

UNHCR-Erwägungen zum Schutzbedarf von Personen, die aus der **Arabischen Republik Syrien** fliehen

6. aktualisierte Fassung

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Verzeichnis der Institutionen und Akteure

AANES	Autonome Administration von Nord- und Ostsyrien
FSA	Freie Syrische Armee
GAPAR	General Authority for Palestinian Arab Refugees
HAD	Hurras Al-Din
HTS	Hay'at Tahrir Al-Sham
ISIS	Islamischer Staat im Irak und in Syrien
KNC	Kurdischer Nationalrat
NDF	National Defence Forces
NLF	National Liberation Front
PFLP-GC	Volksfront zur Befreiung Palästinas - Generalkommando
PKK	Kurdische Arbeiterpartei
PLA	Palästinensische Befreiungsarmee
PYD	Partei der Demokratische Union
SAA	Syrisch-Arabische Armee (<i>see also TSO</i>)
SDF	Syrian Democratic Forces
SIG	Syrische Übergangsregierung
SNA	Syrische Nationale Armee
TIP	Turkestan Islamic Party
TSO	Turkish-supported armed opposition groups (<i>see also SNA</i>)
YPG	Volksschutzeinheiten
YPJ	Frauverteidigungseinheiten

Abkürzungsverzeichnis

ACLED	Armed Conflict Location & Event Data Project
AFP	Agence France-Presse
AGPS	Action Group for Palestinians of Syria
AOAV	Action on Armed Violence
AP	Associated Press
BBC	British Broadcasting Corporation
CARNEGIE	Carnegie Middle East Center
MEC	
CERI	Consolidated Eligibility and Registration Instructions
CGP	Center for Global Policy
CJTF-OIR	Combined Joint Task Force – Operation Inherent Resolve
COAR	Center for Operational Analysis and Research
CPJ	Komitee zum Schutz von Journalisten
CRC	UN-Ausschuss für die Rechte des Kindes
DW	Deutsche Welle
ECCHR	European Center for Constitutional and Human Rights
ECFR	European Council on Foreign Relations
EIP	European Institute for Peace
ENS	European Network on Statelessness
ESCWA	Wirtschafts- und Sozialkommission für Westasien
EHI	Europäisches Hochschulinstitut
FAO	Ernährungs- und Landwirtschaftsorganisation der Vereinten Nationen
FES	Friedrich-Ebert-Stiftung
GCSP	Geneva Centre for Security Policy
HLP	Wohn-, Grundstücks- und Eigentumsverhältnisse
HNAP	Humanitarian Needs Assessment Programme
HNO	Humanitarian Needs Overview
HRW	Human Rights Watch
ICG	International Crisis Group
IKRK	Internationales Komitee vom Roten Kreuz
ICSR	International Centre for the Study of the Radicalisation
ICTJ	International Center for Transitional Justice
IDMC	Internal Displacement Monitoring Centre
IICISyria	Unabhängige internationale Untersuchungskommission zur Arabischen Republik Syrien
IRC	International Rescue Committee
ISI	Institute on Statelessness and Inclusion
ISPI	Institut für Internationale Politische Studien
ISW	Institute for the Study of War
KAS	Konrad-Adenauer-Stiftung
LDHR	Lawyers & Doctors for Human Rights
LGBTI	lesbische, schwule, bisexuelle, transgeschlechtliche und intersexuelle Personen
MEE	Middle East Eye
MEI	Middle East Institute

MSF	Médecins Sans Frontières (Ärzte ohne Grenzen)
NCA	Norwegian Church Aid
NRC	Norwegian Refugee Council
OCHA	Amt der Vereinten Nationen für die Koordinierung
OHCHR	humanitärer Angelegenheiten Amt des Hohen Kommissars für Menschenrechte
PHR	Physicians for Human Rights
POMEPS	The Project on Middle East Political Science
PFS	palästinensische Flüchtlinge aus Syrien
RSF	Reporters Sans Frontières (Reporter ohne Grenzen)
SACD	Syrian Association for Citizens' Dignity
SDAID	SAWA for Development and Aid
SGBV	sexuelle und geschlechtsspezifische Gewalt
SHRC	Syrian Human Rights Committee
SJAC	Syria Justice and Accountability Centre
SNHR	Syrian Network for Human Rights
SOHR	Syrische Beobachtungsstelle für Menschenrechte
STJ	Syrians for Truth and Justice
SWP	Stiftung Wissenschaft und Politik
SYP	Syrisches Pfund
TIMEP	<i>The Tahrir Institute for Middle East Policy</i>
UN	Vereinte Nationen
UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen
UNICEF	UN-Kinderhilfswerk
UNMAS	UN-Dienst für Antiminenprogramme
UNRWA	Hilfswerk der Vereinten Nationen für Palästinaflüchtlinge im Nahen Osten
UNGA	UN-Generalversammlung
UNSC	UN-Sicherheitsrat
USBV	unkonventionelle Spreng- und Brandvorrichtungen
USCIRF	United States Commission on International Religious Freedom
USIP	United States Institute of Peace
VOA	Voice of America
VDC	Violation Documentation Center
WFP	Welternährungsprogramm
WHO	Weltgesundheitsorganisation
WVI	World Vision International

I. Zusammenfassung

Dieses Dokument ist eine aktualisierte Fassung der *UNHCR-Erwägungen zum Schutzbedarf von Personen, die aus der Arabischen Republik Syrien fliehen, 5. aktualisierte Fassung*, vom November 2017 und tritt an deren Stelle.¹ Die vorliegenden Erwägungen enthalten die aktuellsten Informationen, die zum Zeitpunkt der Erstellung dieses Dokuments verfügbar waren, und stützen sich auf eine Vielzahl unterschiedlicher Quellen.² Die in den Erwägungen enthaltene Analyse berücksichtigt öffentlich zugängliche Informationen sowie Daten, die UNHCR im Rahmen seiner Tätigkeiten in Syrien zur Verfügung stehen.

Alle Asylbegehren müssen unter Zugrundelegung des jeweiligen Einzelfalls im Rahmen gerechter und wirksamer Verfahren zur Feststellung der Flüchtlingseigenschaft unter Berücksichtigung aktueller und maßgeblicher Informationen zum Herkunftsland geprüft werden. Dies gilt sowohl für Asylanträge, die auf der Grundlage der Flüchtlingskriterien des Abkommens von 1951 über die Rechtsstellung der Flüchtlinge (Genfer Flüchtlingskonvention, GFK)³ und des dazugehörigen Protokolls von 1967⁴, des UNHCR-Mandats und regionaler Übereinkünfte zum Flüchtlingsschutz geprüft werden, als auch für Asylanträge, bei denen großzügigere Kriterien für die Gewährung von internationalem Schutz angewandt werden, einschließlich ergänzender Schutzformen.

A. Flüchtlingsschutz nach den Kriterien der GFK und die wichtigsten Antragsarten

Angesichts der schwerwiegenden Verstöße gegen humanitäres Völkerrecht und internationale Menschenrechte sowie anhaltender bewaffneter Konflikte in Syrien ist **UNHCR der Auffassung, dass die Flucht von Zivilpersonen aus Syrien weiterhin als Flüchtlingsbewegung einzustufen ist**, wobei die Mehrzahl syrischer Asylsuchender weiterhin internationalen Flüchtlingsschutz benötigt, da sie die Voraussetzungen der Flüchtlingsdefinition von Artikel 1A(2) der GFK erfüllen. Ebenso erfüllen Palästinenser⁵ aus Syrien, die sich außerhalb des Einsatzgebietes des Hilfswerks der Vereinten Nationen für Palästinaflüchtlinge im Nahen Osten (United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA) befinden, wahrscheinlich die Voraussetzungen von Artikel 1 D, sodass sie *ipso facto* den Schutz der GFK genießen würden.⁶ Für viele aus Syrien geflohene Zivilpersonen besteht der kausale Zusammenhang mit einem Verfolgungsgrund im Sinne der GFK in der direkten oder indirekten, tatsächlichen oder vermeintlichen Verbindung mit einer der Konfliktparteien. Ein besonderes Merkmal des Konflikts in Syrien ist der Umstand, dass verschiedene Konfliktparteien oftmals größeren Personengruppen, einschließlich Familien, Stämmen, religiösen bzw. ethnischen Gruppen sowie ganzen Städten, Dörfern und Wohngebieten, aufgrund ihrer Zugehörigkeit eine **politische Meinung** unterstellen.⁷ So können die

¹ Das vorliegende Dokument ersetzt UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, November 2015, www.refworld.org/docid/5641ef894.html.

² Die vorliegenden Erwägungen zum Schutzbedarf basieren auf Informationen, die UNHCR am 28. Februar 2021 vorlagen, sofern nichts anderes angegeben ist. Im Zuge der Veränderung der Lage in der Arabischen Republik Syrien (im Folgenden als „Syrien“ bezeichnet) werden sie erneut aktualisiert.

³ United Nations General Assembly (UNGA), *Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, Vol. 189*, www.refworld.org/docid/3be01b964.html, p. 137.

⁴ UNGA, *Protocol Relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series, Vol. 606*, www.refworld.org/docid/3ae6b3ae4.html, p. 267.

⁵ Soweit im vorliegenden Text Begriffe nur in der männlichen Form verwendet wurden, beziehen sie sich dennoch auf Angehörige aller Geschlechter.

⁶ Für eine Analyse zur Auslegung von Artikel 1 D siehe UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html.

⁷ "Both pro-government forces and non-State armed groups in the north-western, northern and eastern parts of the Syrian Arab Republic continued to target civilians, including those perceived as being affiliated with opposing forces, including through killings, the arbitrary deprivation of liberty, torture and other ill-treatment and kidnappings"; United Nations Security Council (UNSC), *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary General*, 24 June 2020, www.ecoi.net/en/document/2032945.html, (im Folgenden: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html), para. 17.

Mitglieder größerer Einheiten, ohne dass sie individuell ausgewählt werden, aufgrund ihrer tatsächlichen oder vermeintlichen Unterstützung einer gegnerischen Kriegspartei zum Ziel von Gegenschlägen verschiedener Akteure werden.⁸ Die Annahme, dass eine Person eine bestimmte politische Meinung hat oder eine bestimmte Konfliktpartei unterstützt, basiert oft auf wenig mehr als der physischen Anwesenheit dieser Person in einem bestimmten Gebiet (oder auf ihrer Abstammung aus einem bestimmten Gebiet) oder auf ihrem ethnischen oder religiösen Hintergrund. In solchen Fällen ist die Verletzungsgefahr schwerwiegend und real und keineswegs durch den Umstand gemindert, dass die betreffende Person möglicherweise nicht individuell und gezielt angegriffen würde.

UNHCR bleibt bei seiner Einschätzung, dass Syrer und Personen, die früher ihren gewöhnlichen Aufenthalt in Syrien hatten und unter die nachfolgend genannten Risikoprofile fallen, **wahrscheinlich internationalen Flüchtlingschutz benötigen**. Untergruppen von Personen innerhalb der Risikoprofile 3, 8 und 10 können je nach den Umständen des Einzelfalls internationalen Flüchtlingschutz benötigen.

Das vorliegende Dokument enthält maßgebliche und zuverlässige Informationen zum Herkunftsland und Hinweise für die Beurteilung des Schutzbedarfs in Bezug auf die nachstehenden Risikoprofile, die gegebenenfalls auch für Familienangehörige und sonstige Personen gelten, die Menschen mit diesen Risikoprofilen nahestehen:

1. **Personen, die tatsächlich oder vermeintlich in Opposition zur Regierung stehen**, einschließlich, jedoch nicht beschränkt auf Mitglieder politischer Oppositionsparteien; Demonstrierende; Aktivisten aus der Zivilgesellschaft und politische Aktivisten; (ehemalige) Mitglieder oppositioneller lokaler Räte; Journalisten und Bürgerjournalisten aus der Zivilbevölkerung; Mitarbeiter humanitärer Hilfsorganisationen und Freiwillige der Zivilverteidigung; Ärzte und sonstige medizinische Fachkräfte; Verteidiger der Menschenrechte; Hochschulangestellte; Personen, die als Mitglieder bewaffneter, regierungsfeindlicher Gruppen angesehen werden; und Zivilpersonen (insbesondere Männer und Jungen im kampffähigen Alter) aus derzeit oder ehemals von der Opposition kontrollierten Gebieten;
2. **Wehrdienstentzieher und Deserteure der syrischen Streitkräfte;**
3. **Personen, die tatsächlich oder vermeintlich die Regierung unterstützen**, einschließlich, jedoch nicht beschränkt auf Regierungsbeamte und Funktionäre der Baath-Partei; tatsächliche und vermeintliche Mitglieder von Streitkräften der Regierung und Zivilbürger, von denen angenommen wird, dass sie mit Streitkräften der Regierung zusammenarbeiten; Mitglieder von Versöhnungskomitees; und Zivilpersonen, die in städtischen Bezirken, Dörfern und Gemeinden leben, von denen angenommen wird, dass sie die Regierung unterstützen;
4. **Personen, die tatsächlich oder vermeintlich in Opposition zu den Syrian Democratic Forces (SDF) / Volksschutzeinheiten (YPG), der Partei der Demokratischen Union (PYD) und den Institutionen der Autonomieverwaltung stehen**, einschließlich, jedoch nicht beschränkt auf Mitglieder kurdischer Oppositionsparteien, Journalisten und Bürgerjournalisten aus der Zivilbevölkerung, Mitarbeiter humanitärer Hilfsorganisationen, Aktivisten und Mitglieder der Zivilgesellschaft, Demonstrierende; Personen, bei denen aufgrund ihrer ethnischen Herkunft und/oder familiären Beziehungen eine Verbindung zum Islamischen Staat im Irak und in Syrien (ISIS) angenommen wird; und Personen, bei denen aufgrund ihrer ethnischen

⁸ In Situationen, die durch bewaffneten Konflikt und Gewalt gekennzeichnet sind, können Einzelpersonen und ganze Gruppen oder Populationen der Gefahr ausgesetzt sein, aus den in der GFK genannten Gründen ins Visier genommen und Opfer gezielter Verfolgung zu werden. UNHCR stellt in seinen Richtlinien zu Anträgen auf Anerkennung der Flüchtlingseigenschaft im Zusammenhang mit bewaffneten Konflikten und Gewalt fest: "Situations of armed conflict and violence may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct whereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links"; UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, para. 33.

- Herkunft und/oder familiären Beziehungen eine Verbindung zur Türkei oder zur Syrischen Nationalen Armee (SNA) angenommen wird;
5. **Personen, die tatsächliche oder vermeintliche Gegner von Hay'at Tahrir Al-Sham (HTS) und bewaffneten regierungsfeindlichen Gruppen sind und sich in Idlib und angrenzenden Gegenden in Gebieten aufhalten, die de facto unter Kontrolle dieser Gruppen stehen**, einschließlich, jedoch nicht beschränkt auf politische Aktivisten und Menschenrechtsaktivisten, Mitarbeiter humanitärer Hilfsorganisationen, medizinische Fachkräfte sowie Journalisten und Bürgerjournalisten aus der Zivilbevölkerung;
 6. **Personen, die tatsächliche oder vermeintliche Gegner bewaffneter, mit der SNA verbundener Gruppen sind, in den von diesen Gruppen de facto kontrollierten Gebieten**, einschließlich, jedoch nicht beschränkt auf Personen, die tatsächlich oder vermeintlich mit der Autonomen Administration von Nord- und Ostsyrien (AANES) und den SDF/PYD/YPG sowie den Kurden im weiteren Sinne verbunden sind; sowie Journalisten und Aktivisten;
 7. **Personen, die tatsächliche oder vermeintliche Gegner von ISIS in Gebieten sind, in denen ISIS weiterhin präsent ist oder Einfluss ausübt**, einschließlich, jedoch nicht beschränkt auf Zivilpersonen, die tatsächlich oder vermeintlich die Regierung oder die SDF/AANES unterstützen, z. B. Stammesführer, örtliche Bürgermeister, Mitglieder lokaler Räte sowie Kollaborateure;
 8. **Mitglieder religiöser und ethnischer Minderheiten und Personen, die so wahrgenommen werden, als handelten sie entgegen strenger islamischer Vorschriften**;
 9. **Frauen und Mädchen mit bestimmten Profilen oder in speziellen Situationen**, insbesondere Frauen, die sexuelle Gewalt überlebt haben oder gefährdet sind, Opfer sexueller Gewalt zu werden, zwangsverheiratet oder im Kindesalter verheiratet zu werden, häusliche Gewalt oder Gewalt im Namen der Ehre zu erleiden oder Opfer von Menschenhandel zum Zweck der sexuellen Ausbeutung und Zwangsprostitution zu werden;
 10. **Kinder mit bestimmten Profilen oder in speziellen Situationen**, insbesondere Kinder, die sexuelle Gewalt überlebt haben oder gefährdet sind, Opfer sexueller Gewalt zu werden; zwangsverheiratet oder im Kindesalter verheiratet zu werden; häusliche Gewalt oder Gewalt im Namen der Ehre zu erleiden; Kinder, die einen Einsatz als Kindersoldaten überlebt haben oder gefährdet sind, als Kindersoldaten rekrutiert zu werden; Opfer von Menschenhandel und anderen schlimmsten Formen von Kinderarbeit zu werden; Kinder, die zu Arbeit verpflichtet werden, die je nach der Erfahrung und dem Alter des betreffenden Kindes und den sonstigen Umständen wahrscheinlich ihre Gesundheit, Sicherheit oder Sittlichkeit beeinträchtigt („gefährliche Arbeit“); Kinder im schulpflichtigen Alter, denen der Zugang zu Bildung systematisch verwehrt wird, einschließlich infolge zielgerichteter Angriffe auf Schulen; fehlende Ausweispapiere; Behinderungen; oder diskriminierende Praktiken, die Mädchen den Zugang zu Bildung aufgrund ihres Geschlechts verwehren; sowie Kinder, denen der Zugang zu Geburtsurkunden und sonstigen Ausweisdokumenten verweigert wird oder bei denen eine entsprechende Gefahr besteht;
 11. **Personen mit sexueller Orientierung und/oder geschlechtlicher Identität, die nicht den traditionellen Vorstellungen entsprechen**;
 12. **palästinensische Flüchtlinge⁹**.

Diese Liste ist nicht unbedingt abschließend. Ein Antrag sollte nicht automatisch als unbegründet eingestuft werden, wenn keines der hier aufgeführten Risikoprofile gegeben ist. Gegebenenfalls sollten etwaige Verfolgungen, denen Antragsteller, die um internationalen Schutz ersuchen, in der Vergangenheit ausgesetzt waren, besonders berücksichtigt werden.

Die GFK ist das Fundament des Rechtsrahmens für den internationalen Schutz von Flüchtlingen. Die in der GFK enthaltenen Kriterien für die Anerkennung der Flüchtlingseigenschaft müssen so ausgelegt werden, dass Personen oder Personengruppen, die diese Kriterien erfüllen, nach der GFK

⁹ Im vorliegenden Dokument sind mit dem Begriff „palästinensische Flüchtlinge“ Palästinenser gemeint, die dem Geltungsbereich von Artikel 1 D GFK unterliegen, wie er in der folgenden UNHCR-Publikation definiert ist: UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html, para. 8.

ordnungsgemäß anerkannt und geschützt werden. Nur wenn festgestellt wird, dass ein Asylsuchender die Flüchtlingskriterien der GFK nicht erfüllt, z. B. weil die befürchtete Verfolgung nicht auf einem Verfolgungsgrund im Sinne der GFK beruht oder die Schwelle für die Anwendung der GFK-Definition aus sonstigem Grund nicht erreicht wird, sollten die im UNHCR-Mandat und regionalen Übereinkünften festgeschriebenen erweiterten Kriterien für die Gewährung von internationalem Schutz, einschließlich subsidiären Schutzes, geprüft werden.

