and others living in areas covered by the 'reconciliation agreements' concluded that three quarters of the interviewed persons or a relative were 'wanted for recruitment'. Conscripted persons are 'almost inevitably sent to the most dangerous frontlines' to fight.<sup>176</sup> [...]

**Conscription activity in reconciled areas, such as northern Homs governorate or southern Syria also took place**, primarily because former opposition populations in these areas have largely been recruited into other pro-GoS units such as the Fifth Corps or the wide array of pro-GoS paramilitary groups rather than conscripted into the SAA.<sup>194</sup> [...]

[...] 101 MEI/Etana, Despair and Decay: East Ghouta after 18 months of renewed regime rule, November 2019, url, p. 8

102 MEI/Etana, Forgotten Lives: Life under regime rule in former opposition-held East Ghouta, May 2019, url, pp. 1, 7-9 [...]

107 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/42/51], 15 August 2019, url, p. 13

108 HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url [...]

145 AI, Q&A-Why are returns of refugees from Lebanon to Syria premature? Public Statement MDE 18/0481/2019, 12 June 2019, url, p. 3

146 Washington Post (The), Assad urged Syrian refugees to come home, 2 June 2019, url [...]

148 Denmark, DIS/DRC, Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria, 21 February 2019, url, p. 26 [...]

150 EIP, Refugees Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, url, pp. 4-5 [...]

176 SYACD, Vengeance, Repression and Fear: Reality Behind Assad's Promises to Displaced Syrians, October 2019, url, p. 3 [...]

194 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019 [...]

It is also considered that this section of the report should have mentioned which recaptured areas mass arrests and forcible conscription has been undertaken in, as are documented in EASO's *Exercise of authority in recaptured areas* report, available at the time of publication of the *Targeting of Individuals* report, and a link provided thereto. Similarly it is considered that a link should have been provided to EASO's *Socio-economic situation: Damascus City* report, in particular section 2.4 *Checkpoints* which details that government forces are looking for wanted people, conscripts and evaders from military service and that returnees have been harassed at checkpoints, government offices, on the street, or conscripted or arrested.

Moreover, whilst it is acknowledged that the *Internally displaced persons, returnees and internal mobility* report was published a month after the *Targeting of Individuals* report, it is considered that it would have been known by EASO what issues that report was addressing. It is therefore considered that the *Targeting of Individuals* report should have alerted readers that the *Internally displaced persons, returnees and internal mobility* report was addressing *Checkpoints in government-controlled areas* in detail and therefore should have directed the reader to consult this report for information on the forcible conscription at checkpoints in reconciled areas. Similarly, it would have been useful if this section of the *Targeting of Individuals* had flagged that the forthcoming *Security Situation* report would be addressing evidence of the forcible conscription by governorate, including of persons who had signed reconciliation agreements.

Furthermore, it is considered that the treatment at checkpoints of persons wanted for military service hasn't been fully elucidated in the *Targeting of Individuals* report. As well as conscription, the excerpts presented on the preceding page above detail arrests, disappearing and harassment. However, as mentioned in other EASO reports, treatment at the checkpoint or after arrest may be more severe, including torture and other ill-treatment [emphasis added]:

[EASO, Syria, Socio-economic situation: Damascus City, February 2020](#)

[...] 2.3 Wanted lists

Syria's security services maintain 'wanted lists' that may be checked at checkpoints.<sup>67</sup> The **wanted lists are for conscripts** and those believed to be involved in opposing the Assad government. The head of Air Force Intelligence has publicly claimed that its lists have 3 million names. This number could not be verified. Syrian news site Zaman al Wasl also published a list with 1.5 million names.<sup>68</sup> Each branch of Syria's security services has its own wanted lists and they 'do not coordinate their lists' for clearing names, according to several sources interviewed for a DIS/DRC report. The same source stated that it was generally difficult for people to know their status with the Syrian government; however, those with money and connections can find out if their name is on wanted lists but this risks exposing them and is not a guarantee against difficulties, including risk of arrest.<sup>69</sup> **Passing through Syrian government checkpoints has been reported to be linked to treatment such as arrest and extra-judicial detentions, torture, and forced disappearances.**<sup>70</sup> **Sources reported that individuals who disappear and are detained risk torture, arrest, execution, unfair trials, as well as death in detention.**<sup>71</sup> Sources reported on disappearances and arrests on return to Syria<sup>72</sup>, including from Damascus international airport.<sup>73</sup> About 18 women and children from Arbin were reportedly arrested at Qamishli airport and held for a month in 2019 at a military detention centre after arriving there from DAM.<sup>74</sup> The Syrian Network for Human Rights (SNHR)<sup>75</sup> reported that from 2014 - August 2019 it documented at least 1 916 arrests of Syrian refugees who returned to Syria; of these, 1 132 were released and 784 remained detained, of whom 638 were 'forcibly disappeared'. **SNHR documented 15 cases of returnees who were reportedly killed due to torture.** Cases of arrests and enforced disappearances of refugees who had settled their cases with security services through consulates or committees for reconciliation were also reported.<sup>76</sup>

[...] 2.4 Checkpoints

The DIS/DRC report also stated that individuals who are on the Syrian authorities' wanted lists 'would **face serious problems such as degrading treatment** and arrest at checkpoints'.<sup>94</sup> Conscripts who are caught are 'sent directly to a military training camp' for 6 months, followed by military service.<sup>95</sup> [...]

[...] 67 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url, p. 15; EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url, p. 12; HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url; MEI, Despair and Decay – East Ghouta After 18 Months of Renewed Regime Rule, November 2019, url, p. 9

68 EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url, p. 12

69 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url, p. 15

70 SNHR, At least 202 Cases of Arbitrary Arrests Documented in Syria in November 2019, 2 December 2019, url, pp. 2, 5, 9; HRW, Syria: Detention, Harassment in Retaken Areas, 21 May 2019, url; Denmark, DIS, Syria – Access to Damascus Province for Individuals from Former Rebel-held Areas, September 2019, url, pp. 12, 15; Irish Times (The), Road to Damascus: the Syrian refugees who want to go home, 2 December 2017, url; Washington Post (The), Assad urged Syrian refugees to come home

home. Many are being welcomed with arrest and interrogation, 2 June 2019, url; SACD, Vengeance, Repression and Fear: Reality Behind Assad's Promises to Displaced Syrians, October 2019, url, p. 3

71 EIP, Return in Syria: Dangers, Security Risks, and Information Scarcity, July 2019, url, pp. 10-13; Washington Post (The), Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, 2 June 2019, url; SACD, Vengeance, Repression and Fear: Reality Behind Assad's Promises to Displaced Syrians, October 2019, url, p. 3; SAWA, Unpacking Return: Syrian Refugees' Conditions and Concerns, February 2019, url, pp. 31-32

72 FP, A Deadly Welcome Awaits Syria's Returning Refugees, 6 February 2019, url; New Arab (The), The risk of return: Why going home is not an option for all Syrians, 18 September 2019, url; Washington Post (The), Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, 2 June 2019, url; SAWA, Unpacking Return: Syrian Refugees' Conditions and Concerns, February 2019, url, pp. 31-32

73 New York Times (The), Inside Syria's Secret Torture Prisons: How Bashar al-Assad Crushed Dissent, 11 May 2019, url; Irish Times (The), Arrests and torture of Syrian refugees returning home reported, 17 March 2018, url; Irish Times (The), Road to Damascus: the Syrian refugees who want to go home, 2 December 2017, url  
 74 SOHR, Intelligence of the regime releases tens of citizens women of "Arbin" after being arrested at Qamishli airport northeast Syria, 18 October 2019, url  
 75 SNHR is an independent, non-governmental, non-profit organisation involved in documenting human rights violations in Syria, adhering to the standards and international conventions on human rights issued by the UN. For more information, visit: SNHR, About Us, n.d., url [...]  
 94 Denmark, DIS, Syria – Access to Damascus Province for Individuals from Former Rebel-held Areas, September 2019, url, p. 12  
 95 Denmark, DIS/DRC, Syria – Security Situation in Damascus Province Regarding Return to Syria, February 2019, url, pp. 17- 18 [...]

It is also considered that this section neglects to mention some additional facets of forced conscription in Syria. Namely, that prisoners have been forcibly recruited after serving their sentences; that defectors have reportedly been disappeared or have died in detention; and that persons have been killed after refusing to be recruited in reconciled areas [emphasis added]:

[Human Rights Watch, Syria: Detention, Harassment in Retaken Areas: Media, Aid Workers, Activists, and Families Targeted, 21 May 2019](#)

[...] Detaining and Disappearing Defectors

[...] Human Rights Watch documented **the detention or disappearance of three defectors** by Military Intelligence and other security forces even though the men had signed reconciliation agreements with the government. [...]

[Syrian Association for Citizens' Dignity, Reconciling with death, disappearance and fear, 23 July 2019](#)

[...] Deadly Russian guarantees

[...] Russian guarantees, which were the decisive factor to convince many of those who stayed in areas covered by the "reconciliation agreements," are now literally claiming lives. **There are a number of cases of men from "reconciliation areas" who refused to join the military service** — relying on the Russian guarantees that they will not be forced to Assad's army for at least six months after the agreements were signed — **being arrested, disappeared and killed by the regime's security forces**. At the beginning of March 2019, in the countryside of Homs Ibrahim Obaid, Tariq Zakur and Mohammad Tariyah, **were all killed and their bodies were sent to their families, after they were arrested for refusing to be recruited less** than three months after the start of the reconciliation agreement secured by Russia. Dozens of other people from the northern countryside of Homs who signed up for the settlement and refused to report to the army on the basis of Russian guarantees were detained and are still in Assad's prisons, their fate unknown. [...]

[Middle East Institute, Vengeance, repression, and fear: The reality behind Assad's promises to displaced Syrians, 17 October 2019](#)

[...] Forced conscription is rampant, especially in areas integrated under "reconciliation agreements," where up to 75 percent of those interviewed said they or their family members were wanted for recruitment into Assad's forces. Conscripted fighters are almost inevitably sent to the most dangerous frontlines; many, especially young men, have been killed either in battle or in murky circumstances. Many of those wanted by the security branches for being perceived as "anti-Assad" are **forced into the military, sent to the frontlines straight from detention, and are never seen again**. [...]

[Abdullah Al-Jabassini \(European University Institute\), Governance in Daraa, Southern Syria: The Roles of Military and Civilian Intermediaries, 4 November 2019](#)

[...] Zone A: Eastern Daraa

[...] The 8th Brigade treats the localities it controls as fortresses where civilians enjoy protection from the SAA. As of October 2019, no incidents of forced recruitment into the SAA have been reported, with the exception of **prisoners who were immediately conscripted following the termination of their sentences** and individuals who chose to perform their military service in the SAA. However, it is

estimated that 300 of these deserted their units and sheltered in the 8th Brigade localities between July 2018 and October 2019 after they were informed of their potential deployment to participate in the battle against rebels active in Idlib governorate. [...]

[Abdullah Al-Jabassini \(European University Institute\), Festering Grievances and the Return to Arms in Southern Syria, 7 April 2020](#)

[...] 3. The 'Security First' Mindset of the Syrian Regime

Nearly two years have passed since the Russian-brokered agreement was concluded, and **the Syrian regime continues to overlook the obligations it undertook in relation to releasing detainees and guaranteeing the security and safety of reconciled military deserters, defectors, draft evaders** and former rebels. In many respects, the situations that this agreement was supposed to have resolved have in fact deteriorated. The regime has indeed used the detainee issue and rebel military integration (RMI)<sup>13</sup> as tools to tightly control territory, subjugate the population, enforce obedience and retaliate against those who once challenged its rule. [...]

3.1. Detainees and Weapon Control

As in other areas of Syria, the issue of detainees remains a serious concern in Daraa, and the resolution of the situation is a top priority for the region's people. During the July 2018 negotiations, the Russian delegation declined to push for the release of any detainee captured up to three months prior to the start of the military campaign (which is to say before March 2018), claiming that the issue of prisoners and detainees was a question for the Astana negotiations and not for local agreements. Furthermore, the Syrian regime has reneged on its promise to release all detainees in Daraa. [...]

The case of detainees has been further aggravated by rampant arrests and detentions conducted by the SAA and the state's security apparatuses. Following the conclusion of the agreement in July 2018, checkpoints staffed by the different state security apparatuses and the SAA were immediately put back in place to detain both reconciled civilians and former rebels (Figure 7). Reconciled military defectors, whether they turned themselves in or were arrested at a checkpoint, were not immune to detention. Between July 2018 and mid-March 2020, and in spite of the issuance of legislative decrees No.18 and No.20 which grant a general amnesty for military deserters,<sup>16</sup> **140 military defectors were reportedly arrested across Daraa**, according to statistics obtained from the 'Horan Free League.' A few of these detainees have subsequently been released and joined the SAA, **while a small number are reported to have died in prison.** [...]

[...] 13 Rebel Military Integration is understood as the process or remobilising and merging defeated rebels into the government army. See Paul Collier et al., "Breaking the Conflict Trap: Civil War and Development Policy," A World Bank Policy Research Report (Oxford: A Co-publication of the World Bank and Oxford University Press, 2003).

16 Decrees No.18 and No.20 were issued by President Bashar al-Assad in October 2018 and September 2019 respectively. SANA, "President al-Assad Issues a Legislative Decree Granting a General Amnesty for Crimes Committed Before 14 September 2019," SANA (blog), accessed September 15, 2019, <https://bit.ly/3dtGvLf>; SANA, "President al-Assad Issues a Legislative Decree Granting a General Amnesty for the Full Punishment of Internal and External Desertion Crimes Committed Before 9 October 2018," SANA (blog), accessed 10 October 2018, <http://bit.ly/39Rbu1o>. [...]

### 2.3.1 Penalties for evading service

This section is rather short and does not make clear how persons wanted for military service are treated on return:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces [...]

2.3 Consequences of draft evasion and desertion

2.3.1 Penalties for evading service

The punishment for evading conscription is defined in the Military Penal Code, but its application remains arbitrary.<sup>221</sup> According to the Syrian Military Penal Code (Articles 98, 99), draft dodgers are punished with one to six months imprisonment in peacetime, after which they have to complete their



military service in full. In wartime draft evasion is a criminal offense, punishable by up to 5 years in prison.<sup>222</sup>

According to interviews conducted by Landinfo with representatives of a Syrian civil society organisation and an international organisation in 2016 and 2017, the Military Criminal Code's provisions were not consistently followed. Draft evaders were usually sent directly to the military.<sup>223</sup> Sources interviewed by DIS for their report of 2017 also indicated that those who have evaded service and were caught were then sent to compulsory military service.<sup>224</sup> [...]

[...] 221 Swiss Refugee Council, Syrien: Aufschub des Militärdienstes für Studenten [Postponement of military service for students], 11 June 2019, url, p. 6

222 Syrian Arab Republic, Legislative Decree No. 61/1950, Military Penal Code, url

223 Norway, Landinfo, Reactions against deserters and draft evaders, 3 January 2018, url, p. 8 [...]

This is despite section 1.3 *Returnees from abroad* as mentioned above detailing that returnees have been arrested and detained at checkpoints and that other sources detail that returnees have been forcibly conscripted.

It is also considered that this section should have also mentioned that persons have been killed after refusing to be recruited in reconciled areas as evidenced by sources available at the time of publication [detailed on p. 47/48].

### 2.3.2 Penalties for desertion

Again, this section is rather short. It mentions that deserters who have left the country can be punished with 15 years imprisonment [emphasis added]:

#### EASO, Syria: Targeting of individuals, March 2020

[...] 2. Persons fearing recruitment by the government armed forces and/or repercussions as military draft evaders and deserters from the armed forces [...]

#### 2.3 Consequences of draft evasion and desertion

##### [...] 2.3.2 Penalties for desertion

Since the start of the conflict tens of thousands of officers and conscripted soldiers deserted.<sup>225</sup> Many fled the country while others remained in Syria and joined one of the armed insurgent groups.<sup>226</sup>

According to the Military Penal Code (Articles 100, 101), desertion is punishable by one to five years imprisonment in peacetime and can result in a prison sentence up to twice as long in wartime. **Those who have left the country following desertion can be punished with a penalty of up to 15 years imprisonment in wartime.** Desertion to the enemy is punishable by life imprisonment or the death penalty.<sup>227</sup>

Several experts on the topic interviewed by DIS in April 2017 noted that deserters were punished more severely than draft evaders. Some sources stated that deserters would be viewed through the same lens as opposition members. Other sources noted that amnesties and local agreements have allowed deserters to re-enter the military service and be sent to the front.<sup>228</sup>

Reporting for the period between mid-July 2018 and mid-January 2019, the CoI assessed that conscript deserters were among the groups most likely to be detained arbitrarily by the GoS forces.<sup>229</sup>

In previous years, deserters were often punished in the same way as those who actively joined the opposition. In targeted campaigns, the government systematically arrested defectors and military personnel suspected of sympathising with the opposition.<sup>230</sup> According to a 2015 AI report, the Syrian government arrested defectors and had them forcefully disappeared.<sup>231</sup> [...]

[...] 225 Norway, Landinfo, Reactions against deserters and draft evaders, 3 January 2018, url, p. 10; Atlantic (The), Assad is desperate for soldiers, 14 May 2018, url

226 Al Jazeera, Interactive: Tracking Syria's defections, 30 July 2012, url

227 Syrian Arab Republic, Legislative Decree No. 61/1950, Military Penal Code, url

228 Denmark, DIS/DRC, Syria, Recruitment Practices in Government-controlled Areas and in Areas under Opposition Control, Involvement of Public Servants and Civilians in the Armed Conflict and Issues Related to Exiting Syria, August 2017, url, p. 13

229 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/40/70], 31 January 2019, url, p. 15 [...]



It is considered that given the relevance to returnees, that this information should have been repeated in *1.3.6 Treatment upon return*.

The excerpts above also don't mention that persons wanted for desertion have also been targeted at checkpoints for arrest and forcible conscription. Illustrative sources mentioning this include:

[Abdullah Al-Jabassini \(European University Institute\), Governance in Daraa, Southern Syria: The Roles of Military and Civilian Intermediaries, 4 November 2019](#)

[...] 3. Zone B: Western Daraa

[...] Political violence has been increasingly rampant. Dozens of cases of robbery, banditry and mugging have been reported. Moreover, at least 75 incidents of IED attacks, unclaimed hit-and-run assaults and assassinations took place between July and October 2019 killing nearly 100 individuals of different profiles (e.g. reconciled rebels, government officials and members of the SAA and security apparatuses) (see Map 3). A large number of checkpoints have been erected between and within localities and dozens of arrests have targeted ex-rebels, former military deserters and evaders, and even ordinary civilians who have joined the SAA or one of the security apparatuses. This chaotic situation is exacerbated by the presence of Islamic State (IS) sleeper cells in Daraa. On 11 October 2019, a Syrian-Russian joint patrol was targeted by an IED explosion between the cities of Inkhil and Jasim and IS claimed responsibility. While the overall increasing violence is not necessarily politically motivated and may relate to private conflicts, these actions signal the presence of a latent rebellion, a situation that the GoS has not witnessed in other 'reconciliation' areas elsewhere in Syria.

One example of this situation is the al-Yarmouk basin, which was controlled by the IS-affiliated Jayish Khalid bin al-Walid (JKBW) rebel group until July 2018. As a result of the military campaign that defeated the group, hospitals, schools, wells, field hospitals and power stations in and around the area were severely damaged and looted. Since the defeat of JKBW, government institutions have reopened their doors, but they remain inefficient. In contrast with zone A, the security situation represents an additional obstacle in civilians' struggle for basic services. **Continual arrests have targeted ex-rebels and deserters who joined the SAA or one of the security apparatuses** in the hope of gaining access to better services. Civilian movements are restricted by fear of checkpoints and detentions. "I have no

access to fuel because I do not have a 'smart card' ... I couldn't go to Tseel city to get this card. You know why? There is a nearby checkpoint that has a list of names, and I am afraid that my name is on it," stated a resident in the al-Yarmouk basin. [...]

The excerpts above also neglect to mention that persons *suspected of planning to desert* have been killed, as documented in the *Security Situation* report:

[EASO, Syria Security situation, May 2020](#)

[...] 2.3 Hama governorate

[...] 2.3.3.1 Security incidents

[...] Northern Hama countryside:

The Syrian Association for Citizens' Dignity reported that between 20 and 22 May 2019, approximately 100-120 forcefully recruited soldiers who were conscripted into the regime forces after going through the so called "reconciliation" process under Russian grantees were killed in a massacre carried out by regime loyalist forces near north Hama' due to their alleged intention to escape the frontlines.<sup>793</sup> [...]

[...] 793 Syrian Association for Citizens' Dignity, Reconciling with death, disappearance and fear, 23 July 2019, url, p. 2 [...]

It is also considered that this section should have mentioned that the treatment of deserters has included enforced disappearance and death in detention as evidenced by sources available at the time of publication [detailed on p. 59/60].

## 2.4 Enforcement of amnesty for draft evaders and deserters

It is considered that it is unclear from a reading of this section how returnees and other persons wanted for military service are treated. As above, it is considered that it would have been helpful if a distinct section was included on *Conscription of persons in 'reconciled areas'* and that clear links to the sections within the report addressing the issue of *Conscription of returnees* had been provided.

### 12.1 Child recruitment by government armed forces and other armed groups

It is considered that insufficient detail is provided in the *Targeting of Individuals* report on the forcible recruitment of children by government actors. The following paragraphs are the only ones in the section *12.1 Child recruitment by government armed forces and other armed groups* that specifically address recruitment by government forces [emphasis added]:

#### [EASO, Syria: Targeting of individuals, March 2020](#)

[...] 12.1 Child recruitment by government armed forces and other armed groups

The Col stated in a report covering the period from September 2011 to the end of October 2019 that **'children, most frequently boys, but also on occasion girls, have been used in hostilities by parties to the conflict** for combat roles, to act as spies, informants, or to serve at checkpoints, in violation of international humanitarian law. Children have been forcibly recruited, enlisted or lured into violence out of economic instability or grief, after witnessing violent acts inflicted on their loved ones by belligerent parties'.<sup>793</sup>

In a June 2019 report by the Secretary General to the UN General Assembly it was reported that both state forces (including NDF and pro-government militias<sup>794</sup>) and non-state armed groups as responsible for recruiting minors to their forces. During the reporting period January to December 2018, the UN verified a total of 806 children recruited, of which 670 were boys and 136 were girls. 22 % (179) of the total were under 15 years of age. 94 % (754) of the total had been used in combat roles. The non-state groups that the report mentioned were Ahrar al Sham, groups affiliated with the Free Syrian Army (FSA), ISIL, Army of Islam, HTS, YPG, and Nur al-Din al-Zanki. The numbers of children that reportedly have been recruited by these groups are listed below:

- YPG/YPJ (the women's units of the YPG) (313)
- HTS (187)
- groups self-affiliated with the FSA (170)
- Ahrar al-Sham (34)
- ISIL (30)
- Army of Islam (17)
- Nur al-Din al-Zanki (16)
- Syrian Government forces (10)
- unidentified armed elements (29).<sup>795</sup>

[...] Regarding pro-government forces, Kozak did not have any recent information but stated that there has always been a problem with youths, particularly youths close but not quite of eligible age for conscription, who had been conscripted anyway.<sup>800</sup> While in general sources interviewed by FIS were not aware of child recruitment in the SAA, government-affiliated armed groups are said to have had minors among their ranks, **albeit ostensibly on a voluntary basis**.<sup>801</sup> [...]

[...] 793 UN Human Rights Council, "They have erased the dreams of my children": children's rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, January 2020, url, p. 10

794 UN Secretary General, Report by the Secretary General to the UN General Assembly, Children and armed conflict, 20 June 2019, url, p. 41

795 UN Secretary General, Report by the Secretary General to the UN General Assembly, Children and armed conflict, 20 June 2019, url, p. 27 [...]

800 EASO Interview with Christopher Kozak, Institute for the Study of War (ISW), 14 November 2019

801 Finland, FIS, Fact-Finding Mission to Beirut and Damascus, 14 December 2018, url, p. 6 [...]

The first paragraph mentions that children have been forcibly recruited by ‘parties to the conflict’ and the second source, that Syrian Government forces were verified by the UN as recruiting 10 minors between January and December 2018. The last paragraph gives the impression that children have the capacity to voluntarily consent to conscription. This ignores the forcible/coercive element of child recruitment, how this relates to self-defence or fear of repercussion for not joining, as well as the issue of whether children have the requisite mental capacity to give informed consent. Moreover it is contrary to UNHCR’s guidance that “forced recruitment and/or direct participation in hostilities of a child below the age of 18 years in the armed forces of the State or by a non-State armed group would amount to persecution” and that a child’s experience as a soldier or combatant can affect their ability to present an account of their experiences (emphasis added):

[UNHCR, Guidelines on International Protection No.10: Claims to Refugee Status related to Military Service within the context of Article 1A \(2\) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, 12 November 2014](#)

[...] C. Prohibition on Underage Recruitment and Participation in Hostilities

12. Explicit safeguards exist to prevent the exposure of children to military service.<sup>30</sup> All recruitment [both compulsory and voluntary] in State armed forces and the participation in hostilities<sup>31</sup> of those under 15 years of age is prohibited under international treaty law.<sup>32</sup> Such recruitment amounts to a war crime.<sup>33</sup> Whether conducted by governments or by non-State armed groups, compulsory recruitment of persons under 18 years of age is also prohibited pursuant to the 2000 Optional Protocol to the 1989 Convention on the Rights of the Child [“CRC”] on the involvement of children in armed conflict [“Optional Protocol to the CRC”].<sup>34</sup> A similar restriction is found in the 1999 International Labour Organization Convention on Worst Forms of Child Labour.<sup>35</sup> The 2000 Optional Protocol to the CRC requires States to “take all feasible measures” to prevent children under the age of 18 taking a “direct part in hostilities” whether as members of its armed forces or other armed groups and prohibits outright any voluntary recruitment of children under 18 years into non-State armed groups.<sup>36</sup> Whilst voluntary enlistment of children of 16 years and above is permitted for State armed forces, the State is obliged to put in place safeguards to ensure, inter alia, that any such recruitment is genuinely voluntary.<sup>37</sup> Despite the different age limits set by international law, it is **UNHCR’s view that forced recruitment and/or direct participation in hostilities of a child below the age of 18 years in the armed forces of the State or by a non-State armed group would amount to persecution.**<sup>38</sup> Regional instruments also contain prohibitions on the recruitment and direct participation of children in hostilities.<sup>39</sup> [...]

B. Claims by Children

70. Given their young age, dependency and relative immaturity, special procedural and evidentiary safeguards are required for claims to refugee status by children.<sup>94</sup> In particular, **children who spent time as soldiers/combatants/fighters or in a support role to armed groups may be suffering from severe trauma and be intimidated by authority figures. This can affect their ability to present a clearly understandable account of their experiences.** Thus, appropriate interviewing techniques are essential during the refugee status determination procedure, as well as the creation of a non-threatening interview environment.

71. In cases concerning children, a greater burden of proof will fall on the decision makers than in other claims to refugee status, especially if the child is unaccompanied.<sup>95</sup> **Given their immaturity, children cannot be expected to provide adult-like accounts of their experiences.** If the facts of the case cannot be ascertained and/or the child is incapable of fully articulating his or her claim, a decision must be made on the basis of all known circumstances. [...]

[...] 30 See, in this regard, UN Security Council, Resolution 1882 (2009) on children and armed conflict, S/RES/1882 (2009), 4 August 2009, available at: <http://www.unhcr.org/refworld/docid/4a7bdb432.html>.

31 Technically, international humanitarian law distinguishes between non-international armed conflict and international armed conflict in this respect. In noninternational armed conflict (Article 4(3)(c), Additional Protocol II to the 1949 Geneva Conventions, relating to the Protection of Victims of Non-International Armed Conflict (“Additional Protocol II”)) the prohibition relates to use in hostilities. In international armed conflict (Article 77(2), Additional Protocol I to the 1949 Geneva Conventions, relating to the Protection of International Armed Conflict (“Additional Protocol I”)), it is limited to taking direct part in hostilities. The Convention on the Rights of the Child (“CRC”) adopts the narrower “direct part in hostilities” standard, see Article 38(2), CRC.

32 Article 77(2), Additional Protocol I; Article 4(3)(c), Additional Protocol II; Article 38(2) CRC.

33 See, Article 8(2)(b)(xxvi) and 8(2)(e)(vii) of the 1998 Statute of the International Criminal Court (“ICC Statute”) which lists as war crimes “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.” See also International Criminal Court (“ICC”), Situation in the Democratic Republic of the Congo, in the case of the Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06, 14 March 2012, available at: <http://www.unhcr.org/refworld/docid/4f69a2db2.html>; Special Court for Sierra Leone (“SCSL”), Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao (the RUF accused) (Trial judgment), Case No. SCSL-04-15-T, 2 March 2009, available at: <http://www.unhcr.org/refworld/docid/49b102762.html>, at para. 184 (finding that the prohibition on such recruitment is customary international law). Further discussion of what constitutes the war crime of underage recruitment can be found in the SCSL, Prosecutor v. Charles Ghankay Taylor, SCSL-03-01-T, 18 May 2012, available at: <http://www.unhcr.org/refworld/docid/50589aa92.html>.

34 Articles 2 and 4, 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

35 Article 3(a), 1999 ILO Convention No. 182 on Worst Forms of Child Labour.

36 Articles 1 and 4, 2000 Optional Protocol to CRC.

37 Article 3, 2000 Optional Protocol to CRC. See also, UNHCR Guidelines on International Protection No. 8 Child Asylum Claims under Articles 1A(2) and 1(F) of the 1951 Convention and /or 1967 Protocol relating to the Status of Refugees, HCR/GIP/09/08, 22 December 2009, (“UNHCR Guidelines on Child Asylum Claims”), available at: <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>, para. 22.

38 UNHCR Guidelines on Child Asylum Claims, para. 21.

39 See, Article 22(2), 1990 African Charter on the Rights and Welfare of the Child, and Article 12(3), 2005 Ibero-American Convention on Young People’s Rights [...]

94 For a full discussion of the minimum safeguards required see UNHCR Guidelines on Child Asylum Claims, paras. 65-77, see note 37 above. See also ExCom, Conclusion on Children at Risk, No. 107 (LVIII), 5 October 2007, available at: <http://www.unhcr.org/refworld/docid/471897232.html>, para. g(viii). Whether a claimant is a child for the purposes of such safeguards will depend on the age at the date the claim to refugee status is made.

95 UNHCR Guidelines on Child Asylum Claims, para. 73, see note 37 above [...]

Furthermore, the recruitment and use of children by armed forces and armed groups can constitute trafficking in persons in line with Article 3 of the United Nations Convention against Transnational Organized Crime<sup>4</sup> in that an “act” (i.e. recruitment) is carried out for the “purpose” of exploitation (i.e. use in armed conflict). As the UN Office on Drugs and Crime explains, “the “means” element is not a requisite for the definition of trafficking when the victim is a child; any act committed for an exploitative purpose is sufficient to establish the trafficking of a child as an offence”<sup>5</sup>.

Indeed, the full paragraph of the Conference Room Paper of the Independent International Commission of Inquiry report, cited above in reference 793, states [emphasis added]:

UN Human Rights Council, “They have erased the dreams of my children”: children’s rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, January 2020

[...] B. Recruitment and use of children in hostilities

[...] 31. Children, most frequently boys, but also on occasion girls, have been used in hostilities by parties to the conflict for combat roles, to acts as spies, informants, or to serve at checkpoints, in violation of international humanitarian law. Children have been forcibly recruited, enlisted or lured into violence out of economic instability or grief, after witnessing violent acts inflicted on their loved ones by belligerent parties. **A child’s consent to enlist, and therefore join military ranks voluntarily, is not a valid justification to the use and recruitment of children in armed conflict.** [...]

The same report also included information indicating recent reports of children in the government forces:

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<sup>4</sup> UN, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000

<sup>5</sup> United Nations Office on Drugs and Crime (UNDOC), Countering Trafficking in Persons in Conflict Situations,

[UN Human Rights Council, “They have erased the dreams of my children”: children’s rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, January 2020](#)

[...] B. Recruitment and use of children in hostilities

35. **At the time of writing, the Commission continued receiving reports of young boys, some considered by people who saw them to not be older than 13 years of age, observed at checkpoints staffed by Government and associated militia in Hama.** One interviewee explained to the Commission how one of the boys, aged 16, recalled that the killing of his brothers by ISIL terrorists and members of armed groups motivated him to join the ranks of Government forces. [...]

Additional sources available at the time of drafting the *Targeting of Persons* report document the forcible conscription of children into government forces or government-aligned forces:

[US State Department, Annual report on trafficking in persons \(covering April 2018 to March 2019\), Syrian Arab Republic, 20 June 2019](#)

[...] **The government and pro-Syrian regime affiliated militias continued to forcibly recruit and use child soldiers**, resulting in children facing extreme violence and retaliation by opposition forces; it also did not protect and prevent children from recruitment and use by armed opposition forces and designated terrorist organizations such as ISIS.

[...] The government made no discernible anti-trafficking law enforcement efforts, and the government and government-affiliated militias remained complicit in the unlawful recruitment and use of child soldiers. [...]

[Ninar al-Ra’i \(European University Institute\), Facets of Syrian Regime Authority in Eastern Ghouta, November 2019](#)

[...] 1.2. Militias in Military Uniforms: Auxiliary Forces

[...] **Liwa Abu al-Fadl al-Abbas has engaged in the conscription of youths**, who then serve in exchange for monthly salaries estimated at 40,000 Syrian pounds (around 70 USD) together with protection from interrogation and arrest. Two former fighters who previously served in the leadership of Faylaq al-Rahman – Abu Dagher Jadyan and Zaquq al-Bahash, a relative of the president of the municipality<sup>24</sup> – oversee conscription efforts in Kafr Batna. They work under the supervision of a former commander in Faylaq al-Rahman’s security office, a man called Abu Jamal al-Amm Shanbo from Arbin. None of these three men played any role in negotiating the middle sector’s surrender agreement<sup>25</sup> but have risen in the ranks of Liwa Abu al-Fadl al-Abbas. **The brigade has engaged in arrests, gang activity and conscription.** 150 former Faylaq al-Rahman members make up the majority of the group’s conscripts in Kafr Batna. [...]

[...] 24 Interview via Skype with an activist and humanitarian worker, January 2019.

25 Interview via Skype with activists and journalists in the middle sector, January 2019 [...]

## **How the other EASO reports deal with forced recruitment into the armed forces and treatment of draft evaders and deserters**

In addition to the *Targeting of Individuals* report, two further EASO reports under review include a section on military conscription: *Exercise of authority in recaptured areas* and *Internally displaced persons, returnees and internal mobility*. Conscription is also addressed in various sections of the *Security situation* report and that persons are wanted for military service is addressed in the *Socio-economic situation: Damascus City* report, as mentioned above.

As discussed in the *General methodological observations and recommendations*, as these reports were all drafted by different actors, it is not surprising that the issue has been dealt with in different ways. However, the lack of uniformity and the insufficient cross-referencing to other EASO products, means that it is challenging for the reader to get a full picture of the situation for draft evaders, deserters and those fearing forced recruitment.

For example it is surprising that the following sections of the *Exercise of authority in recaptured areas* report does not mention that campaigns of arrests mainly targeting people who are to undergo military service have occurred, nor that persons who had completed the reconciliation process and received protection papers have also been targeted for arrest and detention, including returnees, as was documented in the *Targeting of Individuals* report [see above under discussion of 2.3 *Consequences of draft evasion and desertion*]:

[EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)

[...] 2.5 ‘Sorting out of affairs’ (taswiyat al-wada)

[...] For the part of the population that chose to stay in an area covered by an agreement, this ‘sorting out of affairs’ primarily concerns two things:

- If they have been part of an armed group that has fought GoS, authorities must clarify whether they will be allowed to stay, and, if so, on what terms.<sup>57</sup>
- Men of conscription age must serve in the military, and those called up for service in the reserve force must complete it.<sup>58</sup>

[...] 2.7 Military service

Military service is mandatory for all men between the ages of 18 and 42<sup>95</sup>, and draft evasion is a criminal offence. Through the years of conflict, the government has granted amnesty for draft evaders on a number of occasions. This means that they will not be punished but have to report to their enlistment office to start their military service.<sup>96</sup>

In the south, in areas where reconciliation agreements have been signed, local agreements included a conscription ‘grace period’ of six months to take care of practical matters before starting their period of military service.<sup>97</sup>

However, one source claimed that the process is different for mid-service GoS military/security force defectors than for civilians, including those who have not served their military service. For non-civilians who meet the conditions, the reconciliation process starts immediately. They are given 30 days to clarify their status, before being sent back to the same unit or to a new unit to continue their service.<sup>98</sup> [...]

[...] 57 Haid, H., The details of ‘reconciliation deals’ expose how they are anything but, Chatham House, August 2018, url

58 Ezzi, M., How the Syrian regime is using the mask of ‘reconciliation’ to destroy opposition institutions, Chatham House, June 2017, url [...]

95 TIMEP, TIMEP brief: Conscription law, 22 August 2019, url

96 Norway, Landinfo, Syria: Reaksjoner mot desertører og personer som unndrar seg militærtjeneste (Syria: Reactions against deserters and draft evaders), 3 January 2018, url, pp. 12-13 97 International Crisis Group, Lessons from the Syrian state’s Return to the South, 25 February 2019, url, p. 10

97 International Crisis Group, Lessons from the Syrian state’s Return to the South, 25 February 2019, url, p. 10

98 Hassan, M., How Russia and the regime manipulate the reconciliation process in Deir Ez-Zor Governorate, Chatham House, February 2019, url [...]

As discussed in the *General methodological observations and recommendations*, it is noteworthy that whilst the *Exercise of authority in recaptured areas* report includes military service amongst one of five research questions in its *Terms of Reference*, the issue was only addressed in half a page of the report:

[EASO, Syria: Exercise of authority in recaptured areas, January 2020](#)

[...] Terms of Reference

- How does the government treat the civilian population in reconquered areas?
- Which groups of individuals are called for military service?
- Which groups are targeted for arrest/violence?
- Are IDPs able to return to their hometowns after government reconquest?
- How are the IDPs treated upon return? [...]

This omission was similarly observed in the *Internally displaced persons, returnees and internal mobility* report. The full subsection on 3.4.4 *Military conscription in post-reconciliation areas* states:



[EASO, Syria Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] 3. Situation of returnees

[...] 3.4.4 Military conscription in post-reconciliation areas

The Syrian government has applied various coercive methods to pressure targeted rebel areas to surrender. Negotiation committees were established, mainly composed of local mediators with ties to the government. Once an agreement was reached, the negotiation committee would register all the names of activists and armed combatants, and whether they wished to remain or leave. The lists were later submitted to the various intelligence and military security bodies for assessment as to who can remain and who is to be relocated.<sup>235</sup> Combatants between the ages of 18-42 were given a six month grace period to settle their affairs and register with the local military recruitment branch (Sha'bt Tajneed). This process came to be known as Taswiyat al-Wad'. Those who do not report voluntarily risk being arrested and forcibly enlisted.<sup>236</sup> [...]