UNHCR ist der Ansicht, dass Veränderungen der objektiven Umstände in Syrien, einschließlich gewisser Verbesserungen der Sicherheitslage in Teilen des Territoriums, keinen grundlegenden, stabilen und dauerhaften Charakter aufweisen, wie es für eine Beendigung des Flüchtlingsstatus auf der Grundlage von Artikel 1 C(5) GFK notwendig ist. Die Rechtsstellung anerkannter Flüchtlinge sollte daher nur dann überprüft werden, wenn es im Einzelfall Anhaltspunkte dafür gibt, dass Gründe für die Vornahme einer der folgenden Maßnahmen vorliegen: (a) Rücknahme einer zunächst zu Unrecht erfolgten Anerkennung der Flüchtlingseigenschaft oder (b) Aberkennung der Flüchtlingseigenschaft auf Grund von Artikel 1 F GFK.

B. Interne Flucht- oder Neuansiedlungsalternative

UNHCR ist der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative nicht gegeben ist in Gebieten, die derzeit oder ehemals nicht von der Regierung kontrolliert werden bzw. wurden, angesichts anhaltender Konflikte, militärischer Operationen, Sicherheitsrisiken und Menschenrechtsverletzungen in diesen Gebieten; des Risikos künftiger Veränderungen der Gebietskontrolle; und des hohen humanitären Bedarfs bei einem gleichzeitig hohen Grad an Zerstörung der zivilen Infrastruktur in diesen Gebieten. Einige der Gebiete sind außerdem aufgrund von Sicherheitsbeschränkungen nicht zugänglich oder nur für ehemalige Bewohner zugänglich, die eine Sicherheitsüberprüfung erfolgreich durchlaufen haben.

Ferner ist UNHCR der Ansicht, dass eine interne Flucht- oder Neuansiedlungsalternative nicht in Gebieten gegeben ist, in denen systematische Beschlagnahmen von Eigentum und/oder willkürliche Vertreibungen stattgefunden haben, da die Gefahr besteht, dass sich diese Entwicklungen infolge von Migrationsbewegungen zuspitzen.

UNHCR bietet ausführliche Orientierung für die Prüfung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus als der Hauptstadt und dem größten städtischen Gebiet, das während des gesamten Konflikts überwiegend unter der Kontrolle der Regierung verblieben ist. In Bezug auf die Stadt Damaskus müsste bei der Prüfung der Relevanz einer internen Flucht- oder Neuansiedlungsalternative berücksichtigt werden, ob die betreffende Person einer neuen Verfolgungsgefahr oder sonstigen Formen schwerwiegender Schäden ausgesetzt wäre und ob die betreffende Person einen praktikablen, sicheren und legalen Zugang zum vorgeschlagenen Gebiet hat.

UNHCR ist der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus im Allgemeinen für die folgenden Personen nicht relevant ist:

- Personen, die ohne Ausweispapiere nach Syrien zurückkehren würden;
- Personen, die zu einer „Statusklärung“ verpflichtet sind¹⁰;
- Personen, die aus zuvor oder derzeit nicht von der Regierung kontrollierten Gebieten stammen und als vermeintliche Regierungsgegner wahrgenommen werden könnten;
- Männer im wehrpflichtigen Alter, die aus Gewissensgründen den Militärdienst verweigern und/oder die Teilnahme an Aktivitäten verweigern, die Verstöße gegen humanitäres Völkerrecht, internationales Strafrecht oder internationale Menschenrechte darstellen;
- Personen, die begründete Furcht vor Verfolgung durch einen staatlichen Akteur oder durch die Familie, den Stamm oder die Gemeinschaft infolge gefährlicher traditioneller Bräuche oder religiöser Normen mit Verfolgungscharakter haben; und
- alleinstehende, verwitwete oder geschiedene Frauen, die tatsächlich oder vermeintlich keinen Schutz von männlichen Familienangehörigen erhalten.

¹⁰ Siehe Abschnitt III.A.1.d.

In Fällen, in denen eine interne Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus als relevant bewertet würde, müsste die Zumutbarkeit der vorgeschlagenen internen Flucht- oder Neuansiedlungsalternative festgestellt werden, wobei die persönlichen Umstände des Antragstellers sowie die derzeitige Wirtschaftskrise, von der alle Gebiete betroffen sind, die von der Regierung kontrolliert werden, sowie die hohe Armut und der damit einhergehende humanitäre Bedarf zu berücksichtigen sind.

Aufgrund der ausgesprochenen Schwierigkeiten, mit denen Syrer bei der Sicherung ihrer Grundversorgung vor dem Hintergrund einer sich verschlechternden wirtschaftlichen und humanitären Lage, hoher und zunehmender Armut, Ernährungsunsicherheit und Arbeitslosigkeit sowie Druck auf dem Wohnungs- und Dienstleistungsmarkt zu kämpfen haben, ist UNHCR der Ansicht, dass eine interne Flucht- oder Neuansiedlungsalternative für die Stadt Damaskus grundsätzlich nicht zumutbar ist.

Die einzige Ausnahme zu dieser Feststellung bilden gesunde Erwachsene, die alle der folgenden Voraussetzungen erfüllen: a) keine Verantwortung für andere Familienangehörige, b) garantierter Zugang zu Wohnraum und c) garantierter Zugang zu praktikablen Verdienstmöglichkeiten, die genügend Einkommen erzielen, um die Grundversorgung abzudecken, wobei die steigenden Preise in der Stadt Damaskus zu berücksichtigen sind. UNHCR ist der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative für Frauen, die allein einen Haushalt führen und tatsächlich oder vermeintlich keinen Schutz durch männliche Familienangehörige erhalten, nicht zumutbar ist.

Detaillierte Hinweise zur Bewertung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus finden sich in Kapitel III.C.5 (Relevanzprüfung) und III.C.6 (Zumutbarkeitsprüfung).

C. Ausschlussgründe

Angesichts der schwerwiegenden Verstöße gegen internationale Menschenrechte und das humanitäre Völkerrecht, die in der von Konflikten und Repressionen geprägten Geschichte Syriens gemeldet wurden, können Ausschlussgründe nach Artikel 1 F GFK bei einzelnen Asylgesuchen von Menschen aus Syrien in Betracht kommen. Im Zusammenhang mit Syrien sind insbesondere die nachstehenden Profile besonders sorgfältig zu prüfen:

- i. (ehemalige) hochrangige Mitglieder der syrischen Regierung und der Baath-Partei (*vor und nach 2011*);
- ii. (ehemalige) Mitglieder der Syrian Armed Forces, einschließlich der Syrisch-Arabischen Armee / SAA (und einschließlich der Palästinensischen Befreiungsarmee PLA) und insbesondere: alle hochrangigen Militäroffiziere; alle Offiziere und Unteroffiziere, die bei der Republikanischen Garde (*Al-Haras Al-Jumhuri*), den Spezialeinheiten, der 4. Panzerdivision, der Militärpolizei oder den Verteidigungskompanien (*Saraya Al-Difa'*, 1984 aufgelöst) gedient haben; und alle militärischen Bediensteten, die nach März 2011 gedient haben, einschließlich in Militärkrankenhäusern;
- iii. (ehemalige) Mitglieder der Sicherheits- und Geheimdienste, einschließlich des Nationalen Sicherheitsbüros (*Maktab Al-Amn Al-Qawmi*), des Direktorats für politische Sicherheit (*Idarat Al-Amn Al-Siyasi*), des Direktorats für allgemeine Sicherheit (*Idarat Al-Amn Al-'Amm*), des militärischen Nachrichtendienstes (*Shu'bat Al-Mukhabarat Al-'Askariyya*) und des Direktorats für den Geheimdienst der Luftwaffe (*Idarat Al-Mukhabarat Al-Jawiyya*), sowie Personen, die einem dieser Dienste, ohne ihm offiziell anzugehören, Informationen geliefert haben (Informanten) (*vor und nach 2011*);
- iv. (ehemalige) Mitglieder regierungstreuer Truppen, einschließlich (nicht abschließend) Volkskomitees (*Lijan Sha'abiya*) und National Defence Forces (*Quwat Al-Difa' Al-Watani / NDF*); Adler des Wirbelwinds (*Nusur Al-Zawba'a*); Milizen, die wohlhabenden alawitischen Geschäftsleuten nahestehen und eine enge Verbindung zur syrischen Regierung und speziell der Assad-Familie aufweisen; regierungstreue palästinensische Gruppen, z. B. Volksfront zur Befreiung Palästinas – Generalkommando / PFLP-GC; Jerusalem-Brigade (*Liwa Al-Quds Al-Filastini*) und Free Palestinian Movement (FPM); sowie Gruppen, die mit ausländischen schiitischen Milizen in Verbindung stehen, einschließlich der libanesischen Hisbollah, der

- Quds-Force der Iranischen Revolutionsgarden (IRGC), irakischer Milizen (z. B. *Asaib Ahl al-Haq*, *Kataib Hizb Allah*, Badr-Organisation, *Harakat Hizb Allah Al-Nujaba* und *Kataib Sayyid Al-Shuhada*) sowie afghanischer (*Liwa Fatemiyoun*) und pakistanischer Milizen (*Zeinabiyoun Brigade*) (nach 2011);
- v. (ehemalige) Mitglieder der Polizei, einschließlich insbesondere der Emergency Police und der Riot Police (vor und nach 2011);
 - vi. (ehemalige) Staatsanwälte und Richter, die für das Oberste Staatssicherheitsgericht / SSSC (1966 bis 2011), das Wirtschaftssicherheitsgericht / ESC (1977 bis 2004), das Anti-Terror-Gericht (seit Juli 2012) sowie Strafgerichte und militärische Feldgerichte (vor und nach 2011) gearbeitet haben;
 - vii. (ehemalige) Mitarbeiter von Gefängnissen und Haftanstalten, insbesondere Direktoren, Verwaltungsbeamte, Wärter und Aufseher (vor und nach 2011);
 - viii. (ehemalige) Mitglieder von Gruppen, die der UN-Sicherheitsrat als terroristische Vereinigungen eingestuft hat, einschließlich HTS (früher Al-Nusra-Front / Jabhat Fatah al-Sham), Al-Qaida und ISIS (nach 2011);
 - ix. (ehemalige) Mitglieder bewaffneter oppositioneller Gruppen/Bündnisse, einschließlich Gruppen, die mit der Freien Syrischen Armee (FSA), der National Liberation Front (NLF) und der SNA verbunden sind (nach 2011);
 - x. (ehemalige) Mitglieder der Muslimbruderschaft (*Jama'at Al-Ikhwan Al-Muslimun*) (insbesondere zwischen 1976 und 1982);
 - xi. (ehemalige) Mitglieder der kurdisch dominierten bewaffneten Truppen und Sicherheits-/Geheimdienste, einschließlich SDF (*Quwwat Suriya Al-Dimuqatiya*), Volksschutzeinheiten / YPG (*Yekineyen Parastina Gel*), Frauenverteidigungseinheiten / YPJ (*Yekineyen Parastina Jin*), interner Sicherheitsdienste der AANES (*Asayish*), Militärrat der Suryoye / MFS, Sutoro (Assyrisches Sicherheitsbüro, bewaffneter Flügel der Assyrischen Einheitspartei / SUP) (nach 2011);
 - xii. (ehemalige) Mitglieder von Gruppen und Netzwerken, die an Aktivitäten der organisierten Kriminalität beteiligt sind (vor und nach 2011).

D. Moratorium für Zwangsrückführungen

Angesichts des anhaltenden Konflikts, der Unsicherheit und der Kontaminierung mit explosiven Kampfmittelrückständen, schwerwiegender Bedenken hinsichtlich der Durchsetzung der Rechtsstaatlichkeit und weitverbreiteter Menschenrechtsverletzungen, einschließlich gegenüber Rückkehrern, eines fragmentierten Gemeinwesens und des Fehlens echter Versöhnungsbemühungen, massiver Zerstörung und Beschädigung von Wohneigentum, kritischen Infrastrukturen und landwirtschaftlich genutzten Flächen sowie zunehmender wirtschaftlicher und humanitärer Krisen, die sich durch die COVID-19-Pandemie verschärfen, ersucht UNHCR die Staaten weiterhin, syrische Staatsangehörige und Personen, die früher ihren gewöhnlichen Aufenthalt in Syrien hatten, einschließlich Palästinensern mit ehemaligem Wohnsitz in Syrien, nicht zwangsweise nach Syrien rückzuführen, unabhängig davon, ob das betreffende Gebiet von der Regierung oder von einer staatlichen oder nichtstaatlichen Organisation kontrolliert wird. UNHCR ruft den Staaten darüber hinaus in Erinnerung, dass ein freier und ungehinderter Zugang zu den Rückkehrern nur begrenzt möglich ist und weiterhin Einschränkungen für den Zugang humanitärer Hilfsorganisationen bestehen. In den meisten Fällen wäre eine zwangsweise Rückführung zudem irreversibel, da die Nachbarländer ihre Grenzen zu Syrien streng kontrollieren.

Darüber hinaus ist UNHCR weiter der Auffassung, dass es nicht angemessen wäre, syrische Staatsangehörige und Personen, die früher ihren gewöhnlichen Aufenthaltsort in Syrien hatten, in Nachbarländer und andere, nicht unmittelbar angrenzende Länder in der Region zwangsweise rückzuführen, sofern keine besonderen Vereinbarungen getroffen wurden, die gewährleisten, dass die Betroffenen wieder in das Land einreisen dürfen und wieder internationalen Schutz in Anspruch nehmen können.

II. Die wichtigsten Entwicklungen in Syrien seit 2018

A. Die wichtigsten sicherheitsrelevanten und politischen Entwicklungen

1) Die wichtigsten sicherheitsrelevanten Entwicklungen seit 2018

Seit der Veröffentlichung der UNHCR-Erwägungen zum Schutzbedarf (5. aktualisierte Fassung) im November 2017 haben sich die Konfliktodynamik und die Territorialkontrolle in Syrien erheblich verändert. Der Konflikt bleibt jedoch facettenreich, wird an zahlreichen Fronten und zwischen verschiedenen staatlichen und nichtstaatlichen Akteuren ausgetragen und findet unter Beteiligung einer Vielzahl unterschiedlicher regionaler und internationaler Akteure statt.¹¹ Trotz relativer Verbesserungen der Sicherheitslage infolge der Ausweitung der Kontrolle der Regierung über viele Landesteile im Zeitraum von 2018 bis 2020, kann der Sicherheitszugewinn schwach ausgeprägt sein und der anhaltende Konflikt sowie die damit einhergehende Instabilität haben verheerende Auswirkungen für die Zivilbevölkerung.¹² 2019 ist der Konflikt im Nordwesten und Nordosten erneut eskaliert; zum Zeitpunkt der Erstellung dieses Dokuments ist die Sicherheitslage entlang der derzeit eingefrorenen Frontlinien weiterhin instabil.¹³ Den Meldungen zufolge verschlechtert sich die Lage in Südsyrien¹⁴, und ISIS ist in vielen – überwiegend ländlichen – Landesteilen weiterhin aktiv.¹⁵ Akute wirtschaftliche und humanitäre Krisen, die sich durch die COVID-19-Pandemie zugespitzt haben, sind weitere Faktoren, die zur Instabilität beitragen.¹⁶ Darüber hinaus werden in ganz Syrien weiterhin erhebliche Verstöße gegen internationale Menschenrechte und das humanitäre Völkerrecht verzeichnet.¹⁷

Da sich die Gebietskontrolle während des gesamten Konflikts immer wieder verlagert hat, gab es in zahlreichen Städten, Dörfern und Wohngebieten immer wieder Änderungen der territorialen Kontrolle

¹¹ "Four major sides have fought for control in Syria – the Syrian government and its allies, the conglomeration of groups known broadly as the opposition, Kurdish-led forces, and Islamic State. Each faction is made up of a variety of actors"; Carter Center, *Analyzing Shifts in Territorial Control within Syria Offers Glimpse of Future Challenges*, 13 May 2020, <https://bit.ly/2CLb4Ow>. "(...) no fewer than six interlocking conflicts are being waged inside Syria: The Assad regime versus anti-Assad rebels; Turkey versus Syrian Kurds; Israel versus Iran; The United States versus Russia; Continuing U.S.-led operations against ISIS [Islamic State of Iraq and Al-Sham]; and most recently, Turkey versus the Assad regime and its allies in Idlib"; United States Institute of Peace (USIP), *After Nine Years, Syria's Conflict Has only Become more Complicated*, 12 March 2020, <https://bit.ly/3ibGca5>. "With five international armies active inside Syria, the dangers of wider international conflagration remain"; UN News, *Syria: UN Food Relief Agency 'Doing Everything We Can' to Reach Idlib Civilians*, 4 March 2020, <https://shar.es/abnzOj>. Siehe auch Cyprus Mail, *Syria's Many Circles of Hell*, 12 September 2020, <https://bit.ly/35vj96e>.

¹² Im Global Peace Index 2019 wird Syrien an zweiter Stelle der globalen Liste der unfriedlichsten Länder genannt; Institute for Economics and Peace, *Global Peace Index 2020: Measuring Peace in a Complex World*, 11 June 2020, <https://bit.ly/38z35QC>, pp. 2, 9. Der UN-Sondergesandte stellt fest: "(...) there have been incidents of mutual shelling and bomb attacks around Afrin and the northeast; targeted killings and clashes in the southwest; reports of Israeli airstrikes in Deir- ez-Zor and Aleppo; as well as incidents that point to a resurgence of ISIL terrorist fighters in the eastern desert. Violence continues and there is a constant risk of escalation which could unravel [the] existing arrangement"; UN News, *Renewed Trust and Cooperation Could Finally 'Unlock Progress' Toward Peace in Syria – UN Envoy*, 18 May 2020, <https://shar.es/abnkdy>. "The UN High Commissioner for Human Rights, Michelle Bachelet, expressed serious concerns (...) about continuing human rights violations and abuses and a sharp rise in killings of civilians across Syria, saying 'the deteriorating situation is a ticking time-bomb that must not be ignored.' Weiter heißt es: "We are receiving more reports every day of targeted killings and bombings from one end of the country to the other, with many such attacks taking place in populated areas"; Office of the High Commissioner for Human Rights (OHCHR), *Syria: Bachelet Warns of 'Ticking Time-Bomb' as Civilian Killings Mount*, 8 May 2020, www.ecoi.net/en/document/2029807.html. "On 15 March 2020, Syria entered its 10th year of war. Although ACLED [Armed Conflict Location & Event Data Project] data show an overall decrease in violence over the course of 2019, the war in Syria remains the most active conflict in the world, and one of the deadliest for civilians"; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, <https://bit.ly/3ef9jGi>.

¹³ Siehe Kapitel II.B.3 und II.B.4.b.

¹⁴ Siehe Kapitel II.B.1.b.

¹⁵ Siehe Kapitel II.B.1.b und II.B.2.

¹⁶ Siehe Kapitel II.F.

¹⁷ "In 2020, civilians in Syria faced another year confronting stark challenges and abuses, first and foremost at the hands of the Syrian government and other authorities, despite a discernible decrease in violent conflict"; Human Rights Watch (HRW), *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "We are witnessing in Syria today a relative reduction in largescale hostilities and indiscriminate attacks, with the 5 March [2020] ceasefire in Idlib largely holding. However, Syrians are not any safer and they continue to suffer gross human rights violations by all the actors controlling territory"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic*, at the 45th Human Rights Council Session, 22 September 2020, <https://shar.es/abl9Fy>. Siehe auch Kapitel II.E.

durch die verschiedenen Konfliktparteien. Im Zuge dieser Änderungen der territorialen Kontrolle fanden regelmäßig bewaffnete Auseinandersetzungen, Tötungen von Zivilpersonen, Plünderungen sowie Zerstörung und Beschädigung von Infrastrukturen und Wohnhäusern statt.¹⁸

Nachstehend sind die wichtigsten sicherheitsrelevanten Entwicklungen und Veränderungen der territorialen Kontrolle im Zeitraum von 2018 bis 2020 aufgeführt:¹⁹

a) **Ausweitung der Kontrolle durch die Regierung**

Durch eine Kombination aus militärischen Operationen, Belagerungen²⁰ und sogenannten „Versöhnungsabkommen“²¹ ist es den syrischen Regierungstruppen²² gelungen, die Kontrolle über wesentliche Gebiete des Landes wiederzuerlangen, einschließlich in Landesteilen, die zuvor von der

¹⁸ “At least 56% of Syrian communities (including neighborhoods of major cities) have changed hands at least once over the course of the conflict. Some communities have changed hands repeatedly as frontlines ebbed and flowed. Often, when a community changes hands, people are killed or injured, infrastructure is damaged, looting occurs, and new grievances are born. (...) Changes of territorial control often included hours or days of shelling or bombing from warplanes, leaving many towns damaged and civilians traumatized. When a new group took control of a territory, some left civilians alone while others brutalized civilians as the Islamic State did to the people of Raqqa city when it took charge there.” Dem Carter Center zufolge hat in einigen Gebieten zwischen 2014 und 2020 bis zu neun Mal eine Veränderung der territorialen Kontrolle stattgefunden; Carter Center, Analyzing Shifts in Territorial Control within Syria Offers Glimpse of Future Challenges, 13 May 2020, <https://bit.ly/2CLb4Ow>.

¹⁹ “According to Jusoor for Studies map, the ratios of control of the forces on the ground are as follows:

- The opposition factions maintain the control ratio recorded last month at (10.98%).
- The Syrian regime maintain the ratio of control recorded last month at (63.38%).
- The Syrian Democratic Forces (SDF) have maintained the same recorded ratio of control since November 2019 at (25.64%).

The Islamic State of Iraq and Syria no longer has any military control over Syrian territory since February 2019”; Jusoor for Studies, *Map of Military Influence in Syria 01-11-2020*, 4 November 2020, <https://bit.ly/3k7ZQDO>. Siehe Kartierungen der verschiedenen Einflussgebiete: Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, <http://bit.ly/37SB87g>; Institute for the Study of War (ISW), *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, <https://bit.ly/3bqj5hQ>; ACLED, *The State of Syria: Q3 2020 – Q4 2020*, 24 February 2021, <https://bit.ly/3dXoA26>; Center for Global Policy (CGP), *The Syrian Battlespace: A Net Assessment*, 13 April 2020, <https://bit.ly/3dHesHN>. Siehe auch: “Estimated area of influence maps, 2013-2020”, enthalten in: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 21 January 2021, A/HRC/46/54, www.ecoi.net/en/document/2045772.html (im Folgenden: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html), Annex II.

²⁰ “The Assad regime has embraced a zero-compromise policy after assuring that maximum force, provided by allies, would guarantee regaining liberated areas. Maximum force included systematic destruction, mass-crimes, siege, and hunger that ended with an offer to sign a reconciliation agreement or truce – surrender in fact – that resulted in forced migration of many”; Omran Center for Strategic Studies, *Safe Environment as a Precondition for the Return of Refugees and the Internally Displaced*, 17 December 2020, <https://bit.ly/2LUSVCz>, p. 10. “Assad forces and allies have implemented siege tactics accompanied by intense aerial bombardment and destruction of civilian infrastructure, forcing communities to surrender. The forced surrender deals that were then signed offered the coercive choice of submitting to regime rule – with its high risk of detention, torture or forced conscription – or of being forcibly transferred to northwest Syria via the infamous green buses that became a symbol of this policy of collective punishment. (...) This use of siege tactics followed by forced displacement that may amount to forcible population transfers has caused demographic change in these areas”; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, pp. 3, 4. Siehe auch 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*, 13 January 2020, A/HRC/43/CRP.6, www.ecoi.net/en/document/2023152.html (im Folgenden: UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html), para. 26. “City after city, town after town, where people rose up against the repression of the Syrian regime, were systematically reduced to rubble in relentless bombardment and shelling, and its citizens subjected to starvation, widespread targeting of civilian areas and chemical attacks. The policy’s end goal was not only to conquer these areas militarily, but also to remove the population through either physical destruction or forced displacement”; Syrian Association for Citizens’ Dignity (SACD), *Demographic Change: The Ultimate Goal of the Syrian Regime’s Policy of Forced Displacement*, November 2020, <https://bit.ly/3kA55Ou>, p. 3.

²¹ “Sieges were often concluded through the use of ‘evacuation agreements’, negotiated by parties to the conflict, concerning the removal of fighters, their families and civilians of dissenting opinions from besieged areas”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47. Siehe Kapitel III.A.1.d.

²² Der Begriff „Regierungstruppen“ beinhaltet, sofern nichts anderes angegeben ist, die syrischen Streitkräfte „Syrian Armed Forces“ sowie Sicherheits- und Geheimdienste und eine Vielzahl regierungsnaher bewaffneter Gruppen, die in unterschiedlichem Maße der Regierung verbunden sind und/oder im Namen der Regierung handeln, russische Streitkräfte sowie ausländische regierungsnaher Gruppen wie Hisbollah und irakische und andere schiitische Milizen. “Regime forces do not have a monopoly on the use of force and depend on Russian airpower and Iranian and Iran-backed ground forces to maintain control”; Syria Study Group, *Final Report and Recommendation*, September 2019, <https://bit.ly/2utiEsV>, pp. 25-26.

salafistisch-dschihadistischen Gruppe HTS²³ und/oder bewaffneten oppositionellen Gruppen²⁴ oder ISIS²⁵ kontrolliert wurden. Nach der Wiedereroberung der bislang von der Opposition kontrollierten Gebiete durch die Regierungstruppen wurden großangelegte Militäroperationen, Luftangriffe und der Artilleriebeschuss in diesen Gebieten weitgehend eingestellt.²⁶ Der Grad der von der Regierung in diesen zurückeroberten Gebieten ausgeübten Kontrolle schwankt jedoch und ist insbesondere im

²³ HTS (früher Al-Nusra-Front / Jabhat Fatah al-Sham) hat sich offiziell 2016 von Al-Qaida getrennt, wird jedoch von den UN und einer Reihe von Staaten weiterhin als eine mit Al-Qaida verbundene Organisation angesehen und vom UN-Sicherheitsrat als terroristische Vereinigung eingestuft; siehe Fußnote 1068. "Hay'at Tahrir al-Sham currently comprises Jabhat Fatah al-Sham (also known as Jabhat al-Nusrah and previously as the Al-Nusrah Front), Ansar al-Sham and Afnah al-Sham, among others"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 28 January 2020, A/HRC/43/57, www.ecoi.net/en/document/2025856.html (im Folgenden: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, footnote 14.

²⁴ Mit dem Begriff „bewaffnete oppositionelle Gruppen“ sind verschiedene nichtstaatliche bewaffnete Gruppen und Bündnisse gemeint, deren wichtigstes Ziel darin besteht, die syrische Regierung mit Gewalt zu stürzen. 2018 wurden wesentliche Teile der Gebiete, die von bewaffneten oppositionellen Gruppen kontrolliert wurden, von den Regierungstruppen zurückerobert, u. a. Ost-Ghouta und die Qalamun-Region der Provinz Damaskus-Umgebung (April 2018), der Norden der Provinz Homs (Mai 2018), die Vororte Yalda, Babila und Beit Sahm im Süden von Damaskus (Mai 2018) und Teile der Provinzen Dera'a und Quneitra (Juli 2018), was zu Massenvertreibungen und Evakuierungen von Zivilpersonen und Kämpfern in den Nordwesten Syriens führte. Im August 2019 wurden Gebiete im Norden von Hama und im Süden von Idlib durch Regierungstruppen zurückerobert, einschließlich der Stadt Khan Sheikhoun (Provinz Idlib), die sich strategisch günstig an der Verbindungsstraße Aleppo – Damaskus befindet, und später eroberten die Regierungstruppen im Januar 2020 Maarat Al-Numan, die zweitgrößte Stadt in der Provinz Idlib, sowie Ende Februar 2020 die Städte Kafranbel und Saraqib zurück; The New Arab, *Syrian Rebel Forces Retake Idlib's Saraqib after Heavy Fighting*, 27 February 2020, <https://bit.ly/3feJuHh>; Reuters, *Syrian Government Forces Enter Town South of Idlib City*, 28 January 2020, <https://nyti.ms/2U0Mpw5>; British Broadcasting Corporation (BBC), *Khan Sheikhoun: Syria Rebels Pull Out of Key Town after Five Years*, 20 August 2019, <https://bbc.in/2mdGyVD>; Associated Press (AP), *Syria Retakes Territory in NW Held by Rebels since 2012*, 23 August 2019, <https://yhoo.it/2ncyq8y>; BBC, *Deraa, Birthplace of Syria Uprising, Retaken by Government Forces*, 12 July 2018, <https://bbc.in/2utQhHt>; Reuters, *Syrian Rebels Pull Out of Their Last Besieged Area*, 16 May 2018, <https://reut.rs/2rNK8EJ>; France 24, *Syrian Army Claims Recapture of Eastern Ghouta*, 15 April 2018, <http://f24.my/2qia.T>.

²⁵ Seit Ende 2017 haben die Regierungstruppen Gebiete von ISIS zurückerobert, einschließlich der Städte Deir Ez-Zour und Albu Kamal in der Provinz Deir Ez-Zour (November 2017), der Wohngebiete Yarmouk, Qadam, Hajar al-Aswad und Tadamon im Süden von Damaskus (Mai 2018) und der Region al-Safa im Südosten von Syrien (November 2018); Reuters, *Syrian Army Advances Against Islamic State in Southeastern Desert*, 18 November 2018, <https://reut.rs/2PAUwyl>; BBC, *Syria War: IS Militants 'Leave Damascus Suburbs'*, 20 May 2018, <https://bbc.in/2lZ2sLT>.

²⁶ "Over the past few months the conflict in Syria has shifted away from large-scale military hostilities, with various parties to the conflict now consolidating their control over civilian populations"; Global Centre for the Responsibility to Protect, *Syria*, 15 January 2021, <http://bit.ly/37Mg2XW>. Siehe auch, Syrian Observatory for Human Rights (SOHR), *12th Month in a Row: Regime Aircraft Halt Aerial Operations in "De-Escalation Zone", and Continue Their Airstrikes on Syrian Desert*, 20 February 2021, <http://bit.ly/3uz5wNM>; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, <https://bit.ly/3ef9jGi>.

Süden eingeschränkt und nur schwach ausgeprägt.²⁷ Die syrische Regierung hat wiederholt gelobt, ganz Syrien zurückzuerobern.²⁸

b) Konflikt im Nordwesten: Eskalation und Waffenstillstand

Teile der Provinz Idlib und benachbarter Regionen in Hama, Aleppo und Latakia²⁹ werden weiterhin *de facto* von HTS und/oder anderen bewaffneten oppositionellen Gruppen kontrolliert.³⁰ Trotz des Memorandums über die Stabilisierung der Situation in der Deeskalationszone Idlib, das am

²⁷ Der syrische Wissenschaftler Abdullah al-Jabassin stellt in Bezug auf die Regierung fest: *“proclaimed military victory and the physical return of its institutions does not mean the restoration of security and stability”*; Washington Post, *Escalating Violence in Strategic Syrian city Belies Assad’s Claim that He’s in Control*, 24 November 2020, <https://wapo.st/39tFR0D>. *“To assert that the Syrian Government has regained control over the majority of the Syrian Arab Republic, however, should not be misunderstood as denoting the type of control it enjoyed prior to 2011. Indeed, in significant parts of areas reclaimed from opposition control, government authority is often nominal, and/or requires a heavy military presence”*; UN Economic and Social Commission for Western Asia (ESCWA), *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 18. *“Even in territory that it ostensibly holds, the Syrian government has limited control over the predatory activity of its intelligence apparatus, pro-government militias, and reconciled factions”*; The Cairo Review of Global Affairs, *Syria’s Prospects for Reconstruction Are Bleak*, 23 August 2020, <https://bit.ly/3glAGd6>. *“In reality, the Government of Syria’s security presence in much of southern Syria is superficial, patchy, and ineffective”*; Center for Operational Analysis and Research (COAR), *Syria Update: 3 August 2020*, 3 August 2020, <https://bit.ly/33lvZmJ>. *“But while Homs Governorate has reverted back to regime control, this means little on the ground, especially in the governorate’s southern and northern rural areas, because the regime is hardly visible. In many areas it has been relegated to an intelligence gathering role instead of taking on responsibilities for the welfare of citizens with a monopoly over military power. The intelligence services also compete for control among themselves and fail to coordinate their activities”*; Carnegie Middle East Center (Carnegie MEC), *Homs, a Divided Incarnation of Syria’s Unresolved Conflict*, 15 May 2020, <https://bit.ly/3iZgWEI>. Der Forscher Heiko Wimmen von der International Crisis Group (ICG) erklärt: *“[I]n many areas that the regime recaptured, it is not so clear who actually holds control”*; Al Jazeera, *Tensions Escalate in Deraa, ‘Cradle of the Syrian Revolution’*, 5 March 2020, <https://aje.io/5y8sb>. *“The regime has recaptured large swaths of territory and now holds 60 percent of the country. However, its control outside Damascus is tenuous, in part because it lacks the forces to secure the areas it retakes, but also because it pursues punitive policies against local populations”*; Syria Study Group, *Final Report and Recommendation*, September 2019, <https://bit.ly/2utiEsV>, p. 7. Während einige zurückeroberte Gebiete wie Ost-Aleppo, Ost-Ghouta und Süd-Damaskus der uneingeschränkten Kontrolle der Regierung unterfielen, haben nichtstaatliche bewaffnete Gruppen in Teilen der Provinz Dera’a unter der Schirmherrschaft von Russland „Versöhnungsabkommen“ ausgehandelt, die ihnen eine relative Autonomie garantieren und das Recht zusichern, leichte Waffen zu behalten. Die Präsenz der Regierung ist in diesen Gebieten auf zivile und Verwaltungsinstitutionen beschränkt, während die nichtstaatlichen bewaffneten Gruppen, mit denen Versöhnungsvereinbarungen getroffen wurden, weiterhin die tatsächliche militärische Kontrolle ausüben. Eine ähnliche Vereinbarung in den ländlichen Teilen von Nord-Homs endete im Oktober 2018, als Russland der syrischen Regierung die Kontrolle übergab (mit Ausnahme der Stadt Talbiseh); HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html; OHCHR, *Press Briefing Note on Dar’a*, 21 May 2019, <https://bit.ly/2lXz7RZ>; Atlantic Council, *The Aftershocks of Reconciliation in Syria: Reflections on the Past Year*, 17 April 2019, <https://bit.ly/2lSKP0d>. Siehe auch Kapitel II.B.1.b.

²⁸ PBS, *Syria’s Assad Vows to Continue Retaking Territory, Despite Turkish Opposition*, 17 February 2020, <https://to.pbs.org/38MQcCo>; The New Arab, *Syria Regime Forces on Edge of Key Rebel-Held Town amid Heavy Bombardment*, 26 January 2020, <https://bit.ly/312crAk>.

²⁹ *“Idlib governorate and its environs – comprising rural northern Ladhqiyyah, north-western Hama, and western Aleppo – is one of the last remaining areas beyond Government control in the Syrian Arab Republic”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2 July 2020, A/HRC/44/61, www.ecoi.net/en/document/2035513.html (im Folgenden: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html), para. 5. *“Idlib is also strategically important to the government. It borders Turkey to the north and straddles highways running south from the city of Aleppo to the capital Damascus, and west to the Mediterranean city of Latakia”*; BBC, *Syria War: Why Does the Battle for Idlib Matter?*, 18 February 2020, <https://bbc.in/2UQ4Gf7>. Siehe auch European Council on Foreign Relations (ECFR), *A New Gaza: Turkey’s Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, pp. 7-8; USIP, *After Nine Years, Syria’s Conflict Has only Become more Complicated*, 12 March 2020, <https://bit.ly/3ibGca5>. Auch der sogenannte Konfliktschärfungskorridor al-Tanf in der Provinz Homs wird weiterhin von bewaffneten oppositionellen Gruppen kontrolliert. Die 55 km lange Konfliktschärfungszone wurde 2016 von den US-Streitkräften eingerichtet, um US-Truppen am al-Tanf-Militärstützpunkt in der Nähe der jordanischen und der irakischen Grenze im Südosten Syriens zu schützen. Der al-Tanf-Militärstützpunkt wurde im Rahmen des Kampfs der US-Regierung gegen ISIS eingerichtet; ICG, *Al-Tanf, Syria*, letzte Aktualisierung am 25. Februar 2021, <https://bit.ly/2VqMf2O>.

³⁰ HTS hat ihre Kontrolle über weite Teile der Provinz Idlib konsolidiert, als sie Anfang 2019 Gruppen besiegte, die unter dem Dach der mit der Türkei verbundenen National Liberation Front (NLF) operierten. Schätzungen zufolge kontrolliert HTS über 90 % der Provinz Idlib und außerdem angrenzende Gebietsstreifen im Nordosten der Provinz Latakia, im Norden der Provinz Hama und im Westen der Provinz Aleppo; Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, <https://bit.ly/3629DWP> (einschließlich Landkarte mit HTS-kontrollierten Gebieten); Carter Center, *The Armed Opposition in Northwest Syria*, 15 May 2020, <https://bit.ly/2Z2m8Q4>, p. 7. Im Juli 2020 befanden sich laut UN-Schätzungen zwischen 12.000 und 15.000 HTS-Kämpfer in Idlib und Umgebung; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 5. Dagegen hat das US-Außenministerium im Juni 2020 geschätzt, dass sich in Syrien zwischen 5.000 und 10.000 HTS-Kämpfer befanden; US Department of State, *Country Report on Terrorism 2019: Islamic State of Iraq and Syria (ISIS)*, 24 June 2020, www.ecoi.net/en/document/2032625.html. Siehe auch Kapitel II.B.3.

17. September 2018 von Russland und der Türkei vereinbart wurde,³¹ fand in dem Gebiet seit April 2019 eine weitreichende, von der Regierung angeführte militärische Eskalation statt, die zu zahlreichen zivilen Opfern und „der größten Vertreibungswelle des syrischen Konflikts“ führte.³² Ein fragiler Waffenstillstand, der Anfang März 2020 von der Türkei und Russland vermittelt wurde, wird grundsätzlich eingehalten, doch besteht die Gefahr, dass er – wie frühere Waffenstillstandsvereinbarungen – gebrochen wird, da weiterhin Auseinandersetzungen und eine Verstärkung der Militärpräsenz auf allen Seiten gemeldet werden.³³

c) „Operation Friedensquelle“ in Nordsyrien

Gruppen, die mit der SNA verbunden sind und von der Türkei unterstützt werden³⁴, führten drei verschiedene Militäroffensiven – zuletzt die „Operation Friedensquelle“ im Oktober 2019 – in Nordsyrien durch und kontrollieren *de facto* Gebiete entlang der Grenze zur Türkei.³⁵ Infolge der

³¹ Im Mai 2017 handelten die drei Astana-Garanten Türkei, Iran und Russland ein Deeskalationsabkommen aus, das vier Zonen betraf, die sich in der Provinz Idlib und benachbarten Regionen (Teile der Provinzen Aleppo, Hama und Lattakia), nördlichen Gebieten der Provinz Homs, Ost-Ghouta und entlang der jordanischen Grenze in Südsyrien (Teile der Provinzen Dera'a und Quneitra) befanden. Anschließend haben die Regierungstruppen alle Zonen außer der sogenannten „Idlib-Deeskalationszone“ zurückerobert. Um das Deeskalationsabkommen zu schützen und einer geplanten Offensive der Regierung Einhalt zu gebieten, vereinbarten Russland und die Türkei im September 2018 ein Memorandum of Understanding, in dem u. a. der Abzug bewaffneter Truppen und schwerer Waffen aus einer 15-20 km langen entmilitarisierten Zone entlang der Grenze im Nordwesten vorgesehen war. Während sich die bewaffneten oppositionellen Gruppen, die unter dem Banner der von der Türkei unterstützten NLF kämpften, aus der entmilitarisierten Zone zurückzogen, übernahm HTS, die die Vereinbarung nicht akzeptierte, im Januar 2019 die Kontrolle über fast die gesamte Deeskalationszone. Seit Februar 2019 haben die Regierungstruppen die militärischen Operationen in Idlib ausgeweitet und zur Eskalation gebracht; BBC, *Syria War: Why Does the Battle for Idlib Matter?*, 4 June 2019, <https://bbc.in/2NH7RQG>; Russia / Turkey, *Memorandum on Stabilisation of the Situation in the Idlib De-escalation Area*, 17 September 2018, <https://bit.ly/2X2IZrY>; Reuters, *Russia and Turkey Agree to Create Buffer Zone in Syria's Idlib*, 17 September 2018, <https://reut.rs/2Niy9ga>; Ministry of Foreign Affairs of the Russian Federation, *Memorandum on the Creation of De-Escalation Areas in the Syrian Arab Republic*, 6 May 2017, <https://bit.ly/32zMZnl>. Siehe auch Kapitel II.B.3.