The report details that those who don't report were at risk of arrest or forced recruitment, but neglects to document that returnees who had completed the reconciliation process and received protection papers have also been targeted for arrest and detention. Again, this is surprising given that the *Terms of Reference* of the *Internally displaced persons, returnees and internal mobility* report specified an interest in the following profiles of returnees [emphasis added]:

[EASO, Syria Internally displaced persons, returnees and internal mobility, April 2020](#)

[...] Terms of Reference

[...] Particular groups IDPs/Returnees

- o **Conscripts, draft evaders, particularly from previously rebel held areas**
- o Persons originating from formerly rebel held areas
- o Women
- o Children
- o Other groups [...]



## Issue-specific observations and recommendations: State protection

This chapter focuses on how the EASO COI reports on Syria have dealt with the availability and effectiveness of state protection by the Syrian government forces in general and in particular for women and LGBTI individuals in Syrian government controlled areas. Therefore protection available in Kurdish-controlled areas from the Syrian Democratic Forces (SDF), the People's Protection Units (YPG) and the Asayish or in Turkish-controlled areas by the Free Syria Police (FSP) has not been addressed here. The specific profiles of 'women' and 'LGBTI' were the only ones which included a distinct section on 'state protection'. To this end the following sections in the subsequent reports have been reviewed:

- [EASO, Actors, December 2019](#)
  - 2. The Government of Syria,
  - 2.2 Judiciary and penal system
    - 2.2.2 Criminal trial procedures
    - 2.2.3 Death penalty
    - 2.2.4 Capacity
    - 2.2.5 Effectiveness and integrity
    - 2.2.6 Prison conditions
  - 2.3 Security institutions
    - 2.3.3 Police
- [EASO, Situation of women, February 2020](#)
  - 1.2 Women in Syrian society
    - 1.2.3 Legal status and rights
    - 1.2.4 Protection provided by the authorities
- [EASO, Targeting of individuals, March 2020](#)
  - 13. LGBTI
    - 13.1 Legal framework
    - 13.2 State protection

It was interesting to note that no additional profiles, who are specifically targeted by non-state actors, included any subsection on protection – for example members of specific ethnic and/or religious groups, children etc.

### [Actors](#) (December 2019)

#### Terms of Reference

The *Terms of Reference* for the *Actors* report lists the following issues, which have been deemed of relevance for an assessment on whether or not there is effective state protection available:

#### [EASO, Syria: Actors, December 2019](#)

[...] Terms of Reference

- The Government of Syria
  - Judiciary and penal system
    - Court structure
    - Criminal trial procedures
    - Death penalty

- Capacity
- Effectiveness and integrity
- Prison conditions
- Security institutions
  - Police
    - Mandate and structure
    - Capacity
    - Effectiveness
    - Integrity

Interestingly, when comparing these *Terms of Reference* with the section headings listed under *Contents* they do not pair up. To exemplify, those issues underlined in the above list are not found as sub-headings nor are they addressed in any other way in the *Actors* report in relation to the Syrian police force (for a more thorough review see section ‘2.3.3 Police’ further below).

As per previous commentaries we’ve published<sup>6</sup>, we recommend that in order to fully address the issue of the willingness and ability of the security forces, and in particular the police, to protect, that the following sub-topics be also taken into consideration:

#### *Ability to protect*

- State security and police forces: capacity, resources and equipment, training, oversight and accountability, functioning of the judicial system;
- Targeted attacks against state security and police forces by anti-government elements;

#### *Willingness to protect*

- Infiltration by anti-government elements in state security and police forces, evidence of corruption e.g. evidence of bribes required to open cases, or police accepting bribes from perpetrators resulting them dropping cases or judicial corruption;
- State security and police forces’ involvement in human rights violations as they relate to the current security situation and related impunity;
- Denial of protection to particular groups e.g. women, ethnic minorities etc.

Whilst we acknowledge that limited country information specifically dealing with all of these sub-topics is available, it is important that these issues are spelled out in the Terms of Reference for users of the EASO report to consider all of the issues relevant for an assessment on the effectiveness and availability of state protection. Moreover, it is also important for a COI report to acknowledge its limitations and where gaps in COI lie, and to potentially try and fill those gaps by seeking country experts who may provide more ‘on the ground’ information.

## **2.2.2 Criminal trial procedures**

### **Ordinary system & Exceptional system**

This section includes information on the penal court procedures under the sub-heading *Ordinary system* and information on the procedure of the Counter Terrorism Court (CTC) and the Military Field Courts (MFCs) under the sub-heading *Exceptional system*. Whilst the information contained under *Ordinary system* is very factual, with information about the effectiveness of the judiciary being dealt with in the sub-subsequent section 2.2.5 *Effectiveness and integrity*, information included under

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<sup>6</sup> See for example ARC Foundation and DCR, [Comments on the EASO Country of Origin Information Report: Pakistan Security Situation, October 2018](#), December 2018

the latter sub-heading, *Exceptional system*, highlights the shortcomings of the CTC and the MFC, due process and fair trial violations, including the admissibility of evidence obtained by torture. Given that these two sub-headings are not listed under *Contents*, the information contained in these can easily be overlooked. Given the importance of this information, it is considered that it should have been given greater prominence in the report, for example by the use of numericalised sub-headings.

## Exceptional system

Information included throughout the *Exceptional system* sub-section was both summarised from the original source and directly quoted. In one instance the summary did not match the original source and the EASO report distorted the author of the following testimony [emphasis added]:

### [EASO, Syria: Actors, December 2019](#)

[...] 2.2.2 Criminal trial procedures [...]

Exceptional system [...]

**EIP noted the testimony of a Syrian defected army officer that headed the MFC** and had issued more than 5 000 death sentences by the end of 2014.<sup>166</sup> [...]

[...] 166 EIP, Refugee return in Syria: Dangers, security risks and information scarcity, June 2019, url, p. 14 [...]

### [European Institute of Peace \(eip\), Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, June 2019](#)

[...] Detentions, Arrest, Torture, and Executions [...]

Military Feld Courts and Counter Terror Courts [...]

**According to a defected army officer**, the head of the MFC, Colonel Mohamad Kanjo, had personally issued more than 5,000 death sentences by the end of 2014.<sup>29</sup> [...]

[...] 29 Military Field Court, live testimony by Asem al-Zoubi for Geiroon, 21 October 2016, <https://geiroon.net/archives/67203> [...]

Despite the fact that the 2017 report by the International Legal Assistance Consortium (ILAC) is referenced throughout this section to emphasise failings of the Counter Terrorism Court (CTC) and the Military Field Courts (MFCs) – both also referred to as ‘exceptional courts’ - additional strongly-worded findings from ILAC’s assessment of the justice sector in Syria should have been included as follows [emphasis added]:

### [International Legal Assistance Consortium \(ILAC\), ILAC Rule of Law Assessment Report: Syria 2017, April 2017](#)

Executive Summary [...]

**Both regular and exceptional courts generally fail to live up to international standards of independence and impartiality.** However, there is a clear tendency of the government to move politically sensitive cases out of the regular court system to be heard before the exceptional courts, which may be seen as an indication that the regular courts have retained at least some measure of independence in relation to the executive and the security forces. If the government felt certain the case would reach its desired outcome whichever court was used, it is difficult to understand why moving cases to the separate system would be necessary. This notion is supported by judges who have been forced to leave Syria who claim that even though the regular courts where they served were not independent, they did retain a level of personal independence in their role as judges. Indeed, this independence was what forced many of them to flee after refusing to cooperate with the government [...]

**The exceptional courts are fundamentally flawed when it comes to implementing acceptable standards of independence and due process. This means that their continued use by Syria may violate the requirements under international humanitarian law if such courts pass sentences or carry out executions against protected persons under Common Article 3 to the Geneva Conventions**

of 1949. Without substantial reforms to bring the exceptional courts in line with what could be considered to be “regularly constituted” within the meaning of the Common Article 3 and customary international law, the government’s continued use of these courts would constitute a war crime. [...]

Most of the sources included in this *Exceptional system* sub-section referred to information covering the years 2013 and 2018; one source published in June 2019 was cited five times. Illustrative more recent COI available in the public domain during the time of drafting the *Actors* report includes:

[Human Rights Watch, Rigging the System, Government Policies Co-Opt Aid and Reconstruction Funding in Syria, 28 June 2019](#)

[...] 4. Reconstructing Government Infrastructure That May Facilitate New or Ongoing Abuse [...] The Syrian judicial system, including the Counterterrorism Court, is known for summary decisions, corruption, and lack of respect for due process. The Syrian government has not held these entities accountable for abuse over many years, or reformed them, or taken any other actions to bring an end their abusive practices. [...]

[The Tahrir Institute for Middle East Policy, TIMEP Brief: Law No. 19 of 2012: Counter-terrorism Law, 1 July 2019](#)

[...] Implementation [...] Individuals and organizations who have engaged with the CTC explain that lawyers are often prohibited from seeing their clients before a case begins—affecting their ability to adequately represent them—and that CTC judges—who do not enjoy immunity for actions taken during the course of their work—tend to act in a politicized manner. Observers of the court have noted that trials are not public, juveniles have been tried before the CTC, confessions brought about as a result of torture are admissible before the CTC, and individuals brought before the court include but are not limited to persons accused of participating in protests, writing statements on Facebook, and delivering aid to opposition-controlled areas [...]

[Syrian Network for Human Rights, At Least 98,000 Forcibly Disappeared Persons in Syria Since March 2011, Enforced Disappearance Is the Regime’s Most Painful and Brutal Weapon, 30 August 2019](#)

[...] V. Enforced disappearance by the four main parties in Syria  
A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias) [...] Enforced disappearances have also affected detainees held in central prisons in all the Syrian governorates, who have been subjected to trial in military courts and military field courts (al Midan Courts); although these detainees were initially allowed to have lawyers, and their families were previously able to visit them several times, Syrian Regime forces suddenly and without warning transferred them from their places of detention in central prisons to unknown locations without notifying the detainees, their lawyers or families about the reason for the transfer or their destination. We have noticed an increase in the number of detainees who have been disappeared from central prisons since the beginning of 2018 to the present, and there is a strong and well-founded concern that Syrian Regime forces have implemented sentences against them implemented in secret by the military field courts (al Midan Courts), or that security authorities have issued orders to return them to the security branches responsible for their detention and to stop their trial and detain them indefinitely under enforced disappearance by this means [...]

The *Exceptional system* sub-section specifies that the Syrian Counter-Terrorism Law No. 19 defines terrorism in broad terms and includes a reference to a June 2013 Human Rights Watch article:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.2 Criminal trial procedures [...] Exceptional system [...] In 2012 the Syrian government adopted the Counter-Terrorism Law No. 19 which contained a broad definition of terrorism as ‘every act that aims at creating a state of panic among the people, destabilizing public security and damaging the basic infrastructure of the country by using weapons,

ammunition, explosives, flammable materials, toxic products, epidemiological or bacteriological factors or any method fulfilling the same purposes'. The reference to 'any method' was interpreted by Human Rights Watch as 'labeling virtually any act as a terrorist offense'.<sup>150</sup> [...]

[...] 150 HRW, Syria: Counterterrorism Court Used to Stifle Dissent, 25 June 2013, url [...]

A number of other publicly available sources at the time of drafting the EASO report have provided further details, including the Human Rights Watch article, as to which additional 'acts' could fall under the terrorism definition, which would have been useful to include:

[Human Rights Watch, Syria: Counterterrorism Court Used to Stifle Dissent, 25 June 2013](#)

[...] The special court uses the overbroad provisions in the Counterterrorism Law, enacted in July 2012, to convict peaceful activists on charges of aiding terrorists in trials that violate basic due process rights, Human Rights Watch said. The charges are brought under the guise of countering violent militancy, but the allegations against the activists actually amount to such acts as distributing humanitarian aid, participating in protests, and documenting human rights abuses [...]

[UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria, February 2017](#)

[...] IV. Persons Holding, or Perceived to Be Holding Anti-Government Views [...]

The laws define "terrorism" in broad and vague terms, leaving room to prosecute a wide range of activities, including participation in protests, posting statements on social media, distribution of humanitarian assistance, smuggling of medicines, and documentation of human rights abuses.<sup>47</sup> [...]

[...] 47 "Although authorities reportedly brought charges under the guise of countering violent militancy, allegations included peaceful acts such as distributing humanitarian aid, participating in protests, and documenting human rights abuses"; US Department of State, 2015 Country Reports on Human Rights Practices - Syria, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. "(...) legal texts use general, vague words and expressions which may apply to anybody opposing the regime's repression of the people's uprising whether adults or minors, male or female, civil activists or armed rebels, or any other group that might form the slightest possible threat to the government"; VDC, Counter-Terrorism Law No. 19 and the Counter-Terrorism Court, April 2015, <http://bit.ly/2iUQ0dK>, p. 12. See also p. 20 of the same report. "Human rights and peace activists form the large majority of those detained under article 8 of the anti-terrorism law, which prescribes imprisonment and forced labour for a variety of vaguely defined terrorism-related offenses that include distributing written materials or information"; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html> (hereafter: UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>), para. 149. See also, HRW, Syria: Counterterrorism Court Used to Stifle Dissent, 1 July 2013, <http://www.refworld.org/docid/51d1483a4.html>. [...]

[UN OCHA, Monthly Human Rights Digest, Syria, October 2017](#)

[...] Other Protection Concerns [...]

What constitutes a "terrorist act" is loosely defined in the law, and Syrian authorities have used this law to detain civilians for a wide range of reasons - from publicly criticising the Government, to having alleged links to opposition movements or groups. [...]

[EuroMed/Rights, SyriaL Situation report on Violence against Women, November 2017](#)

[...] 3. Protection framework and access to justice [...]

There is no clear definition of the term "moral support" in the anti-terrorism legislation; this makes many women at risk of detention simply for being related to or having personal relationships with terrorism suspects. [...]

[Independent Commission of Inquiry on the Syrian Arab Republic, Report of the Independent Commission of Inquiry on the Syrian Arab Republic, 31 January 2019](#)

[...] II. Introductory remarks [...]

9. [...] Access of civilians to adequate housing, land and property rights also remained curtailed by the large-scale destruction of infrastructure and homes and was compounded by systemic property seizures under the State's counter-terrorism framework [...]

[...] V. Life behind the frontlines [...]

Life under government control [...]

Housing, land and property [...]

80. The Commission also documented a number of incidents in which properties in Aleppo, Damascus, Homs, Hama, Rif Dimashq and Suwayda' Governorates were seized by the State pursuant to the counter-terrorism law established by presidential decree, "Law" No. 19/2012. Under Law No. 19, both the movable and immovable property of individuals deemed to have engaged in terrorism activities may be frozen or confiscated (arts. 11 and 12). Some 70,000 Syrians have reportedly faced asset freeze decisions by the Ministry of Finance in the past two years alone. Supporting documentation received by interviewees confirms the Ministry of Finance as the body actively seizing properties.<sup>39</sup>

81. In some cases, decisions by the counter-terrorism court<sup>40</sup> to seize property have been amended to include wives and children, including minors, of males convicted of terrorist acts. It remains unclear whether family members are also being convicted of terrorist offences or simply barred from exercising any claim on the properties seized. In other cases, friends of the individual convicted were also included on amended decisions.

82. The ambit of prohibited acts enumerated under counter-terrorism Law No. 19 appears to be unduly broad and contains catch-all provisions which may potentially affect thousands more Syrian civilians. [...]

[...] 39 Under article 1 of Presidential Decree No. 63/2012, and for terrorism-related offences enumerated under Law No. 19, the Ministry of Finance is empowered to "take the necessary precautionary measures against movable and immovable property belonging to the accused".

40 See Presidential Decree No. 22/2012 on Establishing a Counter-terrorism Court. [...]

[Physicians for Human Rights, "My Only Crime Was That I Was a Doctor", How the Syrian Government targets Health Workers for Arrest, Detention, and Torture, December 2019](#)

[...] Most interviewees told PHR that [...] They also learned that health workers engaged in any activity perceived to benefit those characterized as opposition sympathizers would be targeted by Syrian government security forces for arrest at checkpoints, in their homes, and at their workplaces. All the participants, many of whom lost colleagues to death and detention long before becoming victims themselves, articulated recognition that the nondiscriminatory provision of health care services was officially forbidden by the Syrian government under Counterterrorism Law 19, in which health care was seen as "material support for terrorism." [...]

The *Exceptional system* sub-section also refers to the same Human Rights Watch article of June 2013 to report how many people might have been referred to the Counter Terrorism Court (CTC) and the Military Field Courts (MFCs):

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.2 Criminal trial procedures [...]

Exceptional system [...]

Human Rights Watch reported that up to 50 000 people had been referred to these courts by mid-2013.<sup>155</sup> [...]

[...] 155 HRW, Syria: Counterterrorism Court Used to Stifle Dissent, 25 June 2013, url [...]

More recent sources (post-2013), available at the time of drafting the EASO report, documenting the number of individuals referred to these courts would have been useful to include:

[USSD, Annual report on human rights in 2014: Syria, 25 June 2015](#)

[...] e. Denial of Fair Public Trial [...]

According to the SNHR, during the year the Counterterrorism Court reviewed 6,500 cases, sentenced approximately 25 persons to death, and released 3,100; the majority of those tried received five- to 20-year prison sentences [...]

[UN Security Council, Report of the Secretary-General on the implementation of Security Council resolutions 2139 \(2014\), 2165 \(2014\) and 2191 \(2014\), 10 September 2015](#)

[...] B. Human rights [...]

26. [...] According to lawyers interviewed by OHCHR, tens of thousands of civilians have been referred to the Counter-Terrorism Court since 2012. As of July 2015, some 670 decisions have been issued by the Court [...]

[Violations Documentation Center in Syria , Counter-Terrorism Court: a Tool for War Crimes, April 2015](#)

[...] I. Introduction [...]

According to a lawyer who requested anonymity for security reasons, more than 1,200 cases/files (800 from Damascus province and 400 from other provinces) were referred to the Counter-Terrorism Court in January 2014 alone. He maintained that an average file usually involves two detainees, which means more than 2,400 referrals to this Court in a single month, noting that this figure does not include referrals to other courts, including the Field Military Courts. This is confirmed by the interview that the pro-government Syrian newspaper, al-Watan made with Judge Ammar Bilal, the CTC Chief Prosecutor on 17 May 2014. Bilal said the CTC receives on average 60 files a day, and in some cases up to 150 files. The same al-Watan article quoted some special judicial sources stating that in May 2014 alone, the CTC received more than 30,000 cases, 12,000 of which are murder cases [...]

VI. CTC Proceedings [...]

8) Number of CTC cases and referrals

VDC research work shows that the number of cases referred to the CTC has exceeded 32,000. The number of detainees in each case/file varies between 1 and 12, but not every case has detainees. In some cases, security forces were not able to arrest any of the suspects, and in other cases, there were one person arrested and many people not arrested.

According to the VDC research, the percentage of children aged 15-18 years referred to the CTC until the end of January 2015 was one per cent of the total numbers of referred detainees and the number of women/girls exceeded 400, i.e.5%, including more than 350 detainees in Adra women's prison [...]

After a rough survey, it was found that the largest part of the people referred to the CTC were male adults aged 18-50 years but that there were also thousands of people<sup>15</sup> over the age of fifty and up to 86 years. [...]

The CTC was founded in July 2012 and it started receiving referrals in October/November 2012. The VDC has assisted a number of lawyers to conduct a survey to estimate the number of those referred, until the end of December 2014, based on the number of detention files. It was found that the number of those referred to CTC was around 80,000, with the daily average exceeding 50 detainees from various Syrian governorates. About 100 detainees are interrogated every day [...]

[...] 15 – For more details, please visit the VDC website and see the detainees' names [...]

[UN Human Rights Council, Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 \(c\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 23 August 2016](#)

[...] 3. Administration of justice, including impunity, and the rule of law [...]