³² UN News, *Syria: UN Food Relief Agency 'Doing Everything We Can' to Reach Idlib Civilians*, 4 March 2020, <https://shar.es/abnzOj>. Siehe auch Kapitel II.D.

³³ *Idlib Governorate and surrounding areas remained the epicentre of confrontation between pro-government forces and opposition armed groups during the first half of 2020. While the ceasefire starting on 5 March offered respite, sporadic fighting between progovernment forces and terrorist groups resumed in May and intensified in June [2020], including around the Ghab plain and Jabal al-Zawiya, in the southern countryside of Idlib Governorate*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/45/31, 14 August 2020, www.ecoi.net/en/document/2037646.html (im Folgenden: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html), para. 4. Siehe auch Kapitel II.B.3.

³⁴ Andere Bezeichnung: TFSA (Turkish-backed Free Syrian Army). Die Gründung der Syrischen Nationalen Armee (SNA), die aus einem Zusammenschluss Dutzender bewaffneter, der Freien Syrischen Armee (FSA) verbundener Splittergruppen in Afrin und der nördlichen Umgebung von Aleppo entstand, wurde am 30. Dezember 2017 in Azaz offiziell verkündet. Am 4. Oktober 2019 schloss sich die in Idlib basierte NLF der SNA an, um eine gemeinsame Armee unter dem Dach des Verteidigungsministeriums der syrischen Übergangsregierung (SIG) mit Sitz in Azaz (Provinz Aleppo) zu bilden. Anschließend führte die SNA die „Operation Friedensquelle“ in Nordsyrien an; Syria Direct, *The Syrian National Army: For the Syrian Revolution or Against the Kurds?*, 15 October 2019, <https://bit.ly/34QrrSJ>; Al-Monitor, *Merger Solidifies Opposition in Syria, Boosts Turkey's Forces*, 14 October 2019, <http://almon.co/39mn>; Middle East Institute (MEI), *Turkish-Backed Syrian Armed Opposition Groups to Unite under One Banner*, 4 October 2019, <https://bit.ly/36V09wa>. Die SNA, im Dezember 2020, *controls 8,835 square kilometers. Those territories include more than 1,000 towns and cities, inhabited by about 1.2 million people, including Afrin, Tal Abyad, Ras al-Ain, al-Bab, Azaz, Dabiq, Jarablus, Jandarees, Raju and Sheikh al-Hadid*; siehe Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, <https://bit.ly/37xJCRq>, p. 26; siehe auch S. 26-28 für Informationen zum Aufbau der SNA.

³⁵ Mit Unterstützung der SNA führte die Türkei drei verschiedene militärische Offensiven in Nordsyrien durch. Während der Operation „Schutzschild Euphrat“ (August 2016 bis März 2017) übernahmen türkische Streitkräfte und mit ihnen verbundene syrische bewaffnete oppositionelle Gruppen die Kontrolle der Distrikte Jarablus und Azaz sowie der Stadt al-Bab in der Provinz Aleppo. Anschließend wurden die „Operation Olivenzweig“ (Januar bis März 2018) durchgeführt und der Distrikt Afrin (Provinz Aleppo) eingenommen. Am 9. Oktober 2019 startete die Türkei mit der Unterstützung syrischer bewaffneter oppositioneller Gruppen eine Militäroffensive („Operation Friedensquelle“) gegen die von den Syrian Democratic Forces (SDF) kontrollierten Gebiete entlang der türkischen Grenze. *According to Turkish officials, the operation had three objectives: ensuring border security; 'neutralising' terrorists; and establishing a 'safe zone' in which Syrian refugees now living in Turkey could resettle*; ICG, *Steadying the New Status Quo in Syria's North East*, 27 November 2019, <https://bit.ly/2B60HEk>, pp. 2-3. *Turkey has been occupying parts of northern Syria since its armed incursion in August 2016*; Geneva Academy / RULAC, *Military Occupation of Syria by Turkey*, letzte Aktualisierung 15. Juli 2020, <https://bit.ly/2omoNnT>. Siehe auch, HRW, *Illegal Transfers of Syrians to*

Offensiven haben sich die Gebiete reduziert, die *de facto* von den SDF kontrolliert werden.³⁶ Zum Zeitpunkt der Erstellung dieses Dokuments herrscht an den Fronten ein fragiler Zustand der Ruhe, der durch Zusammenstöße und Vorfälle wechselseitigen Artilleriebeschusses zwischen den SDF und den von der Türkei unterstützten Truppen unterbrochen wird,³⁷ während die Region zusätzlich durch regelmäßige Angriffe mit unkonventionellen Spreng- und Brandvorrichtungen (USBV) in Orten, die *de facto* von SNA-nahen bewaffneten Gruppen kontrolliert werden, destabilisiert wird.³⁸

d) ISIS: Verlust der territorialen Kontrolle

Ende März 2019 hatte ISIS aufgrund intensiver Luft- und Bodenangriffe die physische Kontrolle des Territoriums in Syrien an die SDF bzw. die syrischen Regierungstruppen verloren und eine erhebliche Einbuße seiner operativen Kapazitäten hinnehmen müssen.³⁹ Berichten zufolge ist die Gruppe seitdem jedoch – vor allem in entlegenen Landesteilen – wiedererstarkt und verübt weitere Angriffe, die sich überwiegend gegen die Regierungstruppen sowie gegen die SDF richten.⁴⁰ Im August 2020 wurden

Turkey, 3 February 2021, www.ecoi.net/en/document/2044641.html. "In towns under direct Turkish rule, such as Tel Abyad and Jarablus, Ankara provides all essential services and has a hand in governance, in line with its policy of ensuring that the areas are dominated by a pro-Turkey demographic group. (...) Ankara has created administrative bodies enmeshed with its domestic bureaucracy and heavily invested in civic infrastructure. (...) Turkey pays the salaries of all local civilian and military personnel"; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 10. Für eine Karte mit den von der Militäroffensive betroffenen Gebieten siehe ISW, *Map: Turkey's New Syria Offensive*, 11 October 2019, <https://bit.ly/2J9yHAW>. Für nähere Informationen zur „Operation Friedensquelle“ siehe Kapitel II.B.4.b.

³⁶ Die SDF wurden 2015 gegründet und sind ein Bündnis aus den Volksschutzeinheiten (YPG), arabischen Stämmen, assyrischen Milizen und Splittergruppen, die der FSA nahestehen. Die YPG sind der bewaffnete Flügel der Partei der Demokratischen Union (PYD), die seit dem Rückzug der Regierungstruppen im Juli 2012 zur wichtigsten politischen Kraft in den kurdisch dominierten Gebieten geworden ist. Berichten zufolge spielen die YPG bei SDF-Operationen eine tragende Rolle. Die SDF haben ISIS in mehreren Gebieten entmachtet und fast das gesamte Territorium erobert, das die Gruppe östlich und nördlich des Euphrat in den Provinzen Raqqa, Deir Ez-Zour und Hassakeh kontrollierte. Darüber hinaus kontrollieren die SDF seit 2016 die Stadt Manbij, die sich westlich des Euphrat im östlichen Teil der Provinz Aleppo befindet. Die letzte ISIS-Hochburg, die Stadt Baghuz in der Provinz Deir Ez-Zour, wurde von den SDF im März 2019 eingenommen; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 12, 17; France 24, *Islamic State Group Caliphate Eliminated, Say US-Backed Syrian Forces*, 23 March 2019, <http://f24.my/4dPM.T>; Al Jazeera, *Syria: SDF Fighters Capture ISIL Pocket in Deir Az Zor*, 14 December 2018, <https://aje.io/2n7eg>; New York Times, *Raqqa, ISIS 'Capital,' Is Captured, U.S.-Backed Forces Say*, 17 October 2017, <https://nyti.ms/2kVsNcl>; The Guardian, *US-Backed Fighters Take Town of Manbij from ISIS*, 6 August 2016, <https://bit.ly/2nrzrtu>. Die Türkei hält die YPG für eine terroristische Vereinigung, da die Organisation Verbindungen zur Kurdischen Arbeiterpartei (PKK) hat: "The Turkish government and courts regard the PYD and YPG as one and the same, and closely linked to the armed Kurdistan Workers' Party (PKK) with which Turkey has been in a decades' long conflict in Turkey"; HRW, *Illegal Transfers of Syrians to Turkey*, 3 February 2021, www.ecoi.net/en/document/2044641.html. Siehe auch, US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 66.

³⁷ "In the north-east of the country, while joint Turkish-Russian military patrols resumed along the Syrian-Turkish border, periodic clashes between the Kurdish People's Protection Units, the Syrian National Army and Turkish military forces continued"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 5. Siehe auch Kapitel II.B.2.

³⁸ Siehe Kapitel II.B.4.

³⁹ Zwischen 2016 und 2019 hat ISIS in ganz Syrien die Gebietskontrolle verloren, einschließlich in den Provinzen Raqqa, Deir Ez-Zour, Ost-Aleppo, Ost-Homs, Süd-Damaskus, Damaskus-Umgebung (Qalamun), Hassakeh und in Süd-Syrien. "The Islamic State's 'caliphate' has been eliminated, but the group retains sufficient intelligence penetration and capability to conduct sophisticated IED attacks in much of Syria, particularly along the Euphrates and Khabur rivers, and in the Homs and Suwayda deserts"; Garda World, *Syria Country Report*, letzte Aktualisierung 15. Juli 2020, <http://bit.ly/2nlk99n>. "Iraq and the Syrian Arab Republic remain the primary focus of the objectives of ISIL. The group maintains clandestine cells pursuing a protracted insurgency. The cells are given a significant degree of tactical autonomy by the central leadership. (...) ISIL fighters operate freely on the Syrian side of the [Syria-Iraq] border in and around Dayr al-Zawr. Member States report that ISIL engages with smugglers operating across the border between the two countries. An estimated 10,000 ISIL fighters are believed to remain active in Iraq and the Syrian Arab Republic, the majority of whom are based in Iraq"; UNSC, *Twelfth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, 29 January 2021, S/2021/98, <https://bit.ly/2NvRTow>, paras 19-20. Im Juni 2020 schätzte das US-Außenministerium, dass ISIS im Irak und in Syrien über 11.000 bis 18.000 Kämpfer verfügte, einschließlich mehrerer Tausend ausländischer Kämpfer; US Department of State, *Country Report on Terrorism 2019: Islamic State of Iraq and Syria (ISIS)*, 24 June 2020, www.ecoi.net/en/document/2032625.html.

⁴⁰ "ISIS is reconstituting and expanding attack zones in northern and central Syria. (...) The increasing severity and geographic area of ISIS attacks likely indicates the organization is successfully expanding its freedom of action in Syria. Continued releases of ISIS militants and family members by the Syrian Democratic Forces (SDF) will likely provide ISIS with veteran fighters and

ISIS die Tötung eines russischen Generalmajors in der Nähe von Deir Ez-Zour und die Sprengung einer Gas-Pipeline bei Damaskus zugeschrieben.⁴¹

2) Die wichtigsten politischen Entwicklungen

Zum Zeitpunkt der Erstellung dieses Dokuments laufen noch immer Verhandlungen zwischen der syrischen Regierung, dem oppositionellen Syrian Negotiations Committee und wichtigen regionalen und internationalen Akteuren im Rahmen des Genfer Kommuniqués von 2012 unter der Vermittlung der Vereinten Nationen, wobei der Entwurf einer neuen Verfassung im Vordergrund steht.⁴² Der gesonderte, komplementäre Astana-Prozess konzentriert sich auf die Stabilisierung der Deeskalationszone Idlib.⁴³ Der UN-Sondergesandte für Syrien stellte im Januar 2021 fest, dass der politische Prozess „bislang weder reale Veränderungen für das Leben der syrischen Bevölkerung, noch eine reale Aussicht für die Zukunft gebracht hat.“⁴⁴

enable it to further expand its operations“; ISW, *Syria Situation Report: November 11 - December 1, 2020*, 3 December 2020, <https://bit.ly/2lvgh6S>. “Both the Syrian Democratic Forces and pro-government forces experienced an increase in the number of attacks by Islamic State in Iraq and the Levant (ISIL) cells“; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020): Report of the Secretary-General*, S/2020/813, 20 August 2020, www.ecoi.net/en/document/2036556.html (im Folgenden: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html), para. 9. Im März 2020, “ISIS called on its members to take advantage of COVID-19’s spread to intensify their global war. While there have been no major security breakdowns in north-eastern Syria to date, sporadic incidents of violence raise concerns about the jihadist group’s remaining presence. ISIS has maintained a drumbeat of low-level attacks across the region, despite being geographically and organisationally fractured. It has shown a certain resilience, notwithstanding its territorial defeat and the loss of its top leadership. Its fighters have carried out roadside bombings, drive-by shootings and assassinations targeting local Arab SDF elements, in particular. Its cells have also coalesced to set up checkpoints and extort money from traders crossing Syria’s eastern desert“; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html. Laut Washington Institute hat ISIS in dem Jahr nach dem Verlust seines letzten Gebiets in Baghuz am 19. März 2019 für insgesamt 973 Anschläge in Syrien die Verantwortung übernommen. Davon betroffen waren die folgenden Provinzen: Deir Ez-Zour (580 Anschläge), Raqqa (150), Hassakeh (141), Homs (48), Dera’a (33) sowie Aleppo, Damaskus und Quneitra. Darüber hinaus stellte das Washington Institute fest: “IS command-and-control infrastructure thus appears intact“; Washington Institute, *A Year Since Baghuz, the Islamic State Is Neither Defeated nor Resurging (Yet)*, 25 March 2020, <https://bit.ly/2N5PxBX>. Siehe auch Kapitel II.B.1 und II.B.2.

⁴¹ Reuters, *Syria Gas Pipeline Explosion ‘Almost Certainly’ ISIS Strike: US Envoy*, 24 August 2020, <https://bit.ly/325PezG>; Al-Monitor, *Russian Major General Killed in Roadside Bomb in Syria’s Deir ez-Zor*, 21 August 2020, <https://bit.ly/35dpTFK>.

⁴² Am 16. September 2019 verkündeten der türkische, der russische und der iranische Präsident, dass eine Einigung über die Zusammensetzung des Verfassungsausschusses erzielt worden sei. Da ein inklusiveres Regierungssystem geschaffen werden soll, setzt sich der 150 Mitglieder zählende Verfassungsausschuss wie folgt zusammen: 50 Mitglieder entstammen der Regierung, 50 Mitglieder der Opposition und 50 Mitglieder repräsentieren „syrische Experten, Zivilgesellschaft, Unabhängige, Stammesführer und Frauen“ und werden von den Vereinten Nationen ernannt. Fünf aufeinanderfolgende Treffen des „Kleinen Plenums“ des Ausschusses, das aus 45 Vertretern besteht, waren durch anhaltende Differenzen zwischen den Vertretern der Regierung und der Opposition gekennzeichnet. Geir Pedersen, der UN-Sondergesandte für Syrien wurde mit den Worten zitiert, es fehle an Vertrauen und Zuversicht, an politischem Willen zum Kompromiss und an politischem Raum für Kompromisse; UN News, *Without ‘Constructive International Diplomacy’ Syria’s Peace Process Will not Move Forward*, 9 February 2021, <https://shar.es/aokzsO>. Das ISW beobachtete, der Verfassungsausschuss “is unlikely to produce any meaningful proposals“; ISW, *Syria Situation Report: January 8 - 29, 2021*, 29 January 2021, <https://bit.ly/2NUg88T>. “Despite the creation of a UN-facilitated constitutional committee, political negotiations remain at a virtual standstill. The committee, formed to bring Syrian parties together, was delayed in meeting, is not fully representative, and has failed to show concrete results thus far“; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. Siehe auch, UN News, “We Can’t Continue like this’: UN Envoy’s Grim Assessment of Syria Peace Process, 29 January 2021, <https://shar.es/aokzvT>; MEI, *Syria’s Constitutional Committee: The Devil in the Detail*, 6 January 2021, <http://bit.ly/3bvhlC3>; Voice of America (VOA), *Syrian Constitutional Talks Marked by Differences, Tensions*, 4 December 2020, <https://bit.ly/2JZL85A>;

⁴³ Mitte Februar 2021 nahmen Vertreter von Russland, dem Iran, der Türkei, der syrischen Regierung und der syrischen Opposition sowie Beobachter des Irak, des Libanon, Jordaniens und der UN an Gesprächen teil. Laut des ISW, “[R]eadouts from the sessions do not indicate any meaningful developments“; ISW, *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, <https://bit.ly/3bqJ5hQ>.

⁴⁴ Der UN-Sondergesandte für Syrien sagte darüber hinaus, “millions inside the country and the millions of refugees outside, are grappling with deep trauma, grinding poverty, personal insecurity, and lack of hope for the future“; UN News, *Decade of Conflict Triggering ‘Slow Tsunami’ Across Syria, Security Council Hears*, 20 January 2021, <https://shar.es/aokz9m>. “Armed combat had declined in most of the country as the conflict entered its ninth year. Despite the multiple peace processes, however, there has been no comprehensive political settlement“; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 24.

Die Parlamentswahlen fanden am 19. Juli 2020 statt,⁴⁵ die Präsidentschaftswahlen sind für 2021 angesetzt.⁴⁶

B. Sicherheitslage (nach Gebieten unterteilt)

1) Sicherheit in den von der Regierung kontrollierten Gebieten, einschließlich zurückerobelter Gebiete

a) Sicherheit in durchgängig von der Regierung kontrollierten Gebieten

Mehrere Städte, einschließlich Aleppo, Damaskus, Homs, Hama und Suweida blieben während des Konflikts weitgehend unter der Kontrolle der Regierung, wurden jedoch von bewaffneten oppositionellen Gruppen aus den angrenzenden Gebieten angegriffen. Die Sicherheitslage in diesen Städten hat sich seit der Rückeroberung dieser angrenzenden Gebiete durch die Regierung relativ verbessert.⁴⁷ In einigen Städten – einschließlich Damaskus – hat sich die Zahl der festen Kontrollstellen reduziert, was die Bewegungsfreiheit verbessert hat; allerdings wird gemeldet, dass Kontrollstellen in den Gebieten, die von der Regierung kontrolliert werden, allgegenwärtig sind, insbesondere an strategischen Orten und in zurückeroberten Gebieten.⁴⁸ In den von der Regierung kontrollierten Gebieten werden Kontrollstellen weiterhin zur Überwachung von Migrationsbewegungen⁴⁹, zur

⁴⁵ Parlamentswahlen, die während der COVID-19-Pandemie zweimal verlegt werden mussten, wurden in den von der Regierung gehaltenen Teilen Syriens am 19. Juli 2020 durchgeführt. Es war das dritte Mal seit dem Jahr 2011, dass Parlamentswahlen abgehalten wurden; Deutsche Welle (DW), *Syria: Assad's Party Wins Expected Majority in Parliamentary Polls*, 21 July 2020, <https://p.dw.com/p/3ffl4>. Oppositionelle Parteien und die Autonome Administration von Nord- und Ostsyrien (AANES) lehnten die Wahlen ab; COAR, *Syria Update: 20 July 2020*, 20 July 2020, <https://bit.ly/3fN1HN9>.

⁴⁶ DW, *Syria Holds Parliamentary Elections amid New Sanctions, Crippling Economy*, 19 July 2020, <https://p.dw.com/p/3fXos>; Reuters, *Syria's Assad: Anybody Will Be Able to Run at 2021 Election*, 11 November 2019, <https://reut.rs/32wIPeJ>.

⁴⁷ "(...) fighting around Damascus ended last year after a series of massive government offensives, reflecting a wider increase in state control around the country (...)", Reuters, *Film Cameras Start to Roll again in Damascus Studios*, 26 March 2019, <https://reut.rs/2uskc35>. Siehe auch United Nations (UN). *Despite Reduced Hostilities in Syria, Millions Still Need Access to Aid, Top Humanitarian Affairs Official Tells Security Council*, 29 October 2018, SC/13558, <https://bit.ly/2qiYgp4>.