57. JS5 [Joint submission 5 submitted by: Syrian Detainees Coalition for UPR, Syria, **حماة حقوق الشبكة** Damascus (Syrian Arab Republic)] and JS6 [Joint submission 6 submitted by: EuroMed Rights (EuroMediterranean Human Rights network - EMHRN), Syrian Center for Legal research and Studies (SCLRS), Syrian Center for Statistics and research (SRC), Syrian Institute for Justice (JUSTICE -SIJ), Syrian League for Citizenship (SL4C), Syrian Network for Human Rights (SNHR), The Day After (TDA), Urnammu, Violations Documentation Center in Syria (VDC), Copenhagen, (Denmark)] expressed concern regarding military field courts, JS6 noting that their legal basis was Decree No. 109 (1968), which did not provide for the possibility to



appeal and exempted judges and military personnel from respecting procedural rights. It was estimated that the courts treated the cases of some 40,000 individuals, half of whom were being considered in absentia [...] JS8 [Joint submission 8 submitted by: CIVICUS: World Alliance for Citizen Participation and the Syrian Center for Media and Freedom of Expression (SCM), Johannesburg, (South Africa)] noted that there was no public record of these Military Field Courts' sessions, obscuring the true scale of executions sanctioned through these processes [...]

Whilst reference was made in the *Exceptional system* sub-section that opponents and activists opposing the government were particularly targeted to undergo court procedures in this system and affected by due process violations in the Counter Terrorism Court (CTC) and the Military Field Courts (MFCs), it was observed that no cross-references were provided to other relevant EASO COI reports on Syria. This should have included those due to be published (as the drafting would have been already underway), notably the March 2020 *Targeting of individuals* and its sections on 1. *Persons perceived to be opposing the government* and 8. *Human rights activists*. In addition, no internal link was provided from this sub-section to section 2.2.5 *Effectiveness and integrity*, which includes more critical information about the effectiveness of the criminal justice system in Syria.

### 2.2.3 Death penalty

In the following example the section failed to include useful additional information found in the original source highlighting the increase of executions targeting political detainees [emphasis added]:

#### [EASO, Syria: Actors, December 2019](#)

[...] 2.2.3 Death penalty [...]

In December 2018, the Washington Post published an article suggesting that the rate of death sentences and executions in Syria's prisons was increasing. Testimonies of former detainees spoke of transfers of prisoners from other locations to Saydnaya to be executed by hanging. The number of detainees in Saydnaya prison, which once held between 10 000 to 20 000 inmates, have begun to decrease 'largely because of the unyielding executions' with one section being almost empty.<sup>174</sup> [...]

[...] 174 Washington Post (The), Syria's once-teeming prison cells being emptied by mass murder, 23 December 2018, url [...]

#### [The Washington Post, Syria's once-teeming prison cells being emptied by mass murder, 23 December 2018](#)

As Syria's government consolidates control after years of civil war, President Bashar al-Assad's army is doubling down on **executions of political prisoners**, with military judges accelerating the pace they issue death sentences, according to survivors of the country's most notorious prison.

In interviews, more than two dozen Syrians recently released from the Sednaya military prison in Damascus described a **government campaign to clear the decks of political detainees**. [...]

In a further instance, the section neglected to include useful additional information found in the original source specifying who would be ineligible under a September 2019 amnesty decree issued by the government [emphasis added]:

#### [EASO, Syria: Actors, December 2019](#)

[...] 2.2.3 Death penalty [...]

On 15 September 2019, President Bashar Al Assad issued an amnesty decree reducing the death penalty to life imprisonment for crimes and offences committed before 14 September 2019 and pardoned draft evaders if they turn themselves in with a three- to six-month delay.<sup>176</sup> [...]

[...] 176 Reuters, Syria's Assad issues amnesty reducing punishment for crimes, 15 September 2019, url

[Reuters, Syria's Assad issues amnesty reducing punishment for crimes, 15 September 2019](#)

[...] The amnesty **does not cover Syrians who took up arms to fight the state, colluded with foreign nations against Syria, or joined insurgents, whom Damascus regards as terrorists.**  
**Other exceptions include drug crimes and arms smuggling [...]**

This section would have also benefitted from a cross-reference to the March 2020 *Targeting of individuals* report, particularly subsection 1.1.4 *Extrajudicial executions* as not all death sentences and executions were registered.

Reiterating our general methodological point from further above that the EASO Guidance on Syria should not solely rely on EASO's COI reports as policy and decision-makers alike may miss out on information published in between publications, the section concludes that no information could be found on the implementation of the September 2019 amnesty decree. However, a number of sources published after the *Actors* report have documented this. For example, in January 2020 the Independent International Commission of Inquiry on the Syrian Arab Republic stated that:

[Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 28 January 2020](#)

[...] IV. Government-held areas [...]

71. Notwithstanding the ongoing arrests and detentions by government forces, in addition to the scores of individuals already deprived of their liberty, a number of “amnesties” were issued in the reporting period by the Government.<sup>36</sup> However, releases mostly took place in Dar'a Governorate and amounted to few hundred people who had been held for relatively minor offences [...]

[...] 36. For example, Decree No. 20 of 15 September 2019

In March 2020 the Syrian Network for Human Rights reported that [emphasis added]:

[Syrian Network for Human Rights, It would take 325 years for the Syrian regime to release 130,000 detainees according to the Amnesty Decrees it issues, 24 March 2020](#)

It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues.

Nearly 665 Cases of Arbitrary Arrests, 116 Deaths Due to Torture, and 232 Releases Since the Previous Amnesty Decree Was Issued in September 2019 [...]

I. The Syrian Regime is Involved in Committing Crimes Against Humanity Through the Crimes of Enforced Disappearance and Torture [...]

In this short report, issued following the regime's publication of Legislative Decree of Amnesty No. 6 on March 22, we will briefly outline the impact of arrests and releases in the interim period since the previous Legislative Decree of Amnesty No. 20 issued on September 15, 2019. **This report proves the ineffectiveness of these decrees, with the Syrian regime restricting their application to individuals and groups that it wishes to pardon, who are predominantly criminal offenders, and perpetrators of misdemeanors and offenses, while not including any dissidents, political prisoners and activists in the popular uprising or those arrested in connection with it [...]**

In April 2020 the same source, the Syrian Network for Human Rights reported [emphasis added]:

[Syrian Network for Human Rights, At least 138 Cases of Arbitrary Arrests Documented in Syria in April 2020 Despite the Recent Amnesty Decree, The Syrian Regime Arrested More People Than It Released in April, Amid A Real Fear That the Coronavirus Will Spread Among Thousands of Detainees, 2 May 2020](#)

SNHR announced in its report released today that it documented **at least 138 cases of arbitrary arrests in April 2020 despite the recent amnesty decree, with the report noting that the Syrian**

regime arrested more people than it released in April, amid a real fear that the coronavirus will spread among thousands of detainees [...]

## 2.2.4 Capacity

In one instance, additional information found in the original source excerpted would have been useful to have been included which specified that the slow delivery of decisions extended to the Appeal Courts [emphasis added]:

[International Legal Assistance Consortium \(ILAC\), ILAC Rule of Law Assessment Report: Syria 2017, April 2017](#)

[...] III. The justice system in the Syria Arab Republic [...]

3.1 The courts [...]

Civil and criminal courts [...]

Similar problems extended to the Appeal Courts where only one-fifth of cases were concluded within a year [...]

## 2.2.5 Effectiveness and integrity

Given that not all readers may be familiar with Transparency International's corruption index, it is recommended that further information is provided as to what exactly it measures given that it "ranks 180 countries and territories by their perceived levels of public sector corruption" and not just corruption within the judiciary. It would have also been useful if Syria's score had been provided and how this is calculated:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.5 Effectiveness and integrity [...]

Syria ranked 178/180 on Transparency International's corruption index for 2018.<sup>181</sup> [...]

[...] 181 Transparency International, Syria: Corruption Perceptions Index 2018, 29 January 2019, url [...]

[Transparency International, Corruption Perceptions Index 2018, January 2019](#)

The index, which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople, uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean [...]

Note that the 2019 Corruption Perceptions Index published in January 2020 continued to rank Syria as 178 out of 180 countries and scored Syria 13 out of 100 in terms of "perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean)":

[Transparency International, Syria, Undated \[Last accessed: 18 May 2020\]](#)

Country data

Corruption Perceptions Index

2019 Rank

178/180

2019 Score

13/100

Since its inception in 1995, the Corruption Perceptions Index, Transparency International's flagship research product, has become the leading global indicator of public sector corruption. The index offers an annual snapshot of the relative degree of corruption by ranking countries and territories from all over the globe. In 2012, Transparency International revised the methodology used to construct the index to allow for comparison of scores from one year to the next [...]

In the following instance the author of a source was wrongly identified [emphasis added]:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.5 Effectiveness and integrity [...]

This, **according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) Universal Periodic Review of November 2016**, played a role in ‘the decline in monitoring and accountability of those responsible for torture’;<sup>196</sup> [...]

[...] 196 OHCHR, Joint submission on the Politic and Civic Rights Universal Periodic Review 26rd session of the Working group - November 2016 Syria, November 2016, url, p. 7 [...]

The write up in the body of the text suggests that the quote can be attributed to the UN High Commissioner for Human Rights (OHCHR), when instead it was taken from a joint submission to the UN Universal Periodic Review, 26<sup>th</sup> session of the working group in November 2016, whose authors were not revealed in the original weblink provided. Consulting the Joint Submission indicates that the authors were in fact “a group of civil society organizations in Syria”:

[Free Syrian Lawyers Association; Maratous for Citizenship & Human Rights; Mussawa Organization -Musawa; Women’s Studies Center; Syrian Female Journalist Network \(SFJN\); Syrian Feminist Lobby \(SFL\); Syrian Network for Human Rights; Syrian Women’s Network; Violation Documentation Center in Syria, Universal Periodic Review of the Syrian Arab Republic, 26<sup>th</sup> Session of the Working Group – November 2016, Joint NGO Submission on Political and Civic Rights, 15 September 2016](#)

[...] Drafting NGOs

Free Syrian Lawyers Association Maratous for Citizenship & Human Rights Mussawa Organization Musawa - Women’s Studies Center Syrian Female Journalist Network (SFJN) Syrian Feminist Lobby (SFL) Syrian Network for Human Rights Syrian Women’s Network Violation Documentation Center in Syria

Supporting NGOs:

Amal Women Center Euromed Feminist Initiative IFE-EFI Geneva Institute for Human Rights Human Rights Guardians Lawyers for Syria Lebanese Women Democratic Gathering Women Now For Development [...]

The U.S. Department of State’s annual report covering 2018 was included in this section but only one discreet excerpt namely that highlighting that family members of detainees solicited bribes for issuing favourable decisions in courts:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.5 Effectiveness and integrity [...]

Family members of detainees and human rights activists have reported soliciting of bribes for issuing favourable decisions in courts.<sup>201</sup>

[...] 201 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 56 [...]

Additional information found in the U.S. Department of State’s annual report mentioning the political influence exerted on to the courts and the lack of due process rights such as being notified of the charges raised against defendants occurring during 2018 would have benefitted this section of the EASO report [emphasis added]:

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

[...] e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but authorities regularly **subjected courts to political influence and prosecutors and defense attorneys to intimidation and abuse**. Outcomes of cases with political context appeared predetermined, and defendants could sometimes bribe judicial officials and prosecutors [...]

Trial Procedures [...]

the government did not respect judicial independence.

The constitution presumes defendants innocent until proven guilty, but numerous reports indicated that the CTC or courts-martial did not respect this right. Defendants have the right to prompt, detailed notification of the charges against them with interpretation as necessary, although authorities did not verifiably enforce this right, **and a number of detainees and their families reported that the accused were unaware of the charges against them.**

Defense attorneys often lacked adequate time and facilities to prepare a defense, as the International Legal Assistance Consortium (ILAC) and other NGOs reported authorities arbitrarily assigned defense attorneys to many defendants at the courthouse on the day of trial. Human rights lawyers reported that in some politically charged cases, **the government provided prosecution case files to defense lawyers that did not include any evidence, if they provided anything at all.** Defendants may present witnesses and evidence and confront the prosecution or plaintiff witnesses, but authorities often did not respect this right [...]

The *Effectiveness and integrity* section deals mainly with the independence of the judiciary and the level of corruption amongst the judiciary by including sources from the years 2017 and 2018. This section would have benefited from more current information on the lack of adherence to legal procedures such as from sources listed below, all available at the time of drafting the EASO report (and some of which had been cited in other sections of the *Actors* report):

[European Institute of Peace \(eip\), Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, June 2019](#)

[...] Security Sector and Structures [...]

The intervention of the security services into Syria's civil service, judicial, and other services has contributed to the spread of providing public service for personal interest within these organizations. Material gains and benefits are sought in return for turning a blind eye to administrative, and even criminal, offences. At the same time, these behaviours have deepened the culture of favouritism and patronage, as well as the rates of malicious reporting or informing against perceived opponents [...]

[Human Rights Watch, Rigging the System, Government Policies Co-Opt Aid and Reconstruction Funding in Syria, 28 June 2019](#)

[...] 4. Reconstructing Government Infrastructure That May Facilitate New or Ongoing Abuse [...]

The Syrian judicial system, including the Counterterrorism Court, is known for summary decisions, corruption, and lack of respect for due process. The Syrian government has not held these entities accountable for abuse over many years, or reformed them, or taken any other actions to bring an end their abusive practices. [...]

[Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019](#)

[...] V. Impact of the ongoing conflict

A. Afrin (Aleppo) [...]

65. The Commission continued to receive reports alleging that the Turkish authorities were controlling, coordinating and financing administrative, judicial and executive structures. Residents pointed out that Syrian judges and lawyers were appointed by, or in coordination with, the Turkish authorities, and that civilian police officers were also being selected and trained by them (A/HRC/40/70, para. 70). Reportedly, officials of Kurdish origin who had previously worked in institutions had frequently been replaced by persons of Arab descent. Even so, interviewees continued to describe administrative as well as executive structures as largely incapable of addressing grievances spawned by the unlawful conduct of dozens of armed groups [...]

[Physicians for Human Rights \(PHR\), "My Only Crime Was That I Was a Doctor", How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture, December 2019](#)

[...] Judicial Mechanisms [...]

PHR interviews with formerly detained health workers reveal the absence of legitimate judicial processes to which Syrian authorities subjected detainees. In multiple cases, interviewees reported that judges specifically designated nondiscriminatory medical activities as crimes. In many other cases, medical activities were not explicitly referenced as accusations in court but were instead couched under generic “support for terrorism” charges.

The role of the Syrian judiciary in perpetuating arbitrary detention is underscored throughout the testimonies of the health workers PHR interviewed for this study. Three-quarters of the interviewees experienced some form of judicial process during their detention. They appeared in court and usually faced formal charges. More than half of those who passed through the Syrian court system appeared in Counter-terrorism Court. The remainder appeared in military courts, military field courts, civil courts, or a combination thereof. Those interviewees whose cases were tried in Counter-terrorism and military courts reported a consistent, almost exclusive, reliance by judges on “evidence” that had been wholly fabricated by security services, or confessions obtained through torture.

All interviewees described a highly unpredictable experience of the court system, with no discernible rules or procedures. Pre-trial detention periods varied from one interviewee to another. The interviewees’ interactions with the judges were described as perfunctory, and sometimes lasted less than a minute. Some of the interviewees were able to appoint lawyers to represent them. However, even when assisted by counsel, interviewees stated the lawyers were not present in every court session and, when they were, they seemed powerless to raise a defense.

Many interviewees stated that the sole “evidence” presented in court proceedings were confessions either extracted under torture or entirely fabricated by interrogators. In at least five cases, judges dismissed or ignored allegations of torture raised by the detainees in their court hearings. [...]

Few of the interviewees who passed through the court system were released, even when the court dismissed their cases or rendered not-guilty verdicts. In at least five cases, interviewees secured their release by bribing judges through their lawyers. [...]

#### [Syrians For Truth & Justice, Syria: The Bar Association Disbarred 170 lawyers in Daraa, The Lawyers were dismissed for opposing the regime, 4 November 2019](#)

[...] Background

In March 2019, the Lawyers’ Syndicate in the province of Daraa issued new decisions, which were actually amendments of previous decisions of disbarring more than a third of the province’s lawyers; 250 out of 700, for their opposition to the regime-in the years prior to signing the ‘settlement agreement’- or for not paying fees and not communicating with the Syndicate.

Although the number of disbarred lawyers was large and caused Daraa “depletion and critical shortage” in lawyers -in the words of Fahd al-Adawi the President of the Bar Association of Daraa-[1] the Syndicate didn’t reconsider or rescind its decision even after a year of its issuance; it insisted on disbarring all those declared opposition to the government. However, on March 2019, the Syndicate issued circulars mitigating penalties, under pressure from the top, to reduce tension among people of the province and compensate for the shortages in the number of lawyers.

These circulars indicate that lawyers who have been removed from the syndicate’s table due to non-payment of fees or lack of communication with the syndicate or ceased work are differently placed than those oppose the government. Thus, the disbarment decisions against the first section of lawyers can be revoked, while those involved in the conflict are prevented from returning to the bar and practicing law [...]

[...] [1] “The President of the Bar Association of Daraa: Lawyers Sell Cigarettes and Work in Farm to Earn Living; We Disbarred 250 Out of 700 Lawyers which caused critical shortage”, al-Watan, July 22, 2018 (last visit: October 22, 2019), <https://www.alwatanonline.com/%D9%85%D8%AD%D8%A7%D9%85%D9%88%D9%86-%D9%84%D8%AC%D8%A4%D9%88%D8%A7-%D9%84%D8%A8%D9%8A%D8%B9-%D8%A7%D9%84%D8%AF%D8%AE%D8%A7%D9%86-%D9%88%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D9%81%D9%8A-%D8%A7%D9%84%D9%85/>. [...]

The *Effectiveness and integrity* section also failed to include information on the use of evidence obtained through torture in court procedures. However, three sources documenting this were included in sections 2.2.2 *Criminal trial procedures*, *Exceptional system* and 2.4 *Overview of abuses*



*committed by government security forces and associated armed groups*, yet for ease of reference it should have been repeated in this section as it is an important point to raise.

This section includes reference to existing legislature which enables members of the security forces to act with impunity and therefore leading to the absence of judicial procedures and remedies for human rights violations committed by government forces:

#### EASO, Syria: Actors, December 2019

[...] 2.2.5 Effectiveness and integrity [...]

Nael Georges, an academic and researcher in human rights, made reference to a number of laws in the Syrian legislature that empower the security apparatus and allow its members to act with impunity.<sup>193</sup> Such laws include:

☐ Legislative Decree No. 14 of 25 January 1969 which secured impunity for the employees of the State Security agency and absolved them from accountability for any crimes committed during the execution of tasks;<sup>194</sup>

☐ Decree No. 5409 of 1969, which reinforced the impunity of the employees of the security agencies in general.<sup>195</sup> This, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) Universal Periodic Review of November 2016, played a role in ‘the decline in monitoring and accountability of those responsible for torture’;<sup>196</sup>

☐ Decree No. 64 of 2008, which stipulated the protection of the employees of the internal security, political security and customs from accountability for crimes they committed.<sup>197</sup> These laws together with other factors such as the absence of an independent and neutral judicial system and the fear of retaliation on the part of the security forces made it impossible for the victims and/or their families to start a lawsuit against the perpetrators.<sup>198</sup> [...]

[...]193 Georges, N., ( ) تأثري النصوص الدستورية على الواقع الترشّي أجهزة الأمن السورية: الحاكم المطلق لسوريا [Constitutional reform in Syria and its impact on the security sector], 15 August 2018, url

194 Georges, N., ( ) تأثري النصوص الدستورية على الواقع الترشّي أجهزة الأمن السورية: الحاكم المطلق لسوريا [Constitutional reform in Syria and its impact on the security sector], url, p. 153

195 Georges, N., ( ) تأثري النصوص الدستورية على الواقع الترشّي أجهزة الأمن السورية: الحاكم المطلق لسوريا [Constitutional reform in Syria and its impact on the security sector], url, p. 153

196 OHCHR, Joint submission on the Politic and Civic Rights Universal Periodic Review 26rd session of the Working group - November 2016 Syria, November 2016, url, p. 7

197 Georges, N., ( ) تأثري النصوص الدستورية على الواقع الترشّي أجهزة الأمن السورية: الحاكم المطلق لسوريا [Constitutional reform in Syria and its impact on the security sector], url, p. 153; ILAC, ILAC Rule of Law Assessment Report: Syria2017, April 2017, url, p. 22

198 Georges, N., ( ) تأثري النصوص الدستورية على الواقع الترشّي أجهزة الأمن السورية: الحاكم المطلق لسوريا [Constitutional reform in Syria and its impact on the security sector], url, p. 153; [...]

It is considered that this should have been given greater prominence in a separate (and new) sub-section.

### **2.2.6 Prison conditions**

The title of this section does not fully encapsulate its content, which might otherwise be easily overlooked by users of this report. The information included also refers to the treatment of detainees, not just the physical prison conditions, documenting torture, physical and psychological abuse, enforced disappearance, incommunicado detention and extra-judicial executions. Therefore it should have been entitled ‘Prison conditions and torture in detention’.

Sexual violence and rape of detainees is only mentioned twice and whilst the specific experience of children in detention is touched upon, the particular situation and treatment of female detainees is not referred to in this section. Instead a reference was included to section 2.4 *Overview of abuses committed by government security forces and associated armed groups*, which included such information taken from two separate sources [emphasis added].



[EASO, Syria: Actors, December 2019](#)

[...] 2.2.6 Prison conditions

In a March 2018 report, the Col stated that since the beginning of the conflict ‘the Syrian Government perpetrated the crimes of extermination, murder, **rape or other forms of sexual violence**, torture, and imprisonment in the context of its widespread and systematic detentions of dissidents, as well as those perceived to be sympathetic to armed groups.<sup>205</sup> [...]’

**Children were held in prisons together with adults.**<sup>206</sup> [...]

In an October 2019 report, the Syrian Network for Human Rights (SNHR) listed 72 **methods of torture reportedly used by the Syrian security forces in detention centres**, which are divided into physical torture, health neglect and detention conditions, **sexual violence**, psychological torture, forced labour, torture in military hospitals and separation. [...] <sup>210</sup> [...]

Reportedly, **children between the ages of 8 and 17 were detained** in the same detention centres with adults and **suffer from the same types of torture.**<sup>212</sup> [...]

For more information on the treatment of detainees by Syrian government authorities see also section 2.4 [...]

2.4 Overview of abuses committed by government security forces and associated armed groups [...]

The Col has reported on the use of torture by government forces, especially the intelligence branches, noting in 2016 that ‘it is extremely rare to find an individual who has been detained by the Government who has not suffered severe torture’. **Most of the victims were men between the ages of 18 and 60 but torture of women and children was also reported.**<sup>369</sup> [...]

In March 2018, the Col published a report on sexual and gender-based violence (covering the period from March 2011 to December 2017) finding that the rape of and sexual violence of women, girls and occasionally men, committed by government forces and associated militias during ground operations, raids and in detention amounted to war crimes and crimes against humanity.<sup>374</sup> [...]

[...] <sup>205</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, Detention in the Syrian Arab Republic: A Way Forward, 8 March 2018, url, p. 4

<sup>206</sup> USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 8 [...]

<sup>210</sup> SNHR, Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in Its Detention Centers and Military Hospitals, 21 October 2019, url, pp. 7-8 [...]

<sup>212</sup> [ف الأطفال] Children are Arrested with Adults or with their Detained Mothers, as the Number of Women Exceeds 5,000. All this in Detention Conditions, Contrary to International Covenants and Laws], 22 February 2019, url [...]

<sup>369</sup> UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/33/55], 11 August 2016, url, p. 15 [...]

<sup>374</sup> UN Human Rights Council, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic; Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic [A/HRC/37/CRP.3], 8 March 2018, url, pp. 1; 4 [...]

For ease of reference it is recommended to have also provided a cross-reference to the February 2020 *Women* report, particularly its sub-section *Sexual violence in detention* found in section 1.1.2 *Sexual and gender-based violence by the Government forces*.

This section further neglected to cross-reference to the March 2020 *Targeting of individuals* report, especially as it includes information highlighting the harsh prison treatment and conditions political prisoners face, notably at section 1.1.2 *Torture and other forms of ill-treatment*.

Whilst the March 2018 report by the Independent International Commission of Inquiry on the Syrian Arab Republic was included, it would have been useful to also add the Commission’s findings that the acts described in its report on detention amount to crimes against humanity and war crimes [emphasis added]:

[EASO, Syria: Actors, December 2019](#)

[...] 2.2.6 Prison conditions

In a March 2018 report, the Col stated that since the beginning of the conflict ‘the Syrian Government perpetrated the crimes of extermination, murder, rape or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions of dissidents, as well as those perceived to be sympathetic to armed groups.’<sup>205</sup> [...]

[...] 205 Independent International Commission of Inquiry on the Syrian Arab Republic, Detention in the Syrian Arab Republic: A Way Forward, 8 March 2018, url, p. 4 [...]

[Independent International Commission of Inquiry on the Syrian Arab Republic, Detention in the Syrian Arab Republic: A Way Forward, 8 March 2018](#)

I. Introduction [...]

3. The Commission has meticulously documented the acts described above which **amount to the crimes against humanity** of extermination, murder, rape or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions (see A/HRC/31/CRP.1). **They have also amounted to the war crimes** of murder, cruel treatment, torture, rape, sexual violence, and outrages upon personal dignity (see A/HRC/31/CRP.1. para. 99) [...]

The use of secret or unofficial prisons was only mentioned with reference to one source, the March 2019 New York Times article, despite such information also found in some of the other sources included in this section, as well as sources available in the public domain at the time of drafting the EASO report. For example [emphasis added]:

[Independent International Commission of Inquiry on the Syrian Arab Republic, Detention in the Syrian Arab Republic: A Way Forward, 8 March 2018](#)

[...] III. Detention [...]

Government forces [...]

13. Such acts have been perpetrated at official and **unofficial places of detention** including Mezzeh Hospital 601 (Damascus), Military Intelligence Branches 215 and 227 (Damascus), Military Intelligence Branch 235 a/k/a the Palestine Branch (Damascus), the Mezzeh Air Force Intelligence Airbase (Damascus), the Harasta Air Force Intelligence (Damascus), Tishreen Military Hospital (Damascus), the Military Police Headquarters in Barzeh (Damascus), Sednaya Military Prison (Damascus), the Air Force Intelligence (Aleppo), and Palmyra Military Prison (Homs) prior to its capture by ISIL in May 2015 [...]

[Independent International Commission of Inquiry on the Syrian Arab Republic, “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, 8 March 2018](#)

[...] C. Rape, sexual, and gender-based violence against women and girls in detention [...]

28. In both the public and private spheres, women and girls were [...] abducted in the street and subsequently transferred to detention facilities, **including unofficial detention centres located in abandoned houses, factories, warehouses, and sports centres.** [...]

31. On admission to detention facilities, male guards routinely subjected women and girls to intimate searches, the most invasive of which amount to rape (see para. 105) [...] Women and girls reported being subjected to these searches at the Military Security branches in Latakia, Homs, and Hama, Branch 215 (Raids Company) in Damascus, the Investigations Branch 285 in Kafr Soussa (Damascus), the Air Force Intelligence (Investigations) Branch in Mezzeh military airport, **as well as in unofficial detention facilities** [...]

D. Rape and sexual violence against men and boys in detention [...]

44. The most common form of male rape occurred with objects, including batons, wooden sticks, pipes, and bottles, a tactic which has been used during interrogations since early in the conflict. Many such incidents were documented at [...] **and unofficial detention centres in Latakia and Hasakah** [...]

50. One of the most disturbing forms of torture was the genital mutilation of boys and men. **In one unofficial detention facility, described as “a slaughterhouse” in the base of a water tower in Sahnaya, adjacent to Darayya,** one witness described how the worst treatment was reserved for suspected FSA members [...]

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment [...]

Prison and Detention Center Conditions [...]

**Reports from multiple international NGO sources continued to suggest there were also many informal detention sites and that authorities held thousands of prisoners in converted military bases and in civilian infrastructure, such as schools and stadiums, and in unknown locations. Activists asserted the government also housed arrested protesters in factories and vacant warehouses that were overcrowded and lacked adequate sanitary facilities [...]**

[Syrian Network for Human Rights, At Least 98,000 Forcibly Disappeared Persons in Syria Since March 2011, Enforced Disappearance Is the Regime's Most Painful and Brutal Weapon, 30 August 2019](#)

[...] V. Enforced disappearance by the four main parties in Syria

B. Syrian Regime forces (army, security, local militias, and Shiite foreign militias) [...]

Enforced disappearances have also affected detainees held in central prisons in all the Syrian governorates, who have been subjected to trial in military courts and military field courts (al Midan Courts); although these detainees were initially allowed to have lawyers, and their families were previously able to visit them several times, **Syrian Regime forces suddenly and without warning transferred them from their places of detention in central prisons to unknown locations without notifying the detainees, their lawyers or families about the reason for the transfer or their destination. We have noticed an increase in the number of detainees who have been disappeared from central prisons since the beginning of 2018 to the present**, and there is a strong and well-founded concern that Syrian Regime forces have implemented sentences against them implemented in secret by the military field courts (al Midan Courts), or that security authorities have issued orders to return them to the security branches responsible for their detention and to stop their trial and detain them indefinitely under enforced disappearance by this means [...]

### 2.3.3 Police

It is noteworthy that this sub-section differs in its set-up from the other two sub-sections under section 2.3 *Security institutions*. Whilst sub-sections 2.3.1 *The Syrian Arab Army* and 2.3.2 *Intelligence agencies* contain sub-headings on 'Mandate and Structure', 'Capacity', 'Effectiveness', 'Integrity', the 2.3.3 *Police* sub-section contains no such sub-headings and the only information included is in relation to the police's structure, role, relationship to the intelligence services, limited information on the police's arrest procedures and one sentence on the 'reportedly' corruption of the police force:

[EASO, Syria: Actors, December 2019](#)

[...] 2.3.3 Police

The police force is formally under the control of the Ministry of the Interior and it consists of four separate divisions: emergency police, traffic police, neighborhood police and the riot police.<sup>299</sup>

According to an April 2019 report by SJAC, police commands were present in each governorate and while they report to the Ministry of Interior, they can also receive orders from branches of the intelligence agencies.<sup>300</sup> According to an Omran report from 2016, the Political Security Directorate 'has a supervisory authority over the Minister of Interior, his officers and staff including all police units'.<sup>301</sup>

The Emergency police is responsible for answering to emergency calls while the administrative [neighborhood] police deals with non-emergency situations. The riot police was deployed to put down protest demonstrations and since the onset of the conflict was conducting arrests and it closely cooperated with the intelligence agencies.<sup>302</sup>

Regarding the police's relationship with the intelligence services, an April 2019 report by SJAC noted that the police 'receive and execute commands, as opposed to issuing them' and there have been frequent instances where police would act as informers on anti-government activity and political dissidence in support of intelligence services.<sup>303</sup> According to reports cited by USDOS, 'the security branches secretly ordered many arrests and detentions'.<sup>304</sup>

USDOS reported that the police frequently conducted arrests citing emergency or security reasons instead of using a warrant as required by law. Warrants were rarely issued or presented by the police when operating arrests. Individuals arrested were kept in detention without charges for longer periods than the 60 days limit set by law, or indefinitely. The police were also reported to take part in arbitrary home raids following anti-government protests, attacks by the opposition or reconquering of territories by the government forces. Corruption was reportedly a widespread problem in the police forces, according to USDOS.<sup>305</sup> [...]

[...] 299 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 12

300 SJAC, Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents, April 2019, url, p. 11

301 Omran Center for Strategic Studies, The Syrian Security Services and the Need for Structural and Functional Change, 18 November 2016, url, p. 18

302 Lifos, OFPRA, The Syrian Police Force – Structure and Roles, June 2018, url, pp. 7-8

303 SJAC, Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents, April 2019, url, p. 11

304 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 14

305 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, pp. 13, 56 [...]

This is all the more surprising as the *Terms of Reference* of this report (see further above) clearly set out that the section on the police force should also include information on the effectiveness and integrity of the police. If information was sought on these topics and not found, it would have been useful if the *Actors* report had mentioned this. As mentioned further above, we recommend that in order to fully address the issue of the willingness and ability of the security forces, and in particular the police, to protect, that the following sub-topics be taken into consideration:

#### *Ability to protect*

- State security and police forces: capacity, resources and equipment, training, oversight and accountability, functioning of the judicial system;
- Targeted attacks against state security and police forces by anti-government elements;

#### *Willingness to protect*

- Infiltration by anti-government elements in state security and police forces, evidence of corruption e.g. evidence of bribes required to open cases, or police accepting bribes from perpetrators resulting them dropping cases or judicial corruption;
- State security and police forces' involvement in human rights violations as they relate to the current security situation and related impunity;
- Denial of protection to particular groups e.g. women, ethnic minorities etc.

The sub-topics mentioned under *Ability to protect* have been addressed to some extent in sections 2.2.5 *Effectiveness and integrity* ('functioning of the judicial system') and 2.3.3 *Police* ('capacity, resources and equipment, training, oversight and accountability') of the *Actors* report and in the respective governorate sections *Background of the conflict and armed actors* and *Recent security trends and impact on the civilian population* of the recently published *Security situation* report ('Targeted attacks against state security and police forces by anti-government elements'). Illustrative publicly available sources at the time of drafting the EASO report, including those mentioned elsewhere in the *Actors* report, highlighted serious shortcomings of the police force in relation to the sub-topics under *Willingness to protect* as set out above included:

*Willingness to protect: Infiltration by anti-government elements in state security and police forces, evidence of corruption e.g. evidence of bribes required to open cases, or police accepting bribes from perpetrators resulting them dropping cases or judicial corruption*

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

[...] Section 4. Corruption and Lack of Transparency in Government [...]

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Corruption continued to be a pervasive problem in police forces [...]

[European Institute of Peace, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019](#)

[...] Security Sector and Structures [...]

The intervention of the security services into Syria's civil service, judicial, and other services has contributed to the spread of providing public service for personal interest within these organizations. Material gains and benefits are sought in return for turning a blind eye to administrative, and even criminal, offences. At the same time, these behaviours have deepened the culture of favouritism and patronage, as well as the rates of malicious reporting or informing against perceived opponents. This culture has also facilitated a growth in extortion, which is especially problematic for traders, industrialists, and investors, who rely on permission from the security branches to import, export, build, or to conduct other work with the government, which leaves them vulnerable to exploitation. This control also impacts a range of civilians, as permissions and licences are required for a number of activities in Syria, including renting or selling a home or taking up a regulated profession [...]

Informing [...]

A loyalist source explained that informing is currently occurring even more frequently than before the war, describing it as a form of informal social control. Corruption and illegal economic activity are rife, so snitching on neighbours and competitors has become common as individuals seek to maintain their personal sphere of influence.<sup>7</sup> Other interviewees confirmed that informing on others was becoming commonplace as Assad consolidates control, which forces people to find ways to ingratiate themselves with the regime and state security structures for safety. One local interviewee stated that: 'There are many types [of people who write denunciations]: there are neighbours, there are people who wish to do evil to clean their record with the regime and gain its trust. There are people who do this to get money for their reports. As far as I was informed, there are reports for which people can get about SYP 200,000. And of course there are people who write reports for the sake of personal revenge or something similar.'<sup>8</sup> This technique also appears to have been institutionalized in the reconciliation and returns forms, which involve both informing and self-incrimination. This process is helping the security sector collect in-depth information on individuals for reasons that are not yet clear, though history suggests it is likely to be instrumentalized at some point in the future [...]

Localization

Local actors such as governors, prominent businessmen, and Local Councils have developed alliances with particular security or intelligence agencies. As a result, the manner in which local military forces, intelligence agencies, militias, and power structures operate is inconsistent across the country [...]

Thus assessing the current security situation in a given area requires understanding the local dynamics. Without unfettered local access across the country, it would be impossible to evaluate the security situation or conditions for return. Additionally, security in one area or jurisdiction does not equate to similar security elsewhere: individuals can face risks moving around to visit family or friends, or to seek employment opportunities or services. For example, a Zabadani local described below was arrested while seeking medical treatment in Damascus, despite enjoying safety within his area of origin [...]

[...] <sup>7</sup> Interview with a loyalist source, November 2018.

<sup>8</sup> Interview with a former resident of Eastern Ghouta, February 2019 [...]

[Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019](#)

[...] V. Impact of the ongoing conflict

B. Afrin (Aleppo) [...]

64. Victims who lodged complaints to local councils, the military police and Turkish officials consistently stated that the parties in control remained either unwilling or unable to provide effective

redress. The Commission received no indication that the Turkish authorities were either capable of or willing to control the misconduct of armed groups [...]

[Middle East Institute, Vengeance, repression, and fear: The reality behind Assad's promises to displaced Syrians, 17 October 2019](#)

[...] The team of researchers from the Syrian Association for Citizen's Dignity (SACD) worked for months under extremely challenging conditions to interview 165 people in Homs, Damascus countryside, Dara'a, and Aleppo to document the security situation of returnees and those living in areas covered by "reconciliation agreements" in parts of Syria under the control of the regime of Bashar al-Assad. The resulting report and its underlying research comprise an unprecedented effort, considering that no international organization, including the UNHCR, has real, uncensored access to all areas under Assad's control [...]

Key findings [...]

Corruption and extortion by the regime and militias permeate every aspect of life for returnees. Interviewees reported having to pay bribes to carry out the most menial of activities, such as obtaining documents or transporting produce to the market [...]

[Willingness to protect: State security and police forces' involvement in human rights violations as they relate to the current security situation and related impunity](#)

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

Executive Summary [...]

The government took no steps to identify, investigate, prosecute, or punish officials who committed human rights violations or abuses. Impunity was pervasive and deeply embedded in the security forces and elsewhere in the government [...]

d. Arbitrary Arrest or Detention [...]

Role of the Police and Security Apparatus [...]

security forces operated independently and generally outside the control of the legal system. There were no known prosecutions or convictions of security force personnel for abuse or corruption and no reported government actions to increase respect for human rights by the security forces [...]

[European Institute of Peace, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019](#)

[...] Security Sector and Structures [...]

The security services are now in control of local and individual reconciliations, refugee and internally displaced person (IDP) returns, and all reconstruction efforts. Therefore no discussion of civilian protection in Syria or refugee return is possible without addressing the inherent threat that the security sector poses to individuals and communities. A number of aspects of the security forces and structures—and how they operate—are important to highlight, particularly as they relate to returnees.

[Middle East Institute, Vengeance, repression, and fear: The reality behind Assad's promises to displaced Syrians, 17 October 2019](#)

[...] The team of researchers from the Syrian Association for Citizen's Dignity (SACD) worked for months under extremely challenging conditions to interview 165 people in Homs, Damascus countryside, Dara'a, and Aleppo to document the security situation of returnees and those living in areas covered by "reconciliation agreements" in parts of Syria under the control of the regime of Bashar al-Assad. The resulting report and its underlying research comprise an unprecedented effort, considering that no international organization, including the UNHCR, has real, uncensored access to all areas under Assad's control [...]

Key findings [...]

Two-thirds of the interviewees stated that they live in constant fear of arrest or harassment from the security services and various militias that run a maze of checkpoints — particularly those in or from areas under "reconciliation agreements." [...]



[Atlantic Council, Reconstruction and security sector reform in Syria must go hand in hand, 6 December 2019](#)

Key takeaways [...]