⁴⁸ Die Kontrollstellen befinden sich an den Eingängen zu Städten bzw. Dörfern und auf großen Verbindungsstraßen (Verbindungsstraße von/nach Libanon, Flughafen Damaskus und Autobahn M5, die von der jordanischen Grenze durch Dera'a, Damaskus, Homs, Hama und Aleppo bis zur türkischen Grenze verläuft). In den zurückeroberten Gebieten gibt es besonders viele Kontrollstellen. Syrians for Truth and Justice (STJ) stellt z. B. in Bezug auf die Provinz Quneitra fest: "the Military Security Service has established several checkpoints at the entrances to and exits of the villages of the northern, central and southern suburbs of the province, such as the ones in the towns and villages of Khan Arnabeh, Juba, Suwaisah, al-Rafeed, Qusaybiya and Ghadeer al-Bustan". Zudem können mobile Kontrollstellen ohne Vorankündigung eingerichtet werden, u. a. während Verhaftungs- und Rekrutierungskampagnen; STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>. Siehe auch SOHR, *Regime Forces Establish Nearly 100 New Checkpoints and Military Posts since Re-Capturing the Province in July 2018*, 19 November 2020, <https://bit.ly/39rkTzI>; Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta... Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, <https://bit.ly/3h5ItEx>; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 4.

⁴⁹ "(...) we have recorded arrests of Syrian citizens by Syrian regime forces while they were traveling from areas under the Syrian regime's control to other areas"; Syrian Network for Human Rights (SNHR), *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, <https://bit.ly/3nn9MLV>, p. 5 (und frühere Berichte von SNHR). "The regime expanded security checkpoints into civilian areas to monitor and limit movement"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "A network of checkpoints remained across 'reconciled areas', including in Dar'a and eastern Ghutah, in contravention of the assurances made during 'reconciliation processes'. This has severely restricted the freedom of movement of the civilian population, primarily affecting adult men who feared apprehension and forced conscription. Recently, the use of rapidly deployed ad hoc checkpoints in Duma, has instilled additional fear among the population"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 73. "The regime and its security apparatus have established at least 88 checkpoints in East Ghouta, and residents report constant harassment and summary detentions. Extortion is common, and local residents are forced to pay exorbitant bribes at checkpoints to pass freely"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 4.

Vornahme von Verhaftungen (oftmals auf der Grundlage von Fahndungslisten, die von verschiedenen Sicherheitsakteuren geführt werden)⁵⁰ und zur Erpressung von Bestechungsgeldern⁵¹ genutzt.

In städtischen und vorstädtischen Gebieten finden auch gelegentlich Angriffe, unter anderem durch USBV, auf Zivilpersonen und Regierungstruppen statt.⁵² Diese Gebiete sind zudem von steigender

⁵⁰ Wie stark an den Kontrollstellen kontrolliert wird, hängt von zahlreichen Faktoren ab, einschließlich des Standorts, der Sicherheitsbehörde, die für die jeweilige Kontrollstelle zuständig ist, des Profils der Person, die die Kontrollstelle passieren möchte, und der tagesaktuellen Sicherheitslage. Personen, die eine Kontrollstelle passieren möchten, müssen sich gegebenenfalls mit einem Identitätsdokument ausweisen und ihren „Versöhnungsausweis“ vorlegen (Personen aus zurückeroberten Gebieten), und möglicherweise werden ihre Mobiltelefone überprüft (z. B. wird nach türkischen Nummern gesucht, die darauf hindeuten, dass die betreffende Person mit Verwandten in Gebieten, die von der Opposition kontrolliert werden, kommuniziert hat). Die Sicherheitsbeamten verwenden Fahndungslisten, um Personen zu finden, die für den Militärdienst rekrutiert werden sollen oder denen Straftaten vorgeworfen werden. *“A significant number of former detainees interviewed were arrested at military or security checkpoints. Those arrests were the result of the inclusion of their names on official government wanted lists, or due to behavior deemed suspicious by security forces”*; Physicians for Human Rights (PHR), *“My only Crime was Being a Doctor”: How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture*, December 2019, <https://bit.ly/3b3dVj1>, p. 18. *“As they pass through the dozens of checkpoints across the region [Eastern Ghouta], residents and travelers have their names checked by intelligence forces and can be arrested on the spot if they are wanted for any reason. (...)”*; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 9. Das niederländische Außenministerium zitiert vertrauliche Quellen und stellt fest: *“[A]lmost all checkpoints of the Syrian authorities are able to check a person’s background and their status as regards military service. Background checks are thought to be made with six different government agencies (security services and the army). A laptop may be present at the checkpoint, on which the names of those passing through can be checked, or telephone inquiries may be made”*; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 53. ICG meldet: *“[S]ecurity forces at checkpoints receive CDs containing the names of wanted individuals, which they read on their laptop computers”*; ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, footnote 67. Siehe auch STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>; European Institute for Peace (EIP), *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, www.ecoi.net/en/document/2018602.html (im Folgenden: EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html), pp. 14, 25, 29, 34. Siehe z. B. SOHR, *Man and His Son among Four Civilians Arrested by Regime Security Services in Western Rif Dimashq*, 25 January 2021, <http://bit.ly/3dSSx3n>; SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, <http://bit.ly/2ZX4flh>; SOHR, *Syrian Regime Forces Arrested a College Student in Damascus City on September 20*, <https://bit.ly/3059znm>; SNHR, *Syrian Regime Forces Arrested a Woman in Damascus City on August 29*, 4 September 2020, <https://bit.ly/3i4qkWD>; SOHR, *Regime Forces Arrest Five Civilians at Their Security Checkpoints*, 2 September 2020, <https://bit.ly/2Ds08pj>; Siehe auch Kapitel III.A.1.a und III.A.2.

⁵¹ *“Being pulled out for questioning at a checkpoint can be particularly dangerous for economically deprived Syrians, a group that includes most refugees and internally displaced people. Without money or well-placed contacts, they are less able to appease al-Assad’s secret police in the customary way, namely by paying bribes and calling in favours”*; The New Humanitarian, *Who Pays the Price for Syria’s Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html. *“Extortion on individuals and cargo is most likely to take place at checkpoints on main roads leading in and out of urban centres and near border crossings with Iraq, Jordan, Lebanon, and Turkey”*; Garda World, *Syria Country Report*, letzte Aktualisierung am 18. Juli 2020, <http://bit.ly/2nlk99n>. *“Checkpoints extracting bribes are a common phenomenon across regime-held Syria.”* Beispielsweise in der Provinz Deir Ez-Zour *“[M]ilitia fighters manning checkpoints positioned on strategic roads levy illegal fees on travelers and transporters of goods, and exact bribes from young men on the threat of conscription or arrest”*; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 23. STJ meldete, dass Sicherheitsbeamte an Kontrollstellen in Quneitra Personen (einschließlich Inhabern von „Versöhnungsausweisen“) unter Androhung von Festnahme oder sofortiger Rekrutierung erpressen; STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>. *“The ubiquitous checkpoints have further enabled members of the security services to extort residents. (...) These restrictions impeded civilians’ access to basic services, including health care and education, and confined those lacking financial resources to their homes. In Duma City, authorizations are required in order to enter and exit. Without such authorizations, residents reported having to pay large bribes at checkpoints to gain access to hospitals to treat their medical conditions”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 74. Siehe auch Al-Monitor, *Pro-Iran Militias in Syria Soak Merchants for Cash at Checkpoints*, 26 December 2020, <http://bit.ly/37WY3y2>; Deir Ezzor 24, *Assad’s Forces Take Money from People of Deir Ezzor under the Name of “Ikramiyat”*, August 2020, <https://bit.ly/34WmpY6>.

⁵² *“Hay’a Tahrir al-Sham and other jihadist groups occasionally target government, civilian, and strategic assets in government-held areas with vehicle-borne IEDs [vehicle-borne improvised explosive devices, i.e. car bombs]”*; Garda World, *Syria Country Report*, letzte Aktualisierung 23. Juli 2020, <https://bit.ly/35el4J0>. *“(…) attacks in Damascus were previously claimed by rebel and hardline Islamist sleeper cells still operating within government-held territory. Last year [2019], the Saraya Qassioun faction announced its formation and subsequently claimed a series of bombings targeting security officers within the capital. Similar so-called resistance groups have claimed similar attacks in other cities around the country, including Homs and Aleppo. (...) Because there have been no claims for the latest bombings, observers suggest it cannot be ruled out that they may be the result of rivalry*

Kriminalität⁵³ und gelegentlichen Zusammenstößen im Rahmen von Machtkämpfen verschiedener regierungsnaher Truppen betroffen.⁵⁴ Der israelischen Luftwaffe wird vorgeworfen, regelmäßig Angriffe auf militärische Stellungen der Regierung und regierungsnaher Truppen in ganz Syrien durchzuführen.⁵⁵ In der Nähe der Fronten in Nordwestsyrien verüben HTS und bewaffnete oppositionelle Gruppen weiterhin Raketen- und Mörserangriffe, die sich überwiegend gegen Stellungen der Regierung richten.⁵⁶

between pro-government actors including intelligence branches”; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, <https://bit.ly/39ybioy>. Für gemeldete Angriffe auf zivile und militärische Ziele siehe z. B. Zaman Al Wasl (oppositionelle Nachrichten-Webseite), *Two Regime Soldiers Killed on Damascus-Suweida Road*, 17 February 2021, <http://bit.ly/3aZj50X>; SOHR, *Al-Quneitra: Gunmen Attack Regime Military Post near the Border with Golan*, 31 January 2021, <http://bit.ly/3kbdRSJ>; SOHR, *Three Regime Soldiers Killed in Attack on Military Checkpoint on Border with the Occupied Golan*, 17 January 2021, <http://bit.ly/3kd1Dcr>; SOHR, *Gunmen Assassinate “National Defense” Member in al-Keswa City*, 8 January 2021, <http://bit.ly/2MbZH7I>; SOHR, *Damascus: IED Explodes and Security Forces Dismantle Another One near Bus Terminal of al-Sumariya Area*, 15 December 2020, <http://bit.ly/2WIAady>; SOHR, *IED Attack: Explosion Kills Two Air-Force Intelligence Agents in al-Quneitra Countryside*, 14 December 2020, <http://bit.ly/383moBM>; SOHR, *Unknown Persons Target National Defense Commander’s House in “Al-Assad Suburb”*, 2 November 2020, <https://bit.ly/3oMN6WP>; SOHR, *Qudsaya: Mufti of Damascus and Countryside Killed in IED Explosion*, 22 October 2020, <https://bit.ly/34sal0k>; SOHR, *IED Attacks: Explosion in Homs’ Baba Amr Injures Five Children*, 3 October 2020, <https://bit.ly/36zkhGF>; SOHR, *Damascus: IED Explodes in “Al-Mazzah 86” Neighbourhood, Causing Material Damage*, 19 September 2020, <https://bit.ly/2ZQzQp2>; Enab Baladi, *Ninth Explosion in Syrian Capital Damascus and Its Countryside since Beginning of 2020*, 14 March 2020, <https://bit.ly/2XRNeYp>.

⁵³ “The escalating conflict has led to a rise in crime in most areas, including extortion at checkpoints, violent robbery, carjacking and kidnapping”; UK Home Office, *Foreign Travel Advice: Syria*, letzte Aktualisierung 22. September 2020, <https://bit.ly/2n4j6dP>. “Crime and warlordism are rampant.” Weiter heißt es: “In coastal areas, the regime relies on paramilitary forces for security. These groups, which are often little more than criminal gangs, are increasingly operating outside regime control. Kidnappings for ransom and car thefts have both become more common over the past year”; Syria Study Group, *Final Report and Recommendation*, September 2019, <https://bit.ly/2utiEsV>, pp. 7, 26. Siehe auch Action Group for Palestinians of Syria (AGPS), *Palestinian Refugees in Syria’s Jaramana Camp Terrorized by Simmering Abductions, Property-Theft*, 7 February 2021, <http://bit.ly/3bBFEYS>; SOHR, *Attempted Robbery: Four People Killed and Wounded in Al-Suwaidaa City*, 16 January 2021, <http://bit.ly/37Bwrye>; SOHR, *2020: 115 Children and Women among over 510 People Kidnapped in Syria, with Afrin and Regime-Held Areas Topping the List*, 27 December 2020, <https://bit.ly/38TOfog>; AGPS, *Palestinian Refugees Deeply Concerned due to Increasing Abduction Reports South of Damascus*, 24 November 2020, <https://bit.ly/3gJQxty>; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, <https://bit.ly/3nn9MLV>, p. 4; SOHR, *Who Controls Rampant Insecurity in al-Ziraa Neighborhood of Latakia?*, 6 July 2020, <https://bit.ly/3feZ2LR>; SOHR, *Damascus: Growing Popular Resentment over Children Kidnappings, amid Concerns of “Organ Trade”*, 3 July 2020, <https://bit.ly/3iyGIET>.

⁵⁴ Beispielsweise: “Competition between Russia and Iran has increased in eastern Deir-ez-Zor Governorate as each party attempts to cement their influence among GoS-backed militias and their own proxies, occasionally resulting in clashes or other armed confrontations escalating from local disputes”; Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, <http://bit.ly/37SB87g>. Siehe auch, SOHR, *Al-Qaryatin City: Dispute over Sharing of Stolen Goods Ignites Tension among Pro-Regime “National Defense” Members, East of Homs*, 26 August 2020, <https://bit.ly/3gEv4AQ>; Carter Center, *Weekly Conflict Summary: 6 - 12 July 2020*, 17 July 2020, <https://bit.ly/2ZFeqeZ>, pp. 4, 5; SOHR, *Daraa: Seven Regime Soldiers and 5th Corps Fighters Killed During Clashes, and Regime Forces Expelled from Towns of Eastern Countryside*, 27 June 2020, <https://bit.ly/2VsFuLU>; SOHR, *Hezbollah Intervenes to Break Up Infighting among NDF Groups in Western Qalamoun*, 9 February 2020, <https://bit.ly/2Y1QSDq>. “(...) security organs and their affiliated militias overlap and contest one another’s access to and control over territory, often violently. Pro-regime factions compete over checkpoints in population centers and along major trade routes, where they generate revenue by extracting from civilians and business people. They also contest key neighborhoods that serve as recruitment pools of former opposition fighters. Tensions among officers, soldiers, militiamen and local police have escalated to arrests of lower-ranking figures, attacks and clashes, and alleged assassinations of one another’s reconciled opposition fighters”; Washington Post, *Assad’s Control over Syria’s Security Apparatus Is Limited*, 30 July 2019, <https://wapo.st/3dU5uHt>.

⁵⁵ DW, *Syria Repels Israeli Missiles over Damascus: State Media*, 28 February 2021, <https://bit.ly/2Pbwr1F>; SOHR, *Airstrikes Hit Iranian Positions Nearby Hama, while Shrapnel of Regime Air-Defence Missiles Kills an Entire Family*, 22 January 2021, <http://bit.ly/2ZCWWh5>; Agence France Press (AFP), *Deadliest Israeli Airstrikes on Syria in Years Kill 57, Say Observers*, 13 January 2021, <http://bit.ly/2Nx3ZH3>; Syria Direct, *How Many Airstrikes Has Israel Carried Out on Syria in 2020? (Interactive Map)*, 16 September 2020, <https://bit.ly/34dXeyv>.

⁵⁶ Im November 2020 “[T]he majority of attacks are directed against positions of government forces near frontlines and hence most victims are from among government and pro-government forces: “The Armed Opposition factions and Hay’at Tahrir al Sham continued their artillery shelling on areas under the control of Syrian Regime forces in the suburbs of Hama, Idlib and Aleppo, in response to bombardment targeting the areas under opposition control; we have the killing of many members of the Syrian Regime forces in the outskirts of the cities of Ma’aret Numan and Kafranbel in the southern suburbs of Idlib”; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, <https://bit.ly/3mZNCzv>, p. 4. Siehe auch SOHR, *Two Regime Soldiers Killed in Rural Latakia and Idlib, and Exchange of Fire Continues on Frontlines*, 1 December 2020, <https://bit.ly/39Vhh9h>; SOHR, *HTS Attacks Regime Positions in Western Aleppo, and Regime Rocket Attacks Hit Towns and Villages in Rural Idlib*, 15 November 2020, <https://bit.ly/39YrdPg>; und Kapitel II.B.3. Für Angriffe auf zivile Gebiete siehe auch Kapitel III.A.3 und III.A.8.a.

In allen von der Regierung kontrollierten Gebieten kommt es weiterhin zu willkürlichen Festnahmen, Isolationshaft, Misshandlung einschließlich Folter sowie außergerichtlichen Hinrichtungen,⁵⁷ und Berichten zufolge ist das Klima in der Zivilbevölkerung von allgegenwärtiger Angst geprägt.⁵⁸

b) Sicherheit in zurückeroberten Gebieten

Die Gebiete, die von der Regierung seit 2018 im Rahmen ihrer Militäroffensiven und Belagerungen zurückerobert wurden, haben sich relativ stabilisiert, da die Belagerungen aufgehoben sowie Luftangriffe und Artilleriebeschuss weitgehend eingestellt wurden.⁵⁹ Dennoch ist die Sicherheitslage in den zurückeroberten Gebieten weiterhin fragil und unberechenbar, wie Angriffe auf Regierungstruppen⁶⁰, gelegentliche Angriffe auf Zivilpersonen, die der Regierung verbunden sind⁶¹, die Verschlechterung der Sicherheitslage in Südsyrien⁶², zunehmende ISIS-Aufstände in ländlichen Gebieten vor allem in Nordost-, Zentral- und Südsyrien⁶³ sowie instabile Situationen in der Nähe der

⁵⁷ Siehe Kapitel II.E.1.

⁵⁸ "The Syrian government security forces have also (re)imposed a repressive and securitised atmosphere on the populations that remained or returned to former opposition held areas"; Geneva Centre for Security Policy (GCSP) / European University Institute (EUI), *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/31nZNxA>, p. 4. "At a psychological level, the return of the regime has translated into the rebuilding of the 'wall of fear' that revolutionaries had broken in 2011"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 15. Siehe auch, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 15 August 2019, A/HRC/42/51, www.ecoi.net/en/document/2016403.html (im Folgenden: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html), para. 18. Siehe auch Kapitel III.A.1.d.

⁵⁹ Siehe Fußnote 25.

⁶⁰ Am 26. Februar 2020 z. B. "a bomb exploded outside the Baath Party headquarters in Qatana, a town in the western Damascus countryside, injuring an officer of the government-allied Palestinian Liberation Army. The attack was only the most recent in a spate of unclaimed bombings in and around the Syrian capital in recent weeks. At least seven attacks, reported in the media or confirmed through sources, have targeted a combination of civilians and public sector employees as well as security officers and military installations on the outskirts of the capital. Several of the bombings were in the very heart of the capital"; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, <https://bit.ly/39ybioy>. Für weitere Beispiele siehe auch, Zaman Al Wasl, *Assailants Kill Two Regime Forces in Northern Homs*, 5 February 2021, <http://bit.ly/3blOhRt>; SOHR, *Unknown Gunmen Open Fire on Regime Checkpoint in Western Rif Dimashq*, 29 January 2021, <http://bit.ly/3shaE6W>; SOHR, *Killed by Gunshot: Body of Regime Officer Found in al-Shifoniya Area, the Former Stronghold of 'Jaish al-Islam' in Eastern Ghouta*, 24 February 2021, <http://bit.ly/3dlhTKr>; SOHR, *Explosion Targets Senior NDF Commander in Harasta City*, 20 November 2020, <https://bit.ly/3mkpJSR>; SOHR, *Gunmen Attack State Security Headquarters in Talbiseh City*, 16 November 2020, <https://bit.ly/36JSphq>; SOHR, *Regime Officer Killed and Others Injured in Rural Al-Quneitra*, 25 October 2020, <https://bit.ly/2Hxibtq>; SOHR, *Unknown Assailants Attack Regime Patrol, Injuring Two Soldiers*, 29 September 2020, <https://bit.ly/3cllBXs>; SOHR, *Gunmen Open Fire on Head of 'Military Security Detachment' in Al-Quneitra, Injuring Him and Killing One of His Escorts*, 22 September 2020, <https://bit.ly/2FQExsc>; Syria Call, *New Attack in Damascus Against a Leader in the Assad Militia with an Explosive Device*, 15 September 2020, <https://bit.ly/3enx4xW>; SOHR, *Rif Dimashq: Unknown Gunmen Attack Regime Checkpoint in Douma, Leaving Three Soldiers Injured*, 11 September 2020, <https://bit.ly/2FtqulP>. Für gemeldete Zwischenfälle in zurückeroberten Gebieten in Südsyrien siehe unten „Sicherheit in Südsyrien“.