Syrians want a police force to provide security for citizens and not offering sole special protection to a political leader [...]

Despite a small set of participants, the results showed few felt safe and secure in Syria before the war. Survey participants mostly held state security forces responsible for repression and violence and perceived family as the major source of protection. So, reconstructing infrastructure and social systems without addressing a repressive security system that is strongly linked with a partial and unfair justice system is unlikely to achieve sustainable peace in post-war Syria. This is especially the case for issues related to the long-lasting war, such as addressing war crimes, compensating victims and integrating former combatants, including of militias and opposition forces, into the society [...]

Third, there is not much information available on the Syrian security sector and the actual needs of Syrian citizens [...]

Question analysis [...]

In an ideal Syrian security sector, 91 percent of the survey participants would want the police to be the entity responsible for providing security for citizens. This means that nearly all survey participants supported the idea of a centralization of citizen-oriented security services provided by the police, although they also characterized the police as responsible for repression and violence before and during the war. The results show that survey participants wish to have a police force that actually responds to their needs. That survey participants reacted so positively to questions regarding a future Syrian police force is blessing and curse at the same time [...]

With regards to the *willingness to protect: Denial of protection to particular groups* subtopic as outlined above, it is observed that no cross-references were provided to relevant profile's access to state protection in the EASO report on *Situation of women* such as sections 1.2.3 *Legal status and rights* and 1.2.4 *Protection provided by the authorities* and in the *Targeting of individuals* report particularly sections 13.1 *Legal framework* and 13.2 *State protection* of LGBTI individuals. Note that both of these particular profiles are dealt with further below.

In the following instance the original source was incorrectly summarised. Whilst the U.S. Department of State reported that corruption continued to be a "pervasive problem" in the police force, the *Actors* report weakened this to reports identifying corruption as a "widespread problem" [emphasis added]:

[EASO, Syria: Actors, December 2019](#)

[...] 2.3.3 Police [...]

Corruption was reportedly a **widespread problem** in the police forces, according to USDOS.<sup>305</sup> [...]

[...] 305 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, pp. 13, 56 [...]

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

[...] Section 4. Corruption and Lack of Transparency in Government [...]

Corruption continued to be a **pervasive problem** in police forces [...]

## [Situation of women](#) (February 2020)

### Terms of Reference

The *Terms of Reference* for the *Situation of women* report, in contrast to the other reports on Syria (with the exception of the *Exercise of authority in recaptured areas* report) lists the following research questions, which the *Situation of Women* report should cover [emphasis added]:

[EASO, Syria: Situation of women, February 2020](#)



[...] Terms of Reference

Research questions:

- Have there been infringements against women or have women been threatened with infringements in areas under the control of a specific actor?
- What kind of infringements have been reported and how common and/or widespread these infringements are?
- What actors are responsible for the reported infringements?
- What factors in particular (age, marital status, family size, ethnic or religious background, social status, education, professional background, health status, displacement/refugee status, etc.) subject women to these infringements?
- Are women without a safety net more prone to be subjected to infringements? The lack of what type of safety net (e.g. protection by the tribe, the family or the male relative) in particular could subject women to infringements more easily?
- Is it possible for women to receive state protection or protection from local authorities against violations targeting women in particular?
- Is a woman seeking protection on her own in a different position than a woman seeking protection with the help of her male relative?

Regions covered:

- Areas under the control of the Government of Syria
- Kurdish-controlled areas
- Areas under control of anti-government groups (Idlib enclave, other areas under antigovernment groups control)

Women in Syrian society:

- Is it possible for women to act independently, without the assistance of their husband or other male relative, in the Syrian society (to gain access to government services, official documents, and registrar's services; to gain access to education or work; or to travel/move inside or outside of Syria)?
- What factors can support or hinder women's possibilities to act independently in the Syrian society (e.g. social status; ethnic, religious, or tribal background)?
- Does the social status and capabilities of women vary on the basis of whether they are divorced, widowed, or unmarried?
- What is the (approximate) number of women-headed households in Syria?

The two underlined questions in relation to state protection should have been addressed in sections 1.2.1 *Female-headed households*, 1.2.3 *Legal status and rights*, and 1.2.4 *Protection provided by the authorities* in the *Situation of women* report. However, none of these sections nor any of those reviewed in the *Actors* report, include any information of relevance for an assessment on whether or not a "woman seeking protection on her own" is "in a different position than a woman seeking protection with the help of her male relative". Since no country information is included nor is there any explanation provided as to why no information was included to address this research question as set out in the *Terms of Reference* for the *Situation of women* report, it can only be assumed that either none was located or this issue has not been researched. Either way, this should have been explained in the report and in the case of lack of information expertise from country experts could have been sought.

Underlying the above comment, is our concern that the premise of the initial research question is questionable, as sexual and gender-based violence against Syrian women by non-state actors, as documented in the *Situation of women* report, is mainly perpetrated by male relatives, particularly in cases of domestic violence and 'honour killings'. Instead we would have recommended to focus on the availability of state protection for women from female-headed households experiencing human rights abuses at the hands of non-state actors.

As to whether the research question was addressed whether women can "receive state protection or protection from local authorities against violations targeting" them in particular, sections 1.2.3

*Legal status and rights* and 1.2.4 *Protection provided by the authorities of the Situation of women* report have been reviewed.

### 1.2.3 Legal status and rights

#### Personal Status Law

This sub-section of the *Situation of women* report included its own summary which conflated issues separated out in the original source. To exemplify, the way EASO summarises the original source it could be implied that only religious minorities, such as Druze and various Christian sects, allow child marriages and provide the father with the main “decision-making power and guardianship in the family”. Yet, the original source makes clear that “all personal status laws in Syria permit child marriage” and “all religions and sects in Syria, jurisdiction in family matters is given to the men of the family” [emphasis added]:

[EASO, Syria: Situation of women, February 2020](#)

[...] 1.2.3 Legal status and rights [...]

Personal Status Law [...]

**Different religious minorities such as Druze and various Christian sects follow their own laws of personal status** which, for example, permit child marriage and confer the decision-making power and guardianship in the family to the father.<sup>228</sup> [...]

[...] <sup>228</sup> Mousa, D., Syrian Personal Status Laws, December 2018, url, pp. 4, 5 [...]

[Mousa, D. \(Friedrich Ebert Stiftung\), Syrian Personal Status Law, December 2018](#)

[...] The Status of women in Syrian personal status laws [...]

Age of Marriage

**All personal status laws in Syria** permit child marriage, with some differences existing between one law and another [...]

Guardianship

**For all religions and sects in Syria**, jurisdiction in family matters is given to the men of the family, allowing them to preside over all personal status laws [...]

This sub-section informs about approved amendments in February 2019 to the Personal Status Law, but fails to include remaining criticisms in relation to these amendments. Publicly available sources at the time of writing the *Situation of women* report, one of which was cited elsewhere in the same section, note the following continuous difficulties that remain for women’s rights despite these amendments:

[Hurriya Press, Amendments to Syrian Personal Status Law Are Not Enough, 12 February 2019](#)

[...] Syrian lawyer and activist Ribaa Hamoud said that the amendments were a disappointment, since a woman’s right to work for example was a right supported by the constitution and did not deserve to be placed as a mere condition in a marriage contract.

Hamoud sees that every amendment put forward likewise had a contested meaning, including the appropriate marriage age, the *ismah*, as well as the deprivation of women from divorce because it breaks up the marriage and deprives her of her rights, and even the agency it gives her if there are no parental relations and withdrawing the custody of the bride’s mother.

The lawyer added, “We had at least hoped for a review of housing given that many women have lost spouses, and adjusting alimony, and at least a review of the right of the spouse to the money, which was earned during the marriage, and allowing inheritance if there are different religions between the spouses, and finding ways for a Syrian woman to give citizenship to her children, especially after recent years when many Syrians have married non-Syrians, to say nothing of allowing women to be killed under the pretext of honor.” [...]

[Enab Baladi, Amendments to the Personal Status Law: Violation of Sharia or equity for women?, 2 March 2019](#)

[...] Since the amendments affected a relatively large number of Personal Status Law articles, a significant part of them were criticized as constituting an infringement to Islamic Sharia.

Lawyer Muhammad al-Habal, director of Family Reform Association in Istanbul, believes that most of the amendments are contrary to Islamic Sharia and will lead to irregularities, and problems among people will be widened because of the paradoxes in the laws. [...]

However, some lawyers consider that the amendments do not contribute to a significant improvement in women's situation, like a female Syrian lawyer living in Damascus, who refused to be named, and who told *Enab Baladi* that what has happened to the law was "tinkering" rather than amending substantive points. The lawyer cited the example of the amendment of the age of marriage for girls in article 16 of the law. The eligibility of marriage for boys and girls has been amended to 18 years of age, while the age of eligibility for the girl was 17 years. Although this may contribute to removing the legal cover for the marriage of underage girls, a Sharia judge may marry off a girl or a boy under the age of 18, in case he sees they are eligible for marriage [...]

Judge Ibrahim al-Hussein, agrees with the female lawyer that the amendments were not fair enough to women. The new amendment has not granted the girl the right to marry herself off, even if she is 18 years old and has not yet been married, but the law still requires the consent of the guardian. In case of the guardian's intransigence and refusal, the girl has the right to submit the case to the judge, who would either authorize the marriage or not, with the condition of capability and the dowry," referring to the amendment to Article 20.

Al-Hussein considers that "this means that the law will continue to follow the trend that the woman is still unable to determine her own destiny and that she still needs someone to protect her." [...]

As for Judge al-Hussein, he believes that the amendments "do not reach the level of making the lawfully free of errors. There is no doubt that the lack of mutual dialogue in the discussion of these amendments, the lack of examination of experts and community competencies of these amendments, and the passing of them in a rushed manner has already raised a wide reasonable criticism." [...]

[Al Saddy, J. and Sadek, G. \(Global Legal Monitor\), Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law, 8 April 2019](#)

[...] Reaction to the Amendments

Despite the benefits Syrian women are said to receive from the new Law, some jurists and lawyers argue that the Law has not produced any fundamental changes to improve Syrian women's rights.

(Nour al-Dalati, *Amendments to Personal Status Law... Violations of Legitimacy or Equity for Women?*, ENAB BALADI (Feb. 24, 2019) (in Arabic).) For instance, civil marriage remains forbidden, and Syrian Muslim women are still prohibited from marrying non-Muslim men while Christian women are allowed to marry Muslim men. Moreover, women's right to inheritance remains limited and polygyny remains legal. (Walid Barkasia, *Amendments to "Personal Status" in Syria... and Pressure Ignored by the Regime's Media*, AL-MODON (Feb. 2, 2019) (in Arabic).)

Some Syrian civil society organizations suggest that while these amendments are positive, they are insufficient steps toward a modern civil family law that brings equality for all citizens. (Adnan Ahmad, *Amendment of Syrian Personal Status Law... Allegations of Maximizing the Rights of Women and Children*, AL-ARABY (Feb. 6, 2019) (in Arabic).) Moreover, the Law does not punish the perpetration of domestic violence. (Barkasia, *supra*.) Thus, in the view of Syrian writer Walid Barkasia, much remains to be done in Syria to achieve gender equality in compliance with international human rights laws. (*Id.*) [...]

[Osama Mahmood Aghi \(Chatham House\), New amendments to Personal Status Law offer small gains for women's rights, June 2019](#)

[...] However, the amendments did not allow for a woman's right to refuse polygamy, because this would be contrary to Islamic sharia and thus the stipulations of the contract would be considered to be at odds with the sharia system of marriage.

The amendment to the contents of the Article 21, Paragraph (2) was both confusing and feeble. This section now stipulates that 'if the guardian gives a girl in marriage without her permission, and she

later became aware of this, then the contract (the marriage contract) is conditional upon her explicit consent to the marriage.'

This legal language demonstrates the hesitation regarding giving women the right to marry whom they wish. The amended version does not state that this is a woman's right, but rather forbids the guardian from entering a woman into a marriage contract without her explicit knowledge and approval. Thus, this amendment does not credibly advance women's right to choose a life partner, given that the woman might choose to remain silent out of shame before the will of her father, who is her legal guardian.

Article 23, Paragraph (2) also makes it clear that, under the Personal Status Law, male blood relatives are still given privileged status in the area of guardianship. It states that the guardianship for the marriage shifts to the mother only if there is no 'male agnate', and if she meets the conditions of guardianship, competency and the dowry. The male agnate is the father or the person acting on the father's behalf according to the line of legal inheritance among unmarriageable kin [...]

But in spite of these positive aspects, the amendments present largely cosmetic changes to a law that still does not recognize equal rights for women. Indeed, this appears to have never been the goal. Nabil Saleh, a pro-regime member of the Syrian parliament, said that 'the recent amendments to the Syrian Personal Status Law are not aimed at Syrian society, but rather are a message to the international community' – that is, the regime wants to present itself as a champion of secularism and modernity in the face of Islamist extremism. To that end, it appears satisfied to present a front of advancing women's rights, while being less concerned with improving the reality for Syrian women [...]

## Syrian Nationality Law

Whilst this sub-section highlights the gendered discrimination of Syria's Nationality Law it should have been more explicit on the practical consequences for specific profiles of women not being able to pass on their Syrian nationality to children, rendering their children ultimately stateless and therefore not able to access state services [emphasis added]:

### [EASO, Syria: Situation of women, February 2020](#)

[...] 1.2.3 Legal status and rights [...]

Syrian Nationality Law [...]

While children derive their citizenship solely from their father, children whose fathers are deceased or have gone missing are at risk of statelessness.<sup>235</sup> [...]

[...] 235 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 53 [...]

Illustrative sources on this point available at the time of drafting the *Situation of Women* report include [emphasis added]:

### [UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the Syrian Arab Republic, 6 March 2019](#)

[...] D. Civil rights and freedoms (arts. 7, 8 and 13–17) Birth registration and nationality 23. The Committee is very concerned about:

(a) Children not being registered and not having access to birth certificates due to the armed conflict, in particular those who are displaced or living in besieged and hard to-reach areas; (b) Increased fines for late birth registration introduced by Law No. 4 of 2017, which may result in children not being registered, in particular those currently or previously living in areas not controlled by the State;

**(c) Syrian women still not being able to transfer their nationality to their children, which due to the armed conflict may exponentially increase the number of stateless children;**

**(d) The lack of information by the State party on the measures taken to ensure that children of Muslim mothers and non-Muslim fathers, children born to unmarried parents and children born from situations of sexual violence do not face undue hurdles in having access to birth registration.**

[...]

[Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2019](#)

[...] D. Gendered harms [...]

94. For example, at the beginning of June [2019], at least 800 families, including Syrian women and children with familial links to foreign ISIL fighters, left Al-Hol camp for Raqqah Governorate. Interviewees described how attempts to register and confer nationality to their children born to foreign fighters before government civil registry offices in Hama Governorate had been largely unsuccessful. **Far from being in the best interest of the child, the effects of such decisions substantially limited children's access to health and education, and increased the risks of child exploitation, abuse and trafficking.** [...]

[European Network on Statelessness/Institute on Statelessness and Inclusion, Statelessness in Syria, Country Position Paper, August 2019](#)

[...] 1. Summary of main issues [...]

Syria's nationality law contains various gaps and flaws that lead to statelessness, including discrimination against Syrian women in transferring their nationality to their children. In the present context of mass forced displacement, the gender discriminatory nature of Syria's nationality law is of serious concern. It can leave children stateless if they have a Syrian mother and, for instance, an unknown or stateless father, or if their parents were unable to legalise their marriage [...]

2. Relevant Population Data [...]

**Children born without medical birth notifications or from sexual and gender-based violence, leaving them unregistered and at risk of potential statelessness. The lack of certificates of death and divorce endanger widowed or divorced women by limiting their ability to inherit property, legally remarry or register children born [...]**

4.3 Children at Increased Risk of Statelessness Due to Civil Documentation Issues

The following profiles of children are potentially at risk of statelessness in Syria on the basis of facing barriers to obtaining or verifying civil documentation:<sup>60</sup>

- Children without a birth certificate;<sup>61</sup>
- Children born to survivors of sexual violence;<sup>62</sup>
- Children born to an unknown father;
- Children born to a mother and father without a registered marriage and
- Children born to a single mother, who has no record of a registered marriage.<sup>63</sup> [...]

Aside from reducing the risk of statelessness, ensuring greater access to civil documentation safeguards against marginalisation and ensures the realisation and enjoyment of fundamental human rights. For example, birth registrations "help facilitate child tracing and reunification", "deter[s] child trafficking and illegal adoption" and "help[s] prevent the denial of healthcare and education."<sup>65</sup> In addition, marriage registration and certificates "...support family unity and women's rights in cases of divorce, separation or the death of the husband to, inter alia, child custody, property, and inheritance."<sup>66</sup> [...]

[...] 60 Please note, this is not an exhaustive list of persons at risk of statelessness due to civil documentation issues in Syria. For a further discussion on statelessness and civil documentation for Syrian refugees outside Syria, please see: Institute on Statelessness and Inclusion / European Network on Statelessness, *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*, January 2019, available at: [http://www.institutesi.org/from\\_Syria\\_to\\_Europe.pdf](http://www.institutesi.org/from_Syria_to_Europe.pdf)

61 UNHCR, *End of Year Report – 2018*, 17 February 2019, at 6, available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%27s%20End%20of%20Year%20report%202018.pdf>. However, as noted above, UNHCR also states, "On its own, lack of birth registration does not usually mean that a person is stateless or even at risk of statelessness. However, possession of a birth certificate helps to establish entitlement to nationality and is often a prerequisite for obtaining documentation that proves nationality", see: UNHCR, *Good Practices Paper - Action 7: Ensuring birth registration for the prevention of statelessness*, November 2017, at 3, available at: <https://www.refworld.org/docid/5a0ac8f94.html>

62 UNHCR, *End of Year Report – 2018*, 17 February 2019, at 6, available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%27s%20End%20of%20Year%20report%202018.pdf> [...]

63 Note that this list only relates to the increased risk of statelessness relating to civil status registration issues. It is not an exhaustive list. [...]

65 UNHCR, Submission for the OHCHR Compilation Report – Syrian Arab Republic, 2nd Cycle / 26th Session, March 2016, at 6, available at:

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=3231&file=EnglishTranslation>

66 UNHCR, Submission for the OHCHR Compilation Report – Syrian Arab Republic, 2nd Cycle / 26th Session, March 2016, at 6, available at:

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=3231&file=EnglishTranslation> [...]

### UNHCR, Syria, COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria, 30 September 2019

[...] 2. Practical Obstacles to Registering a Child by the Mother in Syria

Contrary to legal provisions and statements made by the Syrian Government,<sup>4</sup> certain profiles of children are reported to face difficulties in obtaining birth certificates, including children born out of wedlock, those born from incidents of sexual violence, and children born to parents in certain inter-faith marriages.<sup>5</sup>

Reports further indicate that the procedural requirements for registering a child by the mother can be very difficult in practice, including on account of prevailing social norms, which are unaccepting of children born outside wedlock.<sup>6</sup>

Syrian women, moreover, faced difficulties in registering their children. As Syrian nationality is conferred to a child through his or her Syrian father, Syrian women encountered obstacles when proceeding administratively with civil registration in the absence of the father. Despite legal provisions enabling women to confer Syrian nationality without proving a legal link to the father, including children born out of wedlock, such as in cases of rape, this appeared rarely to be the case, likely owing to social norms and the stigma attached.<sup>7</sup>

Where the father of a child is unknown, the filiation of the child to the mother must be established through filing a case before a religious court.<sup>8</sup> Women are required to approach the police and request the opening of an investigation into the circumstances of the pregnancy,<sup>9</sup> which can result in stigmatization, legal prosecution,<sup>10</sup> as well as threats of violence from non-state actors, including “honour crimes”.<sup>11</sup> On the basis of the court ruling, the child can be formally registered with the responsible civil registry department and the child will be given a father's name and a grandfather's name, and the latter will be used as the child's surname.<sup>12</sup> Children who, due to the above described obstacles, have not obtained a birth certificate, may not be able to prove their Syrian nationality and consequently would be at risk of statelessness.<sup>13</sup> [...]

[...] 4 In response to the report by the UN Committee on the Rights of the Child, the Syrian delegation outlined: “According to the Personal Status Act, the birth registration of all children was mandatory, and this applied also to children born out of wedlock and children born as a result of illegitimate relations. If the father of the out-of-wedlock child requested the birth registration, the child would receive his name, otherwise, the child would carry the mother's name”; UN Committee on the Rights of the Child, Committee on the Rights of the Child Reviews the Situation of Children in Syria, 16 January 2019, <https://bit.ly/2sHkFNX>. “Under current legislation, children born outside wedlock may be registered in civil records under the name and surname of the mother”; Government of Syria / UN Committee on the Rights of the Child, Fifth Periodic Report Submitted by the Syrian Arab Republic under Article 44 of the Convention, Due in 2015, 1 November 2017, CRC/C/SYR/5, <https://bit.ly/2ScJAVQ>, paras 42, 107.

5 According to the UN Committee on the Rights of the Child, “[O]ne of the major protection concerns for children in Syria was the civil registration and the right to acquire nationality. This was a long-standing issue which had been aggravated by the armed conflict and displacement, with some groups of children continuing to be at high risk of not being registered and documented at birth, for example children born to non-married parents or in mixed religion marriages, and children born out of situations of sexual violence or in contested or isolated areas. The lack of registration equated to a lack of legal status of the child and impeded access to all services – health, education and humanitarian assistance”; Committee on the Rights of the Child, Committee on the Rights of the Child Reviews the Situation of Children in Syria, 16 January 2019, <https://bit.ly/2sHkFNX>. “Although women have the same rights as men to register the births of their children, nationality is only transferred from the father and mothers therefore must struggle to register the births of their infants”; OECD Development Centre, Social Institutions and Gender Index-Syrian Arab Republic, 2019, <https://bit.ly/2kJmR7k>, p. 8. See also, Norwegian Refugee Council (NRC) / ISI, Toolkit: Understanding Statelessness in the Syria Refugee Context, accessed 30 September 2019, [www.syrianationality.org/index.php?id=18](http://www.syrianationality.org/index.php?id=18); Friedrich Ebert Stiftung, Syrian Personal Status Law, December 2018, <https://bit.ly/2JyhaCT>, p. 6; Syria Direct, East Ghouta Families Mired in Unrecognized Births, Marriages after Years under Opposition Rule, 2 August 2018, <http://bit.ly/2mmem2C>; Al-Hayat, Syria's Fatherless Children, 9 October 2016, <https://bit.ly/2nqeBdx>; UNHCR, In Search of Solutions: Addressing Statelessness in the Middle East and North Africa, 2016, [www.refworld.org/pdfid/5829c32a4.pdf](http://www.refworld.org/pdfid/5829c32a4.pdf), p. 13; UN Committee on the Rights



of the Child (CRC), Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Convention on the Rights of the Child: Concluding Observations: Syrian Arab Republic, 9 February 2012, CRC/C/SYR/CO/3-4, [www.refworld.org/docid/5305e86f4.html](http://www.refworld.org/docid/5305e86f4.html), para. 43.

6 “(...) the application of this safeguard [transfer of nationality from the mother to her child in situations where a legal link to the father is not established], is challenging due to the social repercussions of registering a child who is born out of wedlock”; ISI, Civil Society Submission on the Right of Every Child to Acquire a Nationality under Article 7 CRC, 1 March 2018, <https://bit.ly/2mSoWyA>, para. 5. “(...) unwed mothers in the Middle East often face social isolation or harassment from their family and community members. In less common but more extreme circumstances, women who bear children outside of marriage may fear so-called ‘honor’ crimes, in which family members retaliate against women for perceived transgressions against the family ‘honor’”; Harvard Human Rights Journal Online, Why Non-Marital Children in the MENA Region Face a Risk of Statelessness, January 2015, <http://bit.ly/2mRFs1R>, p. 5.

7 UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/42/51, 15 August 2019, <http://bit.ly/2kRTHml>, para. 93.

8 Syrian Arab Republic/Ministry of Interior / UNHCR, Syria – Booklet on Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2019, <https://bit.ly/2mYkwGg>, p. 22.

9 “A mother who wants to register her child born of rape or incest or out of wedlock is required to request a police report to initiate an investigation into the circumstances of the conception of the child”; UN Committee on the Rights of the Child (CRC), Consideration of Reports Submitted by States Parties under Article 44 of the Convention : Convention on the Rights of the Child: Concluding Observations: Syrian Arab Republic, 9 February 2012, CRC/C/SYR/CO/3-4, <https://www.refworld.org/docid/5305e86f4.html>, para. 43 (c).

10 Men and women who have sexual relationships outside of marriage or commit adultery can be prosecuted and face imprisonment under provisions of the Penal Code (articles 473 and 474); Syrian Arab Republic, الجنائي (القانون) 1949/148, رقم التشريعي بالمرسوم الصادر 1949, <https://bit.ly/2XGIWHf>. “The Penal Code criminalizes adultery. Although both men and women are tried for adultery, more women than men are likely to be prosecuted and are thus affected by its rules. Women may be prosecuted for committing an act of adultery that occurs anywhere, whereas men are prosecuted only if adultery is committed in the marital home or if the man takes a mistress openly. If convicted, a man faces a prison sentence ranging from one month to one year, while women face prison terms of three months to two years.” And further: “The Penal Code criminalizes adultery and extra-marital sex”; UNDP/UNFPA/ESCWA, Syria Gender Justice & The Law, 2018, <https://bit.ly/2kRhGCy>, pp. 14, 18. “One such piece of legislation is Article 473 which states that an unmarried woman who has sex can receive a two-year prison sentence. Her male companion, on the other hand, faces a maximum prison term of one year, unless he is married in which case he faces a two-year term”; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Können unverheiratete Paare in Syrien Kinder haben und in einem gemeinsamen Haushalt leben? [a10120], 12 April 2017, <https://bit.ly/2JHqs9U>.

11 “(...) provisions of this nature are difficult to utilize in practice due to the significant stigma and protection risks women may face for coming forward to report births out of wedlock, which includes threats of violence from nonState actors”; UNHCR, Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: Syrian Arab Republic, March 2016, [www.refworld.org/docid/57f504b24.html](http://www.refworld.org/docid/57f504b24.html), p. 5. “A mother who faces imprisonment or possible death for registering her child’s birth is unlikely to register the child (...)”; Harvard Human Rights Journal Online, Why NonMarital Children in the MENA Region Face a Risk of Statelessness, January 2015, <http://bit.ly/2mRFs1R>, p. 7. See also below “3. Women at Risk of ‘Honour Crimes’ on Account of Pre- or Extra-Marital Sexual Relations”.

12 Syrian Arab Republic/Ministry of Interior / UNHCR, Syria – Booklet on Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2019, <https://bit.ly/2mYkwGg>, p. 22. In response to the report by the UN Committee on the Rights of the Child, the Syrian delegation outlined: “According to the Personal Status Act, the birth registration of all children was mandatory, and this applied also to children born out of wedlock and children born as a result of illegitimate relations. If the father of the out-of-wedlock child requested the birth registration, the child would receive his name, otherwise, the child would carry the mother’s name”; UN Committee on the Rights of the Child, Committee on the Rights of the Child Reviews the Situation of Children in Syria, 16 January 2019, <https://bit.ly/2sHkFnx>. “Under current legislation, children born outside wedlock may be registered in civil records under the name and surname of the mother”; Government of Syria / UN Committee on the Rights of the Child, Fifth Periodic Report Submitted by the Syrian Arab Republic under Article 44 of the Convention, Due in 2015, 1 November 2017, CRC/C/SYR/5, <https://bit.ly/2ScJAVQ>, paras 42, 107. See also, Legislative Decree No. 26 of 2007, التشريعي المرسوم 26 لعام 2007 المدني الأحوال قانون, 12 April 2007, <https://bit.ly/2JKoQ5b>, Chapter 5, Article 28 b.

13 Syrian Arab Republic / Ministry of Interior / UNHCR, Syria – Booklet on Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2019, <https://bit.ly/2mYkwGg>, p. 20. “In the present context of mass-scale forced displacement, the gender discriminatory nature of Syria’s nationality law is of serious concern, as it may leave children stateless where they have a Syrian mother and, for instance, an unknown or stateless father, or parents who were unable to legalise their marriage, violating their right to a nationality as set out by the Convention. It may leave children stateless where they have a Syrian mother and, for instance, an unknown or stateless father, or parents who were unable to legalise their marriage”(emphasis added); ISI, Civil Society



Submission on the Right of Every Child to Acquire a Nationality under Article 7 CRC, 1 March 2018, <https://bit.ly/2mSoWyA>, para. 7. “Children without documentation such as birth certificates or proof of birth within wedlock are particularly vulnerable to long-term negative effects, including the denial of education or inheritance”; International Legal Assistance Consortium (ILAC), ILAC Rule of Law Assessment Report – Syria 2017, <https://bit.ly/2ux8hyV>, p. 151. “Stateless children are usually unable to obtain a passport, own property, attend school, access health and financial services, or engage in legal employment”; West Asia-North Africa Institute (WANA), Contingency Planning for Post-Conflict Syria, September 2016, <https://bit.ly/2lZt283>, p. 49 [...]

Given the interrelatedness between Syria’s Nationality Law and children’s risk of statelessness, it would have been useful to cross-reference to other relevant EASO COI reports on Syria – even those due to be published, notably the March 2020 report on *Targeting of individuals*, particularly section 12. Children, 12.4 Lack of documentation and risk of statelessness.

## Housing, land and property rights

One of the sources included in this sub-section, the March 2019 UNFPA report, highlights in greater detail how lack of civil documentation and social norms and customs affect women’s access to housing, land and property, which would have been useful to have been included:

[UNFPA, Whole of Syria, Gender-Based Violence Area of Responsibility, Voices from Syria 2019, Assessment Findings of the Humanitarian Needs Overview, 10 March 2019](#)

[...] Civil documentation and HLP [Housing, Land, Property] [...]

During periods of peace and stability, civil documentation – such as birth, marriage and death certificates, identification cards, and land titles to name a few – provide the basis for being able to conduct numerous daily transactions. During war and conflict, civil registration and documentation is also vitally important to individuals. The consequence of their absence is particularly harmful to women and girls [...]

This leaves many women and girls without a legal identity [...]

Without a legal identity, asserting their claims during civil proceedings for divorce, custody and maintenance, property ownership as well as in criminal matters for sexual abuse, exploitation and rape can be challenging or even moot [...]

lack of civil documentation also impacts the ability of Syrians to prove home and property ownership. In general, home and property ownership provide stability, as when one rents, s/he is at the mercy of the owner who can tell the tenant to vacate the property at any time. In addition, costs of finding a new home and moving can quickly add up especially if this occurs within short periods of time, diverting vital finances from other basic needs. Before the crisis, women may have faced obstacles in owning and maintaining farm land and/or a private residence due to social norms and customs. After the crisis, women that have become widowed, divorced, separated and/ or displaced face further obstacles: firstly because of their perceived role within the community (i.e. alone without a male protector; an unknown person) and also because they lack civil documentation. Thus they are at risk of being turned out from their home and forced to seek alternative housing with little funds at their disposal [...]

“The women said the lack of documentation proving the title of lands, shops or houses makes them 30% more liable to danger.”(Woman from Janudiyeh subdistrict, Idlib governorate). [...]

Additional publicly available sources at the time of drafting this *Situation of women* report also highlight the link between lack of civil documentation, gender inequality under Syrian law and the right to women’s housing, land and property rights:

[UNHCR/ Norwegian Refugee Council \(NRC\), Displacement, housing, land and property and access to civil documentation in the north west of the Syrian Arab Republic, July 2017](#)

[...] Part 3: Women’s housing, land and property rights [...]

As a result of conflict, social norms and legal practices, women’s claims to housing, land and property that was theirs prior to displacement, is generally weaker than that of their male counterparts.<sup>38</sup> [...]

Under the property rights system that was in place in Syria pre-2011, women had comparatively weaker rights than men to their primary residence as women's names were often not included on HLP [Housing, Land and Property] documents and there is commonly no provision in marriage contracts regarding HLP assets accumulated during marriage. This practice remains in place today [...]

[...] 38 Nadia Forni, 2001, Land Tenure Systems Structural Features and Policies, FAO, p.33 and, Norwegian Refugee Council, 2016, op. cit., 14. [...]

#### [Independent Commission of Inquiry on the Syrian Arab Republic, Report of the Independent Commission of Inquiry on the Syrian Arab Republic, 31 January 2019](#)

[...] II. Introductory remarks [...]

9. [...] Access of civilians to adequate housing, land and property rights also remained curtailed by the large-scale destruction of infrastructure and homes and was compounded by systemic property seizures under the State's counter-terrorism framework [...]

[...] V. Life behind the frontlines [...]

Life under government control [...]

Housing, land and property [...]

81. In some cases, decisions by the counter-terrorism court<sup>40</sup> to seize property have been amended to include wives and children, including minors, of males convicted of terrorist acts. It remains unclear whether family members are also being convicted of terrorist offences or simply barred from exercising any claim on the properties seized. In other cases, friends of the individual convicted were also included on amended decisions [...]

[...] 40 See Presidential Decree No. 22/2012 on Establishing a Counter-terrorism Court. [...]

#### [UNOCHA, 2019 Humanitarian Needs Overview, March 2019](#)

[...] Gender Analysis of Impact of the Crisis [...]

One of the consequences of the crisis for many displaced persons has also been the loss of ID cards and other forms of civil documentation. Identity documents are essential in enabling people to access humanitarian services despite efforts to advocate for the adoption of alternative identification mechanisms to prevent exclusion. Women are often particularly vulnerable, as they are more likely to lack alternative identification documents. Women may also often lack family documents such as marriage certificates, with detrimental consequences on the status of their children and with impediments in the realization of important social and civil rights (e.g. inheritance). [...]

#### [European Network on Statelessness/Institute on Statelessness and Inclusion, Statelessness in Syria, Country Position Paper, August 2019](#)

[...] The lack of certificates of death and divorce endanger widowed or divorced women by limiting their ability to inherit property, legally remarry or register children born. Housing, land and property rights are more difficult to enforce in the absence of identity documentation [...]

#### [UN Women, Why gender matters in the discussion on returns to Syria, 8 November 2019](#)

[...] Housing, Land, and Property (HLP) Rights The legal framework in Syria puts women at a great disadvantage to accessing their HLP rights upon return, compared to men, given gendered differences in the law.<sup>6</sup>

Legally, women do not have equal access to inheritance rights and property rights, and customarily, women are less likely to have HLP registered in their name. In 2019, Syria's Personal Status Law No. 59 of 1953 was amended to grant women more rights, in matters such as inheritance, marriage, divorce and child custody.<sup>7</sup> While this represents positive change, adherence to these amendments must be observed and further legal reform is necessary to reach gender equality under Syrian law.

Legal Identification and Civil Documentation: Processes and Possession [...]

In addition, there is evidence that Syrian IDP women are far less likely to physically possess their civil documents compared to men.<sup>8</sup> There may be similar trends in refugee contexts, though further information is needed. Gender inequity in access to and possession of civil documents can impact the capacity, safety, and voluntariness of women returning [...]

[...] 6 UNDP, UN Women, UNFPA, ESCWA, "Gender Justice and the Law: Assessment of laws affecting gender equality in the Arab States region," 2018, <http://arabstates.unwomen.org/en/digital-library/publications/2018/12/gender-justice-and-the-law-in-the-arab-region>.

7 The Library of Congress:Global Legal Monitor,"Syria:Women's Rights in Light of New Amendments to Syrian Personal Status Law," 2019, <https://www.loc.gov/law/foreign-news/article/syria-womensrights-in-light-of-new-amendments-to-syrian-personal-status-law/>.

8 UNHCR and NRC, "Displacement, housing land and property and access to civil documentation in the south of the Syrian Arab Republic", July 2017,

[https://reliefweb.int/sites/reliefweb.int/files/resources/final\\_nrc\\_displacement\\_hlp\\_and\\_civil\\_doc\\_s\\_syria\\_23\\_07\\_2017\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/final_nrc_displacement_hlp_and_civil_doc_s_syria_23_07_2017_en.pdf) [...]

### 1.2.4 Protection provided by the authorities

As mentioned further above, we recommend that in order to fully address the issue of the willingness and ability of the security forces, and in particular the police, to protect, that the following sub-topics be taken into consideration:

#### *Ability to protect*

- State security and police forces: capacity, resources and equipment, training, oversight and accountability, functioning of the judicial system;
- Targeted attacks against state security and police forces by anti-government elements;

#### *Willingness to protect*

- Infiltration by anti-government elements in state security and police forces, evidence of corruption e.g. evidence of bribes required to open cases, or police accepting bribes from perpetrators resulting them dropping cases or judicial corruption;
- State security and police forces' involvement in human rights violations as they relate to the current security situation and related impunity;
- Denial of protection to particular groups e.g. women, ethnic minorities etc.

Given the limited COI available in the public domain specifically addressing the protection concerns of women, section 1.2.4 *Protection provided by the authorities* provides a useful overview of the limited, if at all available, ability and willingness to protect women against violence [emphasis added]:

#### EASO, Syria: Situation of women, February 2020

[...] 1.2.4 Protection provided by the authorities

The World Bank stated that **effective protection** of women against violence **is limited and enforcement is either weak or non-existent**.<sup>239</sup> For example, USDoS noted that although the 'law criminalises rape and sexual assault of women, men and children', **the Government of Syria does 'not enforce the law effectively'**.<sup>240</sup> According to EuroMedRights report of November 2017, 'there are **no safe, confidential and appropriate complaint mechanisms for the victims' in places** like hospitals, police departments, or offices of the public prosecutor.'<sup>241</sup>

According to the UNPFA report of March 2019, the **absence of law enforcement**, including judicial redress mechanisms, in different parts of Syria has led to a situation where **perpetrators of violence are not held accountable and where survivors of violence do not have formal protection**. In addition, **the general lawlessness has reportedly led to dismantling of pre-crisis social structures and existing social protection mechanisms** among Syrian communities.<sup>242</sup> In areas controlled by non-state armed groups, **formal justice systems are either non-existent or reportedly distrusted** by women and girls living in these areas. However, UNPFA claimed that for many women and girls in Syria the **effectiveness of the legal system is irrelevant, since cultural factors such as shame, disgrace, social isolation, and verbal abuse potentially faced by women and girls when seeking justice may prevent them to consider it as an option**.<sup>243</sup> According to UNPFA, when discussing ways to cope with sexual

and gender-based violence, the Syrians interviewed for the March 2019 report stated that **the burden of preventing and responding to violence is put on the survivors themselves**<sup>244</sup> [...]

[...] 239 World Bank, The Mobility of Displaced Syrians, February 2019, url, p. 20

240 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 58

241 EuroMedRights, Syria. Situation report on Violence against Women, November 2017, url, p.2

242 UNPFA, Voices from Syria 2019, 10 March 2019, url, p. 34

243 UNPFA, Voices from Syria 2019, 10 March 2019, url, p. 44

244 UNPFA, Voices from Syria 2019, 10 March 2019, url, p. 39 [...]

As there is limited specific information available, it would have been advisable to cross-reference to section 2.3.3 *Police* of the December 2019 *Actors* report if it would have included information on the police's general 'effectiveness and integrity', as outlined in our analysis further above. It also would have been advisable to cross-reference to section 1.1.2 *Sexual and gender-based violence by the Government forces* within the *Situation of women* report, which highlights further the governments lack of willingness to protect through its involvement in the most serious violations against women.