⁶¹ Siehe Kapitel III.A.3.

⁶² Siehe unten „Sicherheit in Südsyrien“.

⁶³ "Since the start of 2021, there has been a sharp escalation of ISIS attacks, particularly in the Badia desert region of central and northeast Syria. ISIS has conducted high-casualty attacks against the GoS armed forces and its allies. (...) The uptick of ISIS-related incidents has been a concern to all parties in northeast Syria. Although multiple operations have been undertaken to eliminate the group, these operations have had limited success"; Carter Center, *Weekly Conflict Summary 1-7 February 2021*, 10 February 2021, <http://bit.ly/37EwsBz>. Zwischen März 2019, als ISIS vollständig die Herrschaft über Territorien verlor und Ende Februar 2021 dokumentierte SOHR den Tod von mindestens 1353 Kämpfern, die der Regierung oder regierungsnahen Gruppen angehörten, durch ISIS-Anschläge und Kämpfe in entlegenen Gebieten vor allem in den Provinzen Deir Ez-Zour, Homs und Suweida; SOHR, *ISIS Members Kill over 100 Regime Soldiers and Loyalists, while Cells Carry Out Nearly 65 Operations in SDF-Held Areas*, 28 February 2021, <http://bit.ly/3kwYnZA>. "(...) SOHR sources reported that ISIS noticeably stepped up its operations in the Syrian desert since the beginning of 2021, including ambushes, attacks and explosions, inflicting great losses on the ranks of regime forces and loyal militias"; SOHR, *Fleeing ISIS' Inferno in the Desert: Regime Soldiers Pay Nearly \$100 to Their Commanders for Monthly Leave*, 14 January 2021, <http://bit.ly/3aGMBIC>. "Experts monitoring the situation have warned the increase in attacks shows the group has now redeveloped a 'robust logistical and strategic capability'"; The National, *Fears of ISIS Resurgence as Syria Attacks Escalate*, 3 September 2020, <https://bit.ly/2F7q3Um>. "ISIS has employed improvised explosive devices (IEDs) and mines, small arms, anti-tank guided missiles and rocket-propelled grenades, car bombs, and fake checkpoints to repeatedly ambush Syrian regime and Russian forces in the Deir ez-Zor, Homs, Raqqa, and Hama governorates. ISIS attacks

Fronten in Nordwest-⁶⁴ und Nordsyrien⁶⁵ belegen. Darüber hinaus finden in den von der Regierung kontrollierten Gebieten regelmäßige Verhaftungswellen und Zwangsrekrutierungskampagnen statt⁶⁶, und regierungskritische Proteste werden unter Verhaftung von Demonstrierenden gewaltsam aufgelöst.⁶⁷

Die Gebiete, die früher von bewaffneten oppositionellen Gruppen oder ISIS kontrolliert und anschließend von Regierungstruppen zurückerobert wurden, sind stark mit Blindgängern kontaminiert, und regelmäßig fordern Explosionen zivile Opfer.⁶⁸

Sicherheit in Südsyrien

In Südsyrien ist die Sicherheitslage weiterhin besonders instabil,⁶⁹ da es der Regierung bislang nicht gelungen ist, wieder in vollen Besitz der Hoheitsgewalt zu kommen, und ihr Grad der Kontrolle

have spanned more than 15,000 square miles – striking as far west as Khunayfis (just 40 miles from Damascus governorate) and as far north as Rahjan, Hama (just 15 miles from Idlib governorate), and along the length of the Euphrates from Boukamal in the south to Dibs al-Ahmar, along Lake Assad in the north. (...) The group routinely kills high-value targets such as Syrian and Iranian commanders using mines and IEDs and has successfully avoided regime strongpoints during its deep pushes 'behind enemy lines,' finding roads through undefended parts of the countryside. In doing so, ISIS has managed to effectively control territory at various times, most recently controlling the crucial Bishri Mountains bordering the Raqqah, Homs, and Deir ez-Zor governorates from April 2019 through February 2020. (...) While regime forces carried out numerous and widespread anti-ISIS operations, the trend appears to show ISIS cells facing ever fewer geographic constraints"; MEI, The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead, 18 June 2020, <https://bit.ly/2OGV9Uc>. Siehe auch Kapitel III.A.7.

⁶⁴ Gebiete in der Nähe des Konflikts in Nordwestsyrien, d. h. West-Aleppo, Nordost-Latakia und Nord-Hama, sind weiterhin von Mörser- und Raketenangriffen der HTS und bewaffneter oppositioneller Gruppen betroffen. "Information obtained by the Commission indicate that at least 202 civilians were killed, including 56 women and 53 children, and 456 others injured, including 117 women and 121 children in attacks by armed groups on government-controlled areas between November 2019 - 1 May 2020. From 6 February [2020] onwards, the data also include casualties from improvised explosive devices (IEDs)"; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 82. Siehe auch Kapitel II.E.3.

⁶⁵ Während des gesamten Jahres 2020 kam es in Gebieten nahe der Konfliktlinien in den Provinzen Hassakeh, Raqqah und Aleppo zu Auseinandersetzungen und Schusswechseln zwischen bewaffneten SNA-nahen Gruppen und Regierungstruppen; siehe z. B. SOHR, Turkish-Backed Factions Attack Regime Forces' Positions in Tal Abyad Countryside, 9 October 2020, <https://bit.ly/3mQ9xs9>; SOHR, Al-Bab: Clashes Erupt Between Turkish-Backed Factions and Regime Forces, 28 September 2020, <https://bit.ly/3kQsOsH>; SOHR, Turkish Rocket Attack: Regime Soldier Injured in Western Countryside of Tal Abyad, 21 September 2020, <https://bit.ly/3ep9n8h>; SOHR, Al-Hasakah: Clashes Continue Between Regime Forces, SDF and Turkish-Backed Factions Nearby Abu Rasin, 17 September 2020, <https://bit.ly/32cAnDg>; SOHR, Turkish Rocket Fire: Eight Regime Soldiers Killed and Wounded in Western Tal Abyad, 14 September 2020, <https://bit.ly/3oUJMc8>; SOHR, Ankara-Backed Factions Shell Areas Held by Regime Forces and SDF near Ain Issa, 26 August 2020, <https://bit.ly/3jYsIhR>; SOHR, Turkish Forces and Proxies Step Up Shelling on Positions of SDF and Regime Forces in Three Provinces, 6 July 2020, <https://bit.ly/32avb2u>; SOHR, Al-Raqqah: Clashes Erupt Between Regime Forces and Turkish-Backed Factions, Leaving Casualties, 2 July 2020, <https://bit.ly/3kYz6Hd>; SOHR, Shelling Stepped Up on Positions of Regime Forces and SDF in Ain Issa, 1 July 2020, <https://bit.ly/3etGg3Q>; SOHR, Turkish Forces and Their Proxies Renew Rocket Attacks on Positions of Regime Forces and SDF, 25 June 2020, <https://bit.ly/3eLg8k8>.

⁶⁶ Siehe Kapitel III.A.2.a und III.A.12.

⁶⁷ Seit Januar 2020 wurden Proteste gegen die schlechten Lebensbedingungen und den drastischen Anstieg der Lebensmittelpreise im Zusammenhang mit dem beispiellosen Wertverlust des syrischen Pfunds gegenüber dem US-Dollar vor allem aus Orten in der Provinz Suweida, aber auch aus Dera'a und Damaskus-Umgebung gemeldet. Seit Juni 2020 stützen sich die Proteste laut Berichten zunehmend auf ein regierungsfeindliches Narrativ, und die Regierungstruppen haben mehrere Proteste gewaltsam aufgelöst und Protestierende verhaftet: "Syrian security forces responded to a protest in the city of Sweida on June 15 [2020] by beating and arresting protesters demonstrating against the government's failure to address the country's economic meltdown"; HRW, Syria: Protesters Describe Beatings, Arrests, 28 June 2020, www.ecoi.net/en/document/2032299.html. Siehe auch SOHR, Popular Anger Grows over Regime Arrest of Demonstrators, 8 July 2020, <https://bit.ly/38GRFKC>; ISW, Syria Situation Report: June 10 - 23, 2020, 23 June 2020, <https://bit.ly/3imO7S1>; SNHR, Syrian Regime Arrested Civilians in al Suwayda City where an Anti-Syrian Regime Protest Took Place on Jun 15, 15 June 2020, <https://bit.ly/2AVIfQ6>; SOHR, Security Services Arrest over Ten Demonstrators in Al-Suwaydaa, 15 June 2020, <https://bit.ly/3fliqX8>; und Kapitel II.F.1 und III.A.1.a.

⁶⁸ Siehe z. B. SOHR, Explosion Kills and Injures Four People on Agricultural Land in Farms of Khan Sheikhoun City in South-Eastern Rural Idlib, 16 February 2021, <http://bit.ly/3aTNI8a>; SOHR, Landmine Explosion Injures Two Children in Homs City, 24 January 2021, <http://bit.ly/2ZSmf07>; SOHR, 13 Children Killed in Landmine Explosions in Various Syrian Areas Earlier this Year, 17 January 2021, <https://bit.ly/3bvBDVx>; SOHR, Landmines Explode Killing and Injuring Six Civilians in Eastern Deir ez-Zor Countryside, 27 December 2020, <http://bit.ly/3neRVpP>. Siehe auch Kapitel II.C und II.D.3.

⁶⁹ "The south-west saw continued popular unrest and tensions. Violence remained at an elevated level, and included assassinations, attacks using improvised explosive devices and small arms fire, in addition to kidnapping attempts and local clashes"; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332

unterschiedlich stark ausgeprägt ist.⁷⁰ In den zurückeroberten Gebieten des Südens finden weiterhin lokale Kampfhandlungen zwischen Regierungstruppen und oppositionellen bewaffneten Gruppen statt, wie unter anderem im Januar 2021 in der Stadt Tafas;⁷¹ ebenfalls finden von der Regierung

(2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, S/2020/1195, <https://bit.ly/3momPeR> (im Folgenden: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>), para. 14. "We have also seen recurring kidnappings and assassinations in the southwest, targeting a broad spectrum of political, military and civic actors and underscoring the ongoing fragility of the reconciliation agreements brokered over two years ago"; UN Special Envoy for Syria, *Noting Narrowing of Differences, Special Envoy Geir Pedersen Hopes to Resume Syrian Constitutional Committee Meetings in November*, 27 October 2020, <https://bit.ly/3jPOMv5>. "Volatility will remain the defining characteristic of Syria's south for the foreseeable future. The regime's efforts to impose greater sovereign control through violence will continue, and so will the resistance to this approach in the south"; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>. Zur instabilen Sicherheitslage trägt u. a. der Umstand bei, dass "(...) based on the outcomes of the Russian-led negotiations, nearly 5,000 rebels were evacuated to Idlib governorate between 15 July and 12 August 2018. This number is low compared to the overall number of rebels who operated in Daraa, which exceeded 30,000. This leaves Daraa with a significant pool of latent manpower that is ready to stage retaliatory actions in the event that the state exacerbates their grievances rather than resolving them"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, <https://bit.ly/39yuxhX>, p. 7. Einige Beobachter sprechen von einer neuerlichen Auflehnung gegen die Regierung: "Signs of a burgeoning insurgency revealed themselves almost immediately after the regime's patchwork victory was imposed over the southern province of Daraa in July 2018. (...) While initially dominated by two loosely formed insurgent groups of ex-rebels, insurgent attacks have increasingly been carried out by ISIS cells. Targets include everyone from soldiers staffing regime checkpoints, reconciled rebel fighters and leaders, local political leaders, and high-ranking regime officers"; MEI, *The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead*, 18 June 2020, <https://bit.ly/2OGV9Uc>.

⁷⁰ Zu den Gebieten, für die von Russland unterstützte Versöhnungsabkommen abgeschlossen wurden und in denen die Hoheitsgewalt der Regierung weiterhin eingeschränkt ist, zählen Busra Ash-Sham, der Stadtteil Dera'a Al-Balad in der Stadt Dera'a, Tafas und einige umgebende Orte: "One of the most important aspects of the settlement in Busra al-Sham, Daraa City, and Tafas is that the regime's security forces and military units, stationed outside these localities, could not carry out major operations, such as arrests, within their boundaries. However, it did permit the return of the state's civilian and governing institutions, such as municipal councils." In diesen Gebieten kommt es auch weiterhin zu regierungskritischen Protesten. Die Regierung hat in Gebieten, die sie mit militärischen Mitteln zurückerobert hat (z. B. Inkhil, Dael und im überwiegenden Teil der Provinz Quneitra), ihre militärische und Sicherheitspräsenz wiederhergestellt, sodass sie Festnahmen durchführen kann, "though it still faces serious challenges. An assassination attempt in March 2020 against the mayor of Inkhil – a security stronghold – indicates that regime forces are at risk even in such locations"; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>. "(...) because the Russian-brokered agreement covering the south did not allow the full return of the Syrian state, armed groups continue to control some areas that the government nominally holds"; ECFR, *Can Assad Win the Peace?*, 15 May 2019, <https://bit.ly/2mhOpB9>, p. 17. Siehe auch Middle East Eye (MEE), *Tensions in Syria's Daraa Are Getting Out of Hand*, 26 January 2020, <https://bit.ly/2tUZDQc>; OHCHR, *The "Unreconciled" Concerns of Civilians in Dar'a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, pp. 3-4. Haid, ein wissenschaftlicher Mitarbeiter am International Centre for the Study of Radicalisation (ICSR) an der Londoner Universität King's College, erklärt: "[T]he competition between Iran and Russia is one of the main reasons behind the instability in Dera'a. (...) Iran's allies are trying to destabilise areas controlled by Russian-backed factions in order to consolidate their control"; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, <https://on.ft.com/2DaVbRK>. Siehe auch Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>.

⁷¹ Die Regierung versucht, endgültig die volle Kontrolle über versöhnte Gebiete in Südsyrien zurückzuerhalten. Im Januar 2021 setzte die Regierung ein Ultimatum für oppositionelle Kämpfer in der Stadt Tafas, das unter anderem beinhaltete, Oppositionsmitglieder und ihre Familien nach Nordsyrien zu evakuieren, mittlere und schwere Waffen zu übergeben und den Regierungskräften eine Rückkehr in die Stadt zu ermöglichen. Im Falle der Nicht-Einhaltung wurden militärische Konsequenzen angedroht; COAR, *Double Trouble: Southern Syria Erupts on Two Fronts*, 1 February 2021, <http://bit.ly/3raCJNk>. A military escalation was prevented following an agreement facilitated by Russia, which "reportedly stipulated the expulsion of wanted rebels from Tafas to other areas in Dar'a, rather than northern Syria, the handover of weapons, the reopening of the police station and three other civilian institutions in Tafas, and permission for units of the Fourth Armored Division to conduct searches in specific localities. While pro-regime media presented the deal as the Syrian military's return to Tafas to 'enforce security and stability,' anti-regime platforms wrote that the government's claims of controlling the town were 'illusory'": Carnegie Middle East Center, *Pawnography in Southern Syria*, 15 February 2021, <http://bit.ly/3b4grHo>. "Tafas has retained a comparatively high degree of local autonomy since reconciliation in 2018 and has been a hub of anti-Assad activity; pro-regime forces have likely been awaiting a pretense to attack the town"; ISW, *Syria Situation Report: January 8 - 29, 2021*, 29 January 2021, <https://bit.ly/2NUg88T>. Anfang Oktober 2020 führten Zusammenstöße zwischen der achten Brigade des von Russland unterstützten fünften Korps im ländlichen Südteil der Provinz Suweida zu zivilen Opfern und der Vertreibung von drusischen Zivilisten; Syria Report, *Residents Displaced Again from Flashpoint Suweida Village near Former Rebel Stronghold*, 7 October 2020, <https://bit.ly/2TIsBBY>. "(...) on May 4, 2020, this wave of violence reached an alarming climax when Qasem al-Subehi, a former rebel, carried out an armed attack that killed nine policemen in Muzayrib town. In response, the Syrian regime mobilized its military forces in the western region of Daraa and promised to impose full control over the areas covered by the 2018 Russian-led agreement"; MEI, *Rampant Violence, Military Escalation, and the Role of Intermediaries in Daraa, Syria*, 1 June 2020,

durchgeführte Festnahmewellen statt, einschließlich an Kontrollstellen, die die Zufahrt zu bzw. die Ausfahrt aus Gebieten regeln, die *de facto* weiterhin von bewaffneten oppositionellen Gruppen kontrolliert werden⁷² und es sind regelmäßig USBV-Anschläge und sonstige Angriffe auf

<https://bit.ly/2X0MdNR>. Ein weiterer bemerkenswerter Sicherheitszwischenfall im Jahr 2020 schloss militärische Attacke der Regierung gegen die Stadt Al-Sanamayn im nördlichen Teil der Provinz Dera'a ein, im Anschluss an die Militäroffensive der Regierung Mitte 2018 im Süden teilweise von einer bewaffneten, oppositionellen Gruppe kontrolliert wurde. Als Ergebnis der Militärkampagne im März 2020 "versöhnte" sich die Mehrheit der oppositionellen Kämpfer mit der Regierung im Rahmen einer von Russland verhandelten Vereinbarung, übergab ihre Waffen und schloss sich größtenteils dem fünften Korps an; ungefähr zwei Dutzend oppositionelle Kämpfer wurden in von der SNA gehaltene Gebiete in Nordsyrien (Al-Bab) evakuiert; Al-Monitor, *How Did Opposition Fighters in Daraa's Sanamayn Go Separate Ways?*, 10 March 2020, <https://bit.ly/39BoPfi>; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, <https://bit.ly/39ybioy>. Laut Abdullah al-Jabassini, einem syrischen Wissenschaftler und Forscher hatte die Einnahme von Sanamayn begrenzten Einfluss auf die Fähigkeit der Regierung, Kontrolle über Dera'a wiederzuerlangen; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, <https://on.ft.com/2DaVbRK>. In einem weiteren Aufflackern von Feindlichkeiten wurde am 18. März 2020 laut Berichten die Stadt Jilin im westlichen ländlichen Gebiet von Dera'a beschossen, wobei mehrere Zivilisten starben. Aktivisten berichteten, dass der Beschuss eine Antwort auf eine vorherige Attacke auf Regierungsstellungen darstellte; SOHR, *Repercussions of Wednesday's Shelling on Daraa's Jilin: Tension and Fear Prevail in the Town amid Ongoing Displacement*, 20 March 2020, <https://bit.ly/3fbek3A>; The New Arab, *Syrian Regime Kills 8 Civilians, Including 3 Children, in Daraa as Tensions Soar*, 19 March 2020, <https://bit.ly/2UuxsBQ>. Die Independent International Commission of Inquiry on the Syrian Arab Republic (IICISyria) urteilte hinsichtlich der Attacken in Sanamayn und Jilin, es gebe "reasonable grounds to believe that in each incident, government and allied forces did not direct the attacks at a specific military objective, which may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 19, see also paras 14-15 and Section III.A.12.

⁷² "There were reports of government forces (...) conducting seek-and-arrest operations to locate individuals with former links to non-State armed groups and perpetrators of acts of violence"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary-General*, 23 April 2020, S/2020/327, www.ecoi.net/en/document/2028879.html (im Folgenden: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html), para. 8. "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"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, <https://bit.ly/39yuxhX>, p. 13. Siehe auch SOHR, *Regime Forces Storm Daraa's "Sheikh Maskin", Arresting 22 People*, 15 September 2020, <https://bit.ly/33AOuSK>; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>; und Kapitel III.A.1.d.

Zivilpersonen⁷³, Regierungstruppen einschließlich ehemaliger Kämpfer der Opposition⁷⁴ und tatsächliche oder vermeintliche Verbündete der Regierung zu verzeichnen.⁷⁵ Regierungskritische

⁷³ Zwischen Juni 2019 und dem 26. Februar 2021 dokumentierte SOHR in der Provinz Dera'a über 940 Zwischenfälle in Form von Beschuss und USBV-Angriffen, bei denen 173 Zivilpersonen getötet wurden, einschließlich 12 Frauen und 16 Kindern; SOHR, *New Assassination Targeting Member of Russian-Backed "Fifth Corps" in Eastern Countryside*, 28 February 2021, <http://bit.ly/3q1wGcx>. "In southern Syria, reports of kidnappings and targeted attacks continue on an almost daily basis. At least 26 civilians, including four children, were killed, and five civilians, including a child were injured in such incidents in Dara between 1 August and 13 September [2020]"; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, <https://bit.ly/36ahiUR>, p. 3. "(...) tensions between government forces and members of reconciled armed groups continued to have an impact on the civilian population. Two Syrian Oxfam staff members were killed in Yadudah, western rural Dar'a, on 19 February [2020] when their vehicle was attacked by an unidentified non-State armed group. An Oxfam volunteer was also injured"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 8. "(...) the pervasiveness of these incidents, which target both civilian and military actors on all sides in the developing hostilities, makes it difficult to classify all the violent events as owing to one cause or to attribute them to one actor. Civilians, NGO staff, reconciled rebels, anti-reconciliation rebels, former opposition activists, government employees, Baath Party officials, state security members, SAA soldiers and officers, Hezbollah militants and Russian Military Police have all been targets of killings and kidnappings in post-rebellion Daraa"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, <https://bit.ly/39yuxhX>, p. 3. Siehe z. B. SOHR, *IED Explodes Killing Civilian in Jassim City*, 24 January 2021, <http://bit.ly/2ZECXQw>; SOHR, *Explosion Rocks Town in Eastern Countryside*, 12 February 2021, <https://bit.ly/3sc2xIU>; SOHR, *IED Explodes in Civilian Car in Al-Sanamayn*, 22 December 2020, <http://bit.ly/3b4zvWc>; SOHR, *Unknown Gunmen Attack House of Official of "Municipality" in Yarmouk Basin*, 1 December 2020, <https://bit.ly/3mYU3CC>; SOHR, *IED Explodes in Al-Sanamayn, Injuring Civilian*, 25 September 2020, <https://bit.ly/30bq1Cq>; SOHR, *IED Explodes Leaving Many People Injured near Vegetable Market in Daraa City*, 16 September 2020, <https://bit.ly/33yLpIW>; SOHR, *IED Goes Off near Polling Center for the People's Assembly Elections in Al-Sanamayn*, 19 July 2020, <https://bit.ly/39eJ6aa>; SNHR, *Two Girls and Their Mother Killed in Blast of IED of Unknown Origin in Um al Mayathen Village in Daraa Suburbs on July 15*, <https://bit.ly/30t7ErM>; SNHR, *School Was Damaged [sic] when an IED of Unknown Origin Exploded in Daraa City on June 21*, 24 June 2020, <https://bit.ly/3ftDHR>; SOHR, *Explosion Kills Three Persons in Daraa*, 13 June 2020, <https://bit.ly/3emslKU>; SOHR, *IED Explodes in Outdoor Market, Leaving Many Injured*, 22 May 2020, <https://bit.ly/304CE15>; MEE, *UN Condemns Killing of Staff in Syria*, 20 March 2020, <https://bit.ly/2P4M3AI>.

⁷⁴ "Tension is exacerbated by persistent attacks against and assassinations of GoS officers and former opposition fighters, mostly by unidentified perpetrators. The former opposition and GoS armed forces blame each other for the attacks"; Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, <https://bit.ly/3aJkZ5J>. Zwischen Juni 2019 und Februar 2021 verzeichnete SOHR Tötungen von mindestens 433 Mitgliedern von Regierungstruppen bzw. regierungsnahen Truppen, Kollaborateuren und „versöhnten“ Kämpfern; SOHR, *New Assassination Targeting Member of Russian-Backed "Fifth Corps" in Eastern Countryside*, 28 February 2021, <http://bit.ly/3q1wGcx>. Zwischen April und Ende Dezember 2020, STJ "recorded over 370 assassinations and attacks (...) in different areas across Daraa province. (...) The majority of these individuals were former commanders and fighters for the Syrian armed opposition and signatories to the settlement agreement with the Syrian government – including those who subsequently joined the Syrian regular forces, and others who refused to fight for the Syrian government"; STJ, *Southern Syria: A New Wave of Violence Strikes Daraa*, 17 February 2021, <http://bit.ly/3rma87X>. Im November 2020 "at least nine former rebels who had agreed to join the Syrian army and seven others who had returned to civilian life were killed, according to Mohammed al-Sharaa, a member of the Daraa Martyrs Documentation Office. The assailants were unknown, with suspicion falling in turn on government forces seeking to settle scores with former adversaries; opposition loyalists who feel betrayed by former comrades; and even Islamic State militants"; Washington Post, *Escalating Violence in Strategic Syrian City Belies Assad's Claim that He's in Control*, 24 November 2020, <https://wapo.st/39tFR0D>. "Reports of targeted killings of individuals increased across Dar'a and Suwayda' Governorates during the reporting period, in what appeared to be retaliatory acts by numerous local armed actors. Reportedly, there were at least 53 such killings across Dar'a between January and June [2020] targeting medical professionals, political actors with both pro- and antigovernment stances, judges, members of armed groups who had 'reconciled' their status, and members of the security apparatus. In nearly all documented cases, the killings were carried out by men on motorcycles using small arms, rendering identification of the perpetrator difficult"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 17. Für Beispiele gezielter Tötungen, siehe SOHR, *West of Daraa: Former Opposition Fighter Shot Dead by Unknown Assailants*, 31 January 2021, <http://bit.ly/3kd6kDe>; SOHR, *Unknown Gunmen Attack 12 Checkpoints of Regime Forces and Security Services Throughout Daraa*, 29 January 2021, <http://bit.ly/2ZBGezY>; SOHR, *Second Assassination in 24 Hours: Unknown Gunmen Kill Member of the 5th Corps in Western Daraa*, 26 January 2021, <http://bit.ly/3shydwX>; SOHR, *Over 45 Assassination Attempts Kill Nearly 25 People Earlier this Year*, 21 January 2021, <http://bit.ly/3dBkSLC>; SOHR, *In 24 Hours: Five Assassinations on Members of Regime Forces in Rural Daraa*, 22 December 2020, <http://bit.ly/3rKkUW9>; SOHR, *Al-Quneitra Countryside: Regime Security Agent Killed and Former Opposition Leader Injured in Two Separate Incidents*, 9 November 2020, <https://bit.ly/3phZXQT>; SOHR, *Two Assassinations Target Member and Leader of Russian-Backed "Fifth Corps"*, 9 November 2020, <https://bit.ly/2lkzFN8>; SOHR, *New Assassination Claims the Lives of Three Former Opposition Fighters of Settled-Status Members*, 28 October 2020, <https://bit.ly/2HTK3LP>; SOHR, *Unidentified Gunmen Assassinate Young Man of Settled-Status Members in Western Countryside*, 30 September 2020, <https://bit.ly/3ik2GVa>; SOHR, *Unknown Gunmen Attack Top Regime General's Car and House in Al-*

Proteste werden gewaltsam unterdrückt, und Protestierende werden festgenommen.⁷⁶ Infolge der weitverbreiteten Rechtslosigkeit wird ein Ansteigen der Kriminalität gemeldet, was auch Entführungen einschließt.⁷⁷ Angesichts der zunehmenden Gewalt hat die Regierung Berichten zufolge ihre Militärpräsenz in Dera'a verstärkt, was zu einer Verschärfung der Spannungen in der Region geführt hat.⁷⁸

In den Provinzen Dera'a und Suweida kommt es zu regelmäßigen Zusammenstößen und häufigen gegenseitig zur Vergeltung durchgeführten Entführungen, an denen lokale bewaffnete Gruppen und kriminelle Gruppen beteiligt sind und die ebenfalls zu zivilen Opfern führen. Laut Meldungen führen die Spannungen zwischen den regionalen regierungstreuen Gruppen in den Provinzen Dera'a und Suweida häufig zu Vergeltungsschlägen in Form von Entführungen und Zusammenstößen, die auch zivile Opfer zur Folge haben.⁷⁹

Sanamayn, 23 September 2020, <https://bit.ly/307KxnD>; . Siehe auch Zaman Al Wasl, *At least 42 Former Rebel Leaders Killed in Daraa since Reconciliation Deal Brokered in 2018: Monitoring*, 19 October 2020, <https://bit.ly/385JxF6>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020): Report of the Secretary-General, S/2020/1031*, 14 October 2020, www.ecoi.net/en/document/2039998.html (im Folgenden: UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html), paras 12, 20; Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>; MEI, *Rampant Violence, Military Escalation, and the Role of Intermediaries in Daraa, Syria*, 1 June 2020, <https://bit.ly/2X0MdNR>; Foreign Policy, *Assassinations in Southern Syria Expose Limits of Assad's Control*, 28 April 2020, <https://on.ft.com/2DaVbRK>; The National, *Unrest in South-West Syria Erupts into Urban Warfare*, 8 March 2020, <https://bit.ly/39ybi0y>.

⁷⁵ Siehe Kapitel III.A.3.

⁷⁶ Siehe Kapitel II.B.1.a.

⁷⁷ "Since the beginning of 2020, there has been an acute rise in kidnappings in the province of Daraa, especially of children, while playing outdoors or on their way to school or the marketplace." STJ "documented no less than 31 kidnappings, four of which were failed attempts, between January and August this year [2020]. Parents were mostly coerced to pay the kidnappers a ransom in exchange for their children's release (...). Furthermore, thefts, mugging, banditry and kidnapping spread throughout the province"; STJ, *Daraa: Child Kidnappings Haunt Locals*, 13 October 2020, <https://bit.ly/3e3otQM>. "On top of the targeted attacks is rampant lawlessness that has led to the deaths of civilians"; MEI, *The Syrian Regime's Combat Losses in Spring 2020, and What Lies Ahead*, 18 June 2020, <https://bit.ly/3jEh3oF>. Siehe auch SOHR, *SOHR Documents Eight Kidnapping and Missing People Cases since Early December*, 6 December 2020, <https://bit.ly/3lUeL0u>; Zaman Al Wasl, *Soar in Thieving, Looting Cases in Daraa Province*, 18 October 2020, <https://bit.ly/37Kr1C2>; SOHR, *Unidentified Gunmen Kidnap Young Man in Center of Tafas Town*, 21 August 2020, <https://bit.ly/2FHhnEe>; SOHR, *Deteriorating Security: Unknown Gunmen Kidnap a Girl in Al-Muzayrib*, 29 July 2020, <https://bit.ly/3fpNLaA>; Enab Baladi, *Impacts of Involuntary Disappearance in Syria's Daraa*, 9 July 2020, <https://bit.ly/2BSs5Gx>.

⁷⁸ SOHR, *Growing Tension: Regime Forces Bring in Military Reinforcement to Positions in Western Daraa, amid Popular Fear of New Security Campaign*, 8 February 2021, <https://bit.ly/3sf6Hjj>; SOHR, *Factions of "Reconciliations" Are on High Alert in Eastern Daraa, as Regime Forces Bring in New Reinforcement*, 15 November 2020, <https://bit.ly/3lxv7Sg>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 7; SOHR, *Military Build-Up: Regime Reinforcement Reach Northern Countryside of Daraa, Deploying in Sheikh Miskin City and Outskirts*, 14 September 2020, <https://bit.ly/2FyIPph>. "Government forces and security branches expanded their deployment and activities across the region, including in areas subject to agreements between former armed opposition groups and government forces. (...) On the ground, additional government checkpoints were established, reportedly constraining the freedom of movement of local populations in some areas"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 16.

⁷⁹ "Kidnapping gangs continue to remain a serious challenge in As-Sweida Governorate. Occasionally, these kidnappings cause major clashes between armed groups"; Carter Center, *Weekly Conflict Summary 11-17 January 2021*, 21 January 2021, <http://bit.ly/2P7vacc>. "The significant increase in tit-for-tat kidnappings between Daraa governorate, where territorial and security fragmentation has prevailed since 2018, and As-Suwayda governorate, whose predominantly Druze population have largely opted for neutrality and maintained a degree of relative autonomy since 2011, has become a defining characteristic of volatile southern Syria. (...) the deteriorating economy, decline of agriculture, unemployment, desperate poverty, and abundance of weapons are the core factors pushing many individuals to participate in criminal groups and engage in profit kidnapping, drug dealing, and gun running. In March 2020, tensions mounted over long cycles of tit-for-tat kidnappings and sparked armed clashes between local factions from Daraa and As-Suwayda, further exacerbating the volatility of Syria's south"; MEI, *Southern Syria: "Sibling Feud" or Engineered Violence?*, 7 October 2020, <http://bit.ly/3uk9I3P>. Der unabhängige politische Forscher Mazen Ezzi aus Suweida stellt fest: "weakening of central authority reopened old land disputes between the Druze in Suweida and Sunnis based in the neighbouring governorate of Daraa, leading to mutual killings and kidnappings"; The National, *Druze Protests in Syria's Suweida Fly in the Face of Regime Strategy*, 21 January 2020, <https://bit.ly/2MK3lIN>.

2) Sicherheit in Gebieten, die de facto von den SDF kontrolliert werden

Die Sicherheitslage in Gebieten, die de facto von der AANES und den SDF kontrolliert werden⁸⁰, ist unberechenbar⁸¹, was auf die ständigen Kämpfe und Schusswechsel zwischen den SDF/YPG und den Regierungstruppen auf der einen Seite und den SNA-nahen bewaffneten Gruppen sowie türkischen Kräften auf der anderen Seite⁸², regelmäßige Angriffe auf die SDF, die von ISIS entlang der Euphrat- und Khabur-Täler verübt werden⁸³, sowie Spannungen und gelegentliche Auseinandersetzungen

⁸⁰ Im Juli 2020 leben Berichten zufolge drei Mio. Einwohner unter der Kontrolle von AANES/SDF, einschließlich des Gebiets um Tal Rifaat im Norden von Aleppo und des Stadtteils Sheikh Maqoud in der Stadt Aleppo; Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, <https://bit.ly/2OLUukd>. Die AANES/SDF werden von den YPG/PYD dominiert: "(...) the AA is dominated by the People's Protection Units that is afflicted with the Democratic Union Party (PYD). The PYD controls the center of power in the AA"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, <https://bit.ly/37xJCRq>, p. 35. Siehe auch Fußnote 739.

⁸¹ "Since the Turkish offensive of October 2019, the Autonomous Administration of North and East Syria (AANES) has found itself in a precarious position. Potential new attacks by the Turkish army are the main sword of Damocles hanging over its head. Yet the AANES and its main local authorities – the Kurdish-led Syrian Democratic Forces (SDF) – also face numerous other threats to their autonomy, including weighty humanitarian issues, a resurgent Islamic State, and repeated Syrian regime demands that they return to the fold unconditionally"; Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, <https://bit.ly/2OLUukd>. "The Syrian Democratic Forces (SDF), an umbrella group of Kurdish, Arab and Syriac militias under the leadership of the Kurdish People's Protection Units (YPG), exercises tenuous control over the area. Between leading operations to smash ISIS cells, holding off pro-Turkish forces and guarding prisons housing ISIS fighters, it is already stretched thin"; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html.

⁸² Im Januar 2021, SOHR "documented many incidents of artillery bombardment by Syrian Democratic Forces on Izaz city in the north of Aleppo governorate, with Turkish forces in the area responding by shelling the Tal Rifaat area in the northern suburbs of Aleppo using artillery, which caused the death of four civilians"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rfIHN3>, p. 3. Im Oktober/November 2020, "an increase in reports of mutual cross-line attacks was recorded, notably along the south-eastern contact lines of the Operation Peace Spring area between Tall Abyad and Ra's al-Ayn"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 10. Für Beispiele von den Fronten in den Provinzen Aleppo, Raqqa und Hassakeh siehe z. B. Airwars, *Turkish Military in Iraq & Syria: Civilian Casualties from Turkish Actions in Syria*, Zugriff am 28. Februar 2021, <https://bit.ly/2RsFgC1>; SOHR, *Turkish Forces Shell Towns of Manbij, as Clashes Erupt on Frontlines in Al-Bab City*, 8 February 2021, <https://bit.ly/2ZEQ5tE>; SOHR, *Turkish Shelling on Tel Rifa'at: Civilian Dies of Injuries Sustained, and Death Toll Increases to Four, Including Two Children*, 24 January 2021, <http://bit.ly/2MczhIX>; SOHR, *Drone Attack: Turkish Airstrikes Hit House in Ain Al-Arab Countryside (Kobani)*, 22 January 2021, <http://bit.ly/3k9y2AF>; SOHR, *Ten Fighters of SDF and Ankara-Backed Factions Killed, as Ankara-Backed Factions Try to Advance on Ain Issa Frontlines*, 28 December 2020, <http://bit.ly/386W3Uo>; VOA, *Turkish-Backed Rebels Intensify Attacks on Syrian Town*, 6 December 2020, <https://bit.ly/37blqTp>; SOHR, *Forces Renew Shelling Ain Issa, Injuring Woman and her Two Children*, 28 November 2020, <https://bit.ly/3mn8Mac>; SOHR, *Turkish Rocket Attack: Several Civilians Injured in Ain Issa Area, North of Raqqa*, 17 November 2020, <https://bit.ly/2UFCS5bP>. Siehe auch Kapitel II.B.4.a und b.