The U.S. Department of State report mentioned at footnote 240 above provided additional key protection issues, namely that the law excludes spousal rape and allows for a reduction or suspension of punishment if the rapist marries the victim; that the law against domestic violence cases stipulates that men may discipline female relatives; that the police did not effectively investigate gender-based violence cases; and that 'honour-crimes' were not prosecuted:

[U.S. Department of State, Syria 2018 Human Rights Report, 13 March 2019](#)

[...] Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence [...]

The law specifically excludes spousal rape, and it reduces or suspends punishment if the rapist marries the victim [...]

The law does not specifically prohibit domestic violence, but it stipulates that men may discipline their female relatives in a form permitted by general custom [...]

Security forces consistently treated violence against women as a social rather than a criminal matter. Observers reported that when some abused women tried to file a police report, police did not investigate their reports thoroughly, if at all, and that in other cases police officers responded by abusing the women [...]

Other Harmful Traditional Practices [...]

The law permits judges to reduce penalties for murder and assault if the defendant asserts an "honor" defense, which often occurred. The government kept no official statistics on use of this defense in murder and assault cases and reportedly rarely pursued prosecution of so-called honor crimes [...]

Indeed subsections could have been included within section 1.2.4 *Protection provided by the authorities* that specifically deal with particular types of sexual and gender-based violence against women perpetrated by non-state actors as listed in section 1.1.3 *Types of sexual and gender-based violence against women in Syria*. Actually, information included within section 1.1.3 *Types of sexual and gender-based violence against women in Syria* mention serious protection concerns, which can easily be overlooked as no cross-reference between sections 1.2.4 and 1.1.3 was included [emphasis added]:

[EASO, Syria: Situation of women, February 2020](#)

[...] 1.1.3 Types of sexual and gender-based violence against women in Syria [...]

According to the UNPFA report of March 2019, factors related to the armed conflict and **increasing the risk of exposure to sexual and gender-based violence include: the prevailing lawlessness**, displacement, and the resulted overcrowding and mixing of men and women, poverty and unemployment and the psychosocial consequences of the conflict.<sup>88</sup> [...]

Sexual violence (rape, sexual harassment, sexual abuse) [...]

According to the EuroMedRights report of November 2017, 'certain articles in the [Syrian] Criminal Code' criminalise sexual harassment. However, **women suffering harassment 'rarely seek justice through the legal system' because of the shame and stigma imposed on the victims and their families in the context of patriarchal values prevalent in the society.**<sup>102</sup> [...]

Domestic violence/family violence [...]

According to the USDoS Human Rights Report of March 2019, in Syria, the **law 'does not specifically prohibit domestic violence**, but it stipulates that men may discipline their female relatives in a form permitted by general custom'.<sup>112</sup> Kelly and Breslin pointed out that **'spousal rape is excluded as a punishable offense under the legal definition of rape.'**<sup>113</sup> EuroMedRights report of November 2017 stated that **marital rape is 'completely ignored' in the Syrian legal system** and the number of cases is reportedly increasing because of the ongoing conflict.<sup>114</sup> [...]

The UNPFA report of November 2017 noted that **women and girls in Syria are often 'especially reluctant' to seek out services for victims of gender-based violence** and they are therefore dealing with its consequences in isolation.<sup>124</sup> The World Bank report of February 2019 stated that there are still **'no effective legal protections against domestic violence or criminalization of marital rape or rape and limited-to-no mechanisms available for women to file complaints.'** Although the World Bank documented the opening of the first official shelter for female victims of domestic violence in 2008, there is still **a lack of services to support survivors of domestic violence.**<sup>125</sup> USDoS stated that although **several domestic violence centres have operated in Damascus, local nongovernmental organisations state that many centres are no longer in operation due to the conflict and there are 'no known government-run services for women outside Damascus.'**<sup>126</sup> EuroMedRights report of November 2017 confirms this assessment while stating that there are **only three shelters for women survivors of domestic violence in Syria, all of them operating in Damascus.**<sup>127</sup> [...]

'Honour' violence [...]

**'Honour' is still a mitigating factor in the eyes of Syria's criminal law**<sup>129</sup> In 2009 Human Rights Watch reported on the abolishment of Article 548 of the Penal Code. The article reportedly waived punishment for a man found to have killed a female family member in a case 'provoked' by 'illegitimate sex acts,' as well as for a husband who killed his wife because of an extramarital affair. In addition, the article lowered penalties if a killing was based on a 'suspicious state' concerning a female family member. However, the article that replaced Article 548 reportedly still allows for mitigated punishment for 'honour' killings; while setting the minimum sentence for the crime to two years in prison.<sup>130</sup> In addition, **Human Rights Watch noted that Article 242 of the Penal Code allows a judge to reduce the punishment for both men and women in the case when a murder is committed in rage and motivated by an illegal act provoked by the victim, with extra-marital affairs being illegal in Syria.**<sup>131</sup> [...]

Sexual exploitation (survival sex, trafficking, forced prostitution) [...]

**Although there is a law to protect people from trafficking, WILPF stated that the law needs to be reactivated with instructions for its implementation and additional measures to protect and rehabilitate the victims of these crimes.**<sup>154</sup>

[...] 88 UNPFA, Voices from Syria 2019, 10 March 2019, url, pp. 34–35 [...]

102 EuroMedRights, Syria. Situation report on Violence against Women, November 2017, url, p. 2 [...]

112 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 58. See also LoC, Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law, 8 April 2019, url

113 Kelly, S. & Breslin, J., Syria, 2010, url, p. 2

114 EuroMedRights, Syria. Situation report on Violence against Women, November 2017, url, p. 2 [...]

124 UNPFA, Voices from Syria 2018, November 2017, url, p. 23

125 World Bank, The Mobility of Displaced Syrians, February 2019, url, pp. 78–79

126 As a sidenote, USDOS states that, in areas controlled by the armed opposition-groups, Local Coordination Committees and other groups related to the Syrian opposition have reportedly offered programs specifically for protection of women although these programs have not been integrated throughout the country and there has been no reliable funding reported. USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 59

127 EuroMedRights, Syria. Situation report on Violence against Women, November 2017, url, p. 5 [...]

129 EuroMedRights, Syria. Situation report on Violence against Women, November 2017, url, pp. 1–2; Human Rights Watch, Syria: No Exceptions for 'Honor Killings', 28 July 2009, url

30 Human Rights Watch, Syria: No Exceptions for 'Honor Killings', 28 July 2009, url

131 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 59 [...]

154 WILPF, Violations Against Women in Syria and the Disproportionate Impact of the Conflict on Them, November 2016, url, p. 8 [...]

It is also surprising that section *1.1.4 Consequences of sexual violence* is not cross-referenced to section *1.2.4 Protection provided by the authorities*, particularly as it included specific information of relevance in its non-numerical subheadings *The availability of services for survivors of sexual violence* and *The reaction of the family/the community*, which otherwise might be overlooked by users of the EASO report [emphasis added]:

[EASO, Syria: Situation of women, February 2020](#)

[...] 1.1.4 Consequences of sexual violence

The availability of services for survivors of sexual violence

According to the World Bank report of February 2019, **the lack of services for survivors of sexual and gender-based violence and few opportunities to overcome the stigma and alienation, exacerbate the situation of victims of sexual violence**. The report noted: 'An overwhelming majority of those surveyed (70 percent) across the country agree that there is a lack of clinical care for rape survivors. Only in Damascus is that figure below 50 percent.'<sup>158</sup> [...]

The reaction of the family/the community

In the CoI report of March 2018, **accountability for sexual and gender-based violence was said to be nearly totally absent**, perpetuating a 'cycle of violence' that is manifested 'in shame and entrenching grievances within affected communities'.<sup>165</sup> [...]

**Syrian law reduces or suspends punishment in the case where the perpetrator marries the victim**, which is sometimes the arrangement reached when the victim's family wishes to avoid the social stigma attached to the offense.<sup>173</sup> [...]

[...] 158 World Bank, The Mobility of Displaced Syrians, February 2019, url, p. 78 [...]

165 UN Human Rights Council, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic, 8 March 2018, url, p. 4 [...]

173 USDOS, Country Report on Human Rights Practices 2018 - Syria, 13 March 2019, url, p. 58 [...]

Under the European Commissions proposals to transform EASO into a fully-fledged EU Agency for Asylum (EUAA) it maintains that EASO should base its analysis on information provided amongst others by UNHCR:

[2016 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#)

[...] Article 4

Information analysis on the situation of asylum [...]

The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations [...]

It is therefore surprising that UNHCR's September 2019 COI Note on the 'Treatment of Women with Children Born Out of Wedlock in Syria' was not included in this section, in particular their position on the availability of state protection for women [emphasis added]:

[UNHCR, Syria, COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria, 30 September 2019](#)

[...] 4. Availability of State Protection

In addition to general concerns over the precarious state of the rule of law in Syria and its impact on citizens' ability to obtain state protection generally,<sup>20</sup> **women's ability to seek protection from the state<sup>21</sup> is undermined by** prevailing traditional and patriarchal attitudes towards the role of women in society,<sup>22</sup> including within the judicial sector;<sup>23</sup> legal provisions minimizing penalties for the killing on the basis of "honour" by male relatives;<sup>24</sup> and widespread and chronic corruption within the police



and judiciary.<sup>25</sup> Furthermore, the existence of significant criminal sanctions for women engaging in sexual relationships outside of marriage or adultery **is an additional bar to state protection**,<sup>26</sup> including where persecutory acts are perpetrated by non-state actors such as armed groups and members of society [...]

[...] 20 “Military objectives were placed above civilian governance by all parties to the conflict creating a vacuum of the rule of law in parts of the country”; UN Human Rights Council, Human Rights Council Discusses the Situation of Human Rights in Syria, 12 March 2019, <https://bit.ly/2lj3IJN>. “(...) stark deficiencies may exist in the national justice system (...), including a shortage of personnel, a lack of training in addressing serious criminal cases, concerns about the bias of national judges and prosecutors, limited court infrastructure, outdated rules of procedure, corruption, and limited case management”; HRW, Syria: Criminal Justice for Serious Crimes under International Law, 17 December 2013, [www.refworld.org/docid/52ce6f664.html](http://www.refworld.org/docid/52ce6f664.html). “Interviewees cited delays, complexity, high costs, the authoritarian nature of the system, and corruption as dissuading them from referring disputes to the justice system. One driver seems to have been inadequate staffing (...). This, coupled with a complex legal architecture, slowed case turnover with anecdotal reports suggesting a 5-10 year processing period. Judges were also under-remunerated, which reduced their productivity and incentivised corruption”; WANA, Contingency Planning for Post-Conflict Syria, September 2016, <https://bit.ly/2IZt283>, p. 36.

21 The Independent International Commission of Inquiry assessed that there was “[N]ear-total absence of accountability” for sexual and gender-based violence; UN Human Rights Council, “I Lost My Dignity”: Sexual and Gender-Based Violence in the Syrian Arab Republic, A/HRC/37/CRP.3, 8 March 2018, [www.ecoi.net/en/file/local/1433339/1930\\_1527146239\\_a-hrc-37-crp-3.pdf](http://www.ecoi.net/en/file/local/1433339/1930_1527146239_a-hrc-37-crp-3.pdf), para. 1. Already before the conflict, “discriminatory laws and practices encouraged impunity for gender-based violence in Syria and prevented women, girls and LGBT people from accessing justice. (...) Syrian women and girls face sexual violence, forced and early marriages, and ‘honor’ crimes, amongst other forms of gender-based violence; and they lack adequate protections, access to justice, and victim services” (emphasis added); Human Rights and Gender Justice (HRGJ) Clinic, City University of New York School of Law, et.al., Human Rights Violations Against Women and Girls in Syria-Submission to the United Nations Universal Periodic Review of the Syrian Arab Republic, 24 March 2016, <https://bit.ly/2mV44Xk>, para. 2.

22 “The Committee is concerned at the persistence of deep-rooted patriarchal attitudes and stereotypes with respect to women’s roles and responsibilities, all of which discriminate against women, perpetuate their subordination within the family and society and ultimately restrict their rights under the Convention”; Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Observations on the Second Periodic Report of Syria, CEDAW/C/SYR/CO/2, 18 July 2014, [www.refworld.org/docid/575133f94.html](http://www.refworld.org/docid/575133f94.html), para. 21.

23 “(...) justice sector employees lack understanding of gender issues, rights and responsibilities”; WANA, Contingency Planning for Post-Conflict Syria, September 2016, <https://bit.ly/2IZt283>, p. 37.

24 See above footnote 15.

25 “Women were particularly vulnerable to the impacts of corruption perverting the course of justice.” And further: “Problems with interference from the security forces, and judicial bribery and corruption remain endemic”; ILAC, ILAC Rule of Law Assessment Report – Syria 2017, <https://bit.ly/2ux8hyV>, pp. 40, 63. Syria has been ranked 178th (out of 180 countries) in the Global Corruption Perceptions Index for 2018. “Unsurprisingly, the instability of government institutions and complete lack of political rights and checks and balances, allows corruption to flourish in Syria”; Transparency International, Middle East & North Africa: Corruption Continues as Institutions and Political Rights Weaken, 29 January 2019, <https://bit.ly/2DHQlsS>.

26 See above footnote 10. [...]

No information was included on the availability and effectiveness of government-run shelters for women in section 1.2.4 *Protection provided by the authorities*. Instead reference was made in the subsection *Domestic violence/family violence*:

#### [EASO, Syria: Situation of women, February 2020](#)

[...] 1.1.3 Types of sexual and gender-based violence against women in Syria [...]

The World Bank report of February 2019 stated that there are still ‘no effective legal protections against domestic violence or criminalization of marital rape or rape and limited-to-no mechanisms available for women to file complaints.’ Although the World Bank documented the opening of the first official shelter for female victims of domestic violence in 2008, there is still a lack of services to support survivors of domestic violence.<sup>125</sup> USDoS stated that although several domestic violence centres have operated in Damascus, local nongovernmental organisations state that many centres are no longer in operation due to the conflict and there are ‘no known government-run services for women outside Damascus’.<sup>126</sup> EuroMedRights report of November 2017 confirms this assessment



while stating that there are only three shelters for women survivors of domestic violence in Syria, all of them operating in Damascus.<sup>127</sup>[...]

[...] 125 World Bank, *The Mobility of Displaced Syrians*, February 2019, url, pp. 78–79

126 As a sidenote, USDOS states that, in areas controlled by the armed opposition-groups, Local Coordination Committees and other groups related to the Syrian opposition have reportedly offered programs specifically for protection of women although these programs have not been integrated throughout the country and there has been no reliable funding reported. USDOS, *Country Report on Human Rights Practices 2018 - Syria*, 13 March 2019, url, p. 59

127 EuroMedRights, *Syria. Situation report on Violence against Women*, November 2017, url, p. 5 [...]

The EuroMedRights report mentioned at footnote 127 above provided further information about the shelters' capacity and the lack of legal protection afforded to women fleeing 'honour killings', which should have been considered by the section *1.2.4 Protection provided by the authorities*:

[EuroMedRights, Syria, Situation report on Violence against Women, November 2017](#)

[...] These shelters have a maximum capacity of 40 to 45 women, which falls short of the actual massive need. The shelters' administration strives to find job opportunities or other shelters as soon as possible for the victims in order to be able to take in new victims. Inmates lack legal protection since the law does not protect them from being returned to their families, even if they were thought to be at risk of an honor killing for example; consequently, the shelter administration is forced to deny the presence of the girl even if her parents bring the police [...]

Section *1.2.4 Protection provided by the authorities* also included information on the lack of formal justice systems in areas controlled by non-state armed groups. It would have been advisable to include such information in a separate (new) subsection.

## **Targeting of individuals** (March 2020)

### **Terms of Reference**

The *Terms of Reference* for the *Targeting of individuals* report lists the following research topics, which the report is meant to cover with regards to LGBTI persons [emphasis added]:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] Terms of Reference [...]

Targeting of individuals and treatment by main actors

a. Who is targeted, by which actor, how, what is their treatment, why does targeting occur, when has targeting happened

b. Possibility to access redress and protection and/or avoid or escape targeting

Research should aim to consider the main profiles: [...]

- LGBTI persons

Information on the availability of state protection for LGBTI persons is therefore expected to be addressed in sections *13. LGBTI*, *13.1 Legal framework* and *13.2 State protection* in the *Targeting of individuals* report.

### **13.1 Legal framework**

Based on the information included in this section, same-sex activities are punishable by the Syrian Penal Code, whilst Syrian law makes no explicit reference to same-sex marriage:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 13.1 Legal framework [...]

The Syrian legislation makes same-sex activities punishable by law as stipulated in the Penal Code of 1949<sup>834</sup> in Book Two under 'morality and public morals'.<sup>835</sup> [...]

The law makes no explicit reference to same-sex marriage. [...]

[...] 834 Syrian Arab Republic, Syrian Penal Code, 1949, url, no English translation available

835 Syrian Arab Republic, Syrian Penal Code, 1949, url. Information on the interpretation of the legal texts can be found in HRW, LGBT Rights, n.d., url [...]

The latter sentence has been included without a reference. Ideally it should have been accompanied by a footnote or at least made clear that this was based on the author's research findings as follows: 'The author of this report found no law or reference to that effect that the Syrian law explicitly or implicitly mentions same-sex marriage'.

### 13.2 State protection

According to the title of this section information should have been included on whether persons experiencing ill-treatment can turn to the Syrian authorities for protection. Apart from the first, unreferenced, sentence in this section, all information included instead refers to the treatment experienced by LGBTI individuals at the hands of state actors:

[EASO, Syria: Targeting of individuals, March 2020](#)

[...] 13.2 State protection [...]

Anti-discrimination laws have not been established and hence there is no legal protection of LGBTI people in Syria.. [...]

Given that there is a specific section at 13.3 on the *Treatment by non-state armed groups* and at 13.4 on *Societal discrimination* it would have been advisable to include a distinct section named *Treatment by the state* instead. This would have also made it clear that LGBTI individuals are not able to seek protection from the Syrian authorities, as stipulated by UNHCR's November 2017 'International Protection Considerations', which was not included in this section of the *Targeting of individuals* report [emphasis added]:

[UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V, 3 November 2017](#)

[...] 12) Persons of Diverse Sexual Orientations and/or Gender Identities [...]

UNHCR considers that persons of diverse sexual orientations and/or gender identities are likely to be in need of international refugee protection on account of their membership of a particular social group and/or other relevant grounds, depending on the individual circumstances of the case. 374 It should be borne in mind that persons of diverse sexual orientations and/or gender identities cannot be expected to conceal their identity in order to avoid persecution.<sup>375</sup> **Furthermore, the existence of significant criminal sanctions for consensual same-sex sexual acts is a bar to state protection, including where persecutory acts are perpetrated by non-state actors such as armed groups and members of society.**<sup>376</sup> [...]

[...] 374 For policy guidance related to determinations of refugee status based on sexual orientation and/or gender identity, decision makers are referred to UNHCR, Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, <http://www.refworld.org/docid/50348afc2.html> (hereafter: UNHCR, Guidelines on International Protection No. 9, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html>).

375 UNHCR, Guidelines on International Protection No. 9, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html>, paras 30-33. See also for example, Court of Justice of the

European Union, X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 to C-201/12, 7 November 2013, <http://www.refworld.org/docid/527b94b14.html>.

376 Even in the absence of enforcement of the legal provisions criminalizing homosexual acts, the pervading or generalized climate of homophobia, as evidenced by societal attitudes etc., can be considered an indication of the risks faced by individuals of diverse sexual orientations and/or gender identities in Syria. See UNHCR, Guidelines on International Protection No. 9, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html> [...]

It would have also been advisable to cross-reference to section 2.3.3 *Police* of the December 2019 *Actors* report if it would have included information on the police's general 'effectiveness and integrity', as outlined in our analysis further above.