⁸³ Seit Anfang Februar 2021 dokumentierte SOHR "over 63 operations, including armed attacks and explosions, carried out by ISIS cells in SDF-held areas in Deir Ezzor, Al-Hasakah, Aleppo and Al-Raqqa provinces. (...) these attacks left 46 people dead: ten civilians, including two women and a child, and 36 members of Syria Democratic Forces (SDF), the Internal Security Forces (Asayish) and Self-Defense Forces, all killed by IED and landmine explosions, direct gunfire, and stabbing. Since July 2018 to date, the number of fighters, civilians, oil workers and civil servants assassinated in Aleppo, Deir ez-Zor, Raqqa and Al-Hasakah provinces and SDF-controlled Manbij area in north-eastern Aleppo province increased to 689 persons"; SOHR, *ISIS Members Kill over 100 Regime Soldiers and Loyalists, while Cells Carry Out Nearly 65 Operations in SDF-Held Areas*, 28 February 2021, <http://bit.ly/3kwYnZA>. "CJTF-OIR [Combined Joint Task Force – Operation Inherent Resolve] said that in Syria, ISIS also relied mainly on small arms and improvised explosive devices to attack the Syrian Democratic Forces (SDF) and Syrian regime and pro-regime forces. ISIS also claimed to assassinate civilians and security forces it believed to be 'spies'"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 3. ICG meldet: "[S]uch attacks aim to weaken the SDF and to terrorise the local population into non-cooperation with the authorities. Fear of ISIS retribution has harmed the SDF's ability to gather intelligence necessary for effective counter-insurgency measures. Residents attribute the persistence of ISIS activities partly to lack of popular confidence in a sustained U.S. troop presence in eastern Syria. ISIS cells have also benefited from mistrust between locals and the SDF – exacerbated by the exclusion of local Arab leaders from decision-making – which gives the militants room to operate among the population"; ICG, *The Fragility of Northern Syria*, 26 May 2020, www.ecoi.net/en/document/2030648.html. Nicholas A. Heras, Leiter des Middle East Security Program beim ISW, erläutert: "[T]he threat of major ISIS operations against the SDF is a clear and present danger to the stability of the post-ISIS order in northeast Syria"; Kurdistan 24, *Anti-ISIS Forces Arrest 4 ISIS Cells in Syria with Coalition Support*, 14 April 2020, <https://bit.ly/30j2MqY>.

zwischen den kurdischen *Asayish* und den Regierungstruppen entlang der Demarkationslinien in den Provinzen Hassakeh und Deir Ez-Zour zurückzuführen ist.⁸⁴

In den von den SDF kontrollierten Gebieten kommt es regelmäßig zu USBV-Anschlägen und sonstigen Angriffen auf Zivilpersonen und Sicherheitskräfte,⁸⁵ Ermordungen (ehemaliger) Mitglieder und Befehlshaber der SDF und *Asayish*⁸⁶ sowie Angriffen gegen Personen, denen eine Kollaboration mit

⁸⁴ Seit Juli 2012 haben die AANES auf der einen Seite und die syrische Regierung und regierungsnahen Truppen auf der anderen Seite die Kontrolle über die Städte Qamishli und Hassakeh untereinander aufgeteilt. *“The regime’s sizable presence in Hasakah and Qamishli spans the governorship, the courthouse, the municipality, the provincial council, the civil and land registries, the transportation directorate, the police, public banks, the education directorate and the main branch of the Ba’ath Party. It also includes the three primary intelligence branches (military, national security and political). In addition, the regime has maintained a significant presence of regular state armed forces in those enclaves, among several vital assets (such as the Qamishli airport and critical military bases) in the Hasakah governorate”*; Chatham House, *Assessing Control and Power Dynamics in Syria*, November 2020, <https://bit.ly/2K3xAWP>, p. 10. Die Sicherheitslage in den Städten ist Berichten zufolge relativ stabil, allerdings wurde von Spannungen und gelegentlichen Auseinandersetzungen der zwei Konfliktparteien berichtet, einschließlich im April 2020 und im Januar/Februar 2021. *“Qamishli and Al-Hassakah cities in Al-Hassakah Governorate remain under the control of the SDF with a few neighborhood pockets under the control of the GoS. This has caused tensions between the SDF and the GoS soldiers, occasionally escalating into clashes between the two sides. Since December 2020, minor incidents have occurred between the SDF and GoS, including arrests and clashes. Since 13-14 January [2021], the SDF has besieged GoS-held neighborhoods in Qamishli and Al-Hassakah city. Kurdish officials blame the GoS for the tensions, criticizing GoS restrictions on the movement of people and goods in Kurdish-controlled areas of Aleppo Governorate”*; Carter Center, *Weekly Conflict Summary: 1-7 February 2021*, 10 February 2021, <http://bit.ly/37EwsBz>. Siehe auch, SOHR, *Rising Tension: NDF Amass Troops in Al-Qamishli and Open Fire on Asayish Checkpoint*, 14 February 2021, <http://bit.ly/3r31CKJ>; VOA, *Tensions Remain after Kurdish, Government Forces Clash in Syria’s Qamishli*, 24 January 2021, <http://bit.ly/3oiLYJ8>; SOHR, *After Russia’s Mediation: Clashes Ceased in Al-Qamishli, after Injury of Six NDF Members*, 23 January 2020, <http://bit.ly/2MnO3pB>; SOHR, *Rising Tension: “Self-Defence Forces” Seize Regime’s Telecommunication Center in Northern Al-Hasakah*, 12 July 2020, <https://bit.ly/38MhJ7d>; SOHR, *Asayish-NDF Escalating Tension: Fierce Clashes Erupts Between Both Powers in Al-Qamishli, and Russian Forces Interfere*, 21 April 2020, <https://bit.ly/2YnD0iB>; SOHR, *NDF Open Fire on Convoy of Vehicles in Al-Qamishli Leaving Member of Asayish Forces Dead*, 4 April 2020, <https://bit.ly/2YoaxJE>. Auch aus Deir Ez-Zour wurden gelegentliche Gefechte gemeldet; SOHR, *Clashes Erupt Between Iranian Militias and SDF on the Euphrates River Banks*, 26 February 2021, <http://bit.ly/2ZU4H3E>; SOHR, *Girl Killed During Clashes Between Syrian Regime and SDF near Theyban Town in Deir Ez-Zour on Dec 12*, 14 December 2020, <https://bit.ly/2Klo2GB>; SOHR, *Deir ez-Zor Countryside: Regime Forces Shell SDF Positions on the Bank of Euphrates River*, 26 September 2020, <https://bit.ly/3i0RvAQ>.

⁸⁵ Eine Reihe von Anschlägen wurde ISIS zugerechnet bzw. hat sich ISIS zu ihnen bekannt. *“SOHR activists documented more than 480 operations by ISIS cells in SDF-controlled areas in Deir Ezzor, Al-Hasakah, Al-Raqqa and Manbij in 2020. These operations, including detonations, ambushes and attacks, claimed the lives of 208 persons: 86 civilians, including 10 children and six women, and 122 SDF fighters”*; SOHR, *“Islamic State” in 2020: 780 Regime Soldiers and Loyalists Killed in the Syrian Desert, and Nearly 500 Operations by ISIS Cells in SDF-Controlled Areas Leave over 200 Persons Dead*, 29 December 2020, <http://bit.ly/38atjKy>. Für Anschläge in SDF-kontrollierten Gebieten, vor allem, jedoch nicht ausschließlich in der Provinz Deir Ez-Zour, siehe z. B. SOHR, *Al-Busayrah Explosion Update: Number of People Injured Rises in Blast Targeting Collaborators with SDF, East of Deir ez-Zor*, 20 February 2021, <https://bit.ly/37zAgnG>; SOHR, *ISIS Resurgence: Four SDF Fighters Killed in Attack on Their Checkpoint in Deir Ezzor Countryside*, 9 February 2021, <https://bit.ly/3umt6wK>; SOHR, *Al-Raqqa Armed Attack: Seven Asayish Members Killed and Injured by ISIS Cells at Checkpoint in Western Countryside*, 8 February 2021, <https://bit.ly/3ue0uWJ>; SOHR, *Unknown Assaults Attack SDF Checkpoint, and SDF Seizes Car-Bomb Intended to Be Detonated in Deir ez-Zor Countryside*, 7 February 2021, <https://bit.ly/3dyiZPv>; SOHR, *Security Chaos in Al-Raqqa: IED Explodes in Civilian Car in Centre of the City*, 10 January 2021, <http://bit.ly/3qIKfyt>; SOHR, *IED Explodes in Military Vehicle in Al-Raqqa City*, 4 January 2021, <http://bit.ly/3qJVRBB>; SOHR, *IED Attack: Assassination on Head of Local Council in Western Deir ez-Zor Countryside*, 22 December 2020, <http://bit.ly/37G4Oop>; SOHR, *SDF-Controlled Areas in Two Weeks: 20 Attacks by ISIS Cells Leaves Nearly 15 People Dead and Wounded*, 14 December 2020, <http://bit.ly/3gP1JFn>; SOHR, *IED Explodes in Vehicle of Chairman of Local Council in Eastern Deir Ezzor*, 22 November 2020, <https://bit.ly/36iuhUd>.

⁸⁶ Im November 2020, *“ISIS claimed the assassination of the director of the oil department within the Syrian Democratic Forces (SDF)-supported Deir e-Zor Civil Council in al-Sabha on October 29. Possible ISIS militants attempted and failed to assassinate Abu Khawla, the head of the Deir e-Zor Military Council in Hasakah city, Hasakah Province, on November 1. ISIS also claimed the assassination of Commander Hafal Riad of the Kurdish Internal Security Forces in Markadah, Hasakah Province, on the same day”*; ISW, *Syria Situation Report: October 28 - November 10, 2020*, 13 November 2020, <https://bit.ly/3uBLHW7>. *“Cells affiliated with the Islamic State (IS) have been carrying out assassinations against the Kurdish-led Syrian Democratic Forces (SDF) in Deir ez-Zor, in eastern Syria”*; Al-Monitor, *Islamic State Regroups in Syrian Kurdish Region*, 10 November 2020, <https://bit.ly/2JZKmpr>. Siehe zum Beispiel, SOHR, *Two Members of Self-Defense Forces Killed in Rural Al-Hasakah*, 26 February 2021, <http://bit.ly/2ZSOaxb>; SOHR, *Deir Ezzor: ISIS Members Threaten Residents to Kill Their Sons if not Give Up Working for SDF*, 14 February 2021, <https://bit.ly/3qFo1gR>; SOHR, *Assassination Targeting Asayish Member in Eastern Deir ez-Zor*, 12 February 2021, <https://bit.ly/3s3jV55>; SOHR, *In Light of Security Chaos and ISIS Cells’ Activities: Unknown Gunmen Assassinate SDF Member in Deir ez-Zor Countryside*, 11 February 2021, <https://bit.ly/2M8R3GG>; SOHR, *Two Gunmen Assassinate SDF Member in Deir ez-Zor Countryside*, 3 February 2021, <http://bit.ly/2Mb6tu4>; SOHR, *“Al-Asaish” Member Assassinated in Eastern Countryside*, 1 February 2021, <http://bit.ly/2ZFwt3P>; SOHR, *Asayish Member Assassinated in Al-Raqqa, and SDF Security Checkpoint Attacked in Deir Ezzor*, 21 January 2021, <http://bit.ly/37EeQ8W>; SOHR, *Unknown Gunmen Detonate House of SDF Member in Rural Deir ez-Zor*, 20 January 2021, <http://bit.ly/3pC5YHa>; SOHR, *Unknown Gunmen Attack SDF Top Commander*, 19 January 2021, <http://bit.ly/3bqXNIE>.

den SDF und der AANES vorgeworfen wird.⁸⁷ Militärische Operationen und Verhaftungswellen gegen Personen, die verdächtigt werden, Kontakte zu ISIS zu haben, werden weiterhin aus dem Nordosten Syriens gemeldet⁸⁸ und fordern bisweilen zivile Opfer.⁸⁹

Die prekäre Sicherheitslage verschärft sich aufgrund von Befürchtungen, dass ISIS beabsichtigt, Kämpfer aus Haftanstalten der SDF zu befreien, um seine Truppen aufzustoßen. 2019 und 2020 wurden mehrere Aufstände und kleinere Gefängnisausbrüche gemeldet.⁹⁰ Darüber hinaus wurde berichtet, dass ISIS die Vertriebenenlager im Nordosten,⁹¹ in denen Tausende von Frauen, die für ISIS-Mitglieder oder Familienangehörige von ISIS-Kämpfern gehalten werden, samt Kindern untergebracht sind⁹², zur Rekrutierung verwendet⁹³ und den Bewohnern der Lager seine strenge Auslegung der

⁸⁷ "(...) local communities in the region [Deir Ez-Zour] face targeted attacks from ISIS fighters seeking to undermine support for the SDF"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 55. Siehe auch Kapitel III.A.7.

⁸⁸ Siehe zum Beispiel, VOA, *US-Backed Forces Stepping Up Campaign Against IS in Eastern Syria*, 8 February 2021, <https://bit.ly/3bB2MXi>; Rudaw, *SDF Arrests Tens of ISIS Suspects in Operation on Syria-Iraq Border*, 5 February 2021, <http://bit.ly/2MvOVsV>; SOHR, *Backed by Coalition Helicopters: SDF Storm Six Villages, Arresting Tens of People in Al-Hasakah Countryside*, 4 February 2021, <http://bit.ly/3umCr7N>; SOHR, *SDF Storm Several Areas in Western Deir Ezzor, Searching for Individuals Suspected of "Belonging and Dealing with ISIS"*, 21 January 2021, <http://bit.ly/3pHliB9>. Dennoch, laut CJTF-OIR der US-Regierung, "ongoing tension with Turkey along the northern Syria border continues to pull SDF forces and focus away from the fight to defeat ISIS"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 55. Laut CJTF-OIR, der Task Force der US-Regierung, "ongoing tension with Turkey along the northern Syria border continues to pull SDF forces and focus away from the fight to defeat ISIS"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 55.

⁸⁹ "(...) the US-led coalition and the Syrian Democratic Forces also carried out joint patrols to target the remaining ISIS cells. Despite being supposedly carefully planned and carried out to ensure high levels of accuracy, these operations have led to civilian casualties"; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 3. Siehe z. B. SNHR, *Syrian Democratic Forces Killed a Civilian in al Shheil City in Deir Ez-Zour Suburbs on May 22*, 22 May 2020, <https://bit.ly/2WezZkC>; SNHR, *SDF Killed a Civilian in Tal Ref'at City in Aleppo, on March 10*, 12 March 2020, <https://bit.ly/3gPL9nz>. Siehe auch Kapitel II.E.2.

⁹⁰ Laut CJTF-OIR halten die SDF etwa 2.000 ausländische Kämpfer und 8.000 irakische und syrische Kämpfer in ca. 20 Haftanstalten in Nordostsyrien gefangen. CJTF-OIR meldet: "the risk of a mass breakout cannot be discounted"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, pp. 4-5. Nicholas A. Heras, Leiter des Middle East Security Program beim ISW, erläutert: "ISIS also has a longstanding policy to seek to break out its fighters from prison, which makes these S.D.F. facilities a focus of ISIS efforts to replenish its ranks in Syria and Iraq"; New York Times, *ISIS Prisoners Threaten U.S. Mission in Northeastern Syria*, 25 May 2020, <https://nyti.ms/2Y3rBph>. Siehe auch SOHR, *Guards of al-Raqqa Central Prison Foil Escape Attempt of ISIS Prisoners*, 15 December 2020, <https://bit.ly/34d1wqE>; SOHR, *Internal Security Forces Foil Biggest Mass Escape Attempt in al-Hawl Camp*, 13 September 2020, <https://bit.ly/2DZboub>; SOHR, *Recent Riot in Ghwayran Prison: Surprise Plan and Many Casualties among Security Forces and Prisoners*, 30 July 2020, <https://bit.ly/30nAewb>; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, <https://bit.ly/2ZidUDA>, p. 6; AP, *Some ISIS Militants still on the Loose after Escaping Jail in Northeast Syria*, 17 May 2020, <https://bit.ly/2UMJXc7>; Washington Post, *Kurdish-Led Forces Put Down Revolt by ISIS Detainees at Prison in Syria*, 30 March 2020, <https://wapo.st/2Y1oyhq>; Washington Institute, *A Year Since Baghuz, the Islamic State Is Neither Defeated nor Resurgin (Yet)*, 25 March 2020, <https://bit.ly/2N5PxBX>.

⁹¹ Laut CGP "the camps are deeply unstable and insecure"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, <https://bit.ly/2YVMemp>, p. 7. "In the displacement camps, an indeterminate number of ISIS supporters, living among mostly women and children, operate in what CJTF-OIR described as a 'relatively permissive environment'"; Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 6.

⁹² "(...) about 90,000 Syrians, Iraqis and other 'third country nationals' with presumed family links to ISIL members are being confined in overcrowded displacement camps such as Al-Hol and Al-Roj. While the majority were transferred to these camps in 2019, following the defeat of ISIL in their last stronghold in Eastern Deir Ez-Zor, thousands of others have been kept in Al-Hol camp since 2016." Unter ihnen befinden sich fast 58.000 Kinder, von denen die überwiegende Mehrheit aus Syrien und Irak stammt; OHCHR, *Bachelet Urges States to Help Their Nationals Stranded in Syrian Camps*, 22 June 2020, <https://shar.es/ab3jGg>.

⁹³ "In al-Hol, the group's indoctrination of children and implementation of its austere reading of shariah law is very much ongoing, raising concerns over both child welfare (indoctrination as abuse) and the potential future security risks posed by leaving them in the camps." Weiter heißt es: "Camps like al-Hol and Roj are at serious risk of serving as a ready-made recruitment buffet for the group"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, <https://bit.ly/2YVMemp>, pp. 8, 9. CJTF-OIR meldet: "ISIS activists within the camps, particularly Al Hol, are able to recruit men and women from vulnerable populations and indoctrinate youth"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: I January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 53.

Scharia aufzwingt.⁹⁴ Tausende syrische Lagerinsassen wurden von den SDF freigelassen, um in ihre Heimatregionen in den Provinzen Deir Ez-Zour, Hassakeh und Raqqa zurückzukehren.⁹⁵

In arabischen Gebieten, die von den SDF kontrolliert werden, protestierte die lokale Bevölkerung regelmäßig gegen willkürliche Verhaftungen, Zwangsrekrutierung, verschlechterte Lebensbedingungen und politische Marginalisierung. Berichten zufolge wurden einige Proteste gewaltsam unterdrückt, u. a. durch Einsatz scharfer Munition und Verhaftung von Protestierenden.⁹⁶ Nach den Ermordungen arabischer Stammesführer Anfang August 2020 nahmen die Spannungen weiter zu und es wurden erneute Proteste gemeldet.⁹⁷ Zu Beginn des Jahres 2021 wurde über zunehmende Spannungen zwischen AANES und dem Lehrpersonal berichtet, da letztere darauf bestanden, den anerkannten

⁹⁴ "In al-Hol, where most European women and children are held, the most extreme residents have taken control of much of the camp. The group's Hisba (religious police) have been implementing justice within the camp, and there have been multiple executions"; CGP, *The Children of ISIS Detainees: Europe's Dilemma*, June 2020, <https://bit.ly/2YVMemp>, p. 8. "Inside the annexed section of Hawl camp, ISIL sympathizers have established a female morality police to monitor adherence to dress codes and enforce punishments on women perceived to be 'infidels' "; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 62. Siehe auch Washington Institute, *Wilayat al-Hawl: 'Remaining' and Incubating the Next Islamic State*, 19 October 2019, <https://bit.ly/2C9ODCu>, pp. 6-8 (mit Beispielen). Bewohner des Lagers Al-Hol (Provinz Hassakeh) sind von ISIS-Anhängern angegriffen und getötet worden, da ihnen eine kritische Haltung gegenüber der Ideologie von ISIS oder eine Verbindung zu den kurdischen Sicherheitskräften (Asayish) vorgeworfen wurde; Anfang 2021 wurde über einen erheblichen Anstieg von Tötungen berichtet; SOHR, *22 Murders in "Al-Hawl Mini-State" in 2021: Syrian Woman Found Dead in Her Tent*, 25 February 2021, <http://bit.ly/3r28ok1>; Syria Direct, *'Al-Hol Emirate': How ISIS Turns the Prison-Like Camp into a Stronghold*, 1 February 2021, <http://bit.ly/3pZVv8M>; UN, *Syria Al Hol Camp*, 22 January 2021, <http://bit.ly/3ktATVh>.

⁹⁵ Zunächst erfolgte die Abreise von mehrheitlich Frauen und Kindern in ihre Heimatgebiete auf der Grundlage von Bürgschaften, die Stammesführer für sie übernommen hatten. Im Oktober 2020 verkündete die AANES ihren Plan, alle Syrer im Lager Al-Hol freizulassen, ohne eine Bürgschaft der Stämme zu verlangen. Etwa 1300 Menschen verließen das Al-Hol-Camp im Oktober und November 2020 und 314 Abgänge wurden im Januar und Februar 2021 berichtet. Berichten zufolge durften einige Familien aufgrund fehlender Ausweispapiere das Lager nicht verlassen; United Nations Children's Fund (UNICEF), *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, <https://bit.ly/3b3FJW6>, p. 2; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 13. Siehe auch, VOA, *More Syrian Nationals Released from al-Hol Camp*, 23 February 2021, <http://bit.ly/3qYfzJS>; The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, <http://bit.ly/2M1J9OU>; SOHR, *67 Families from Eastern Aleppo Countryside Prepare to Leave the Camp in few Hours*, 28 January 2021, <http://bit.ly/3bpoa1O>; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 9; VOA, *Islamic State Families to Be Cleared from al-Hol Camp*, 5 October 2020, <http://bit.ly/3b4GIF0>.

⁹⁶ Ein Beispiel: "On 4 June [2020], one male civilian was killed and three others were injured by reported small arms fire when the Syrian Democratic Forces fired into the air to disperse peaceful protesters in the city of Shaddadah in southern rural Hasakah"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, p. 20. "A widening rift with tribes in eastern Syria is undermining the SDF's ability to wage counter-insurgency. It also often leads the SDF to respond to growing local protests with heavy-handed tactics that cause civilian casualties and fuel grievances"; ICG, *Squaring the Circles in Syria's North East*, 31 July 2019, www.ecoi.net/en/document/2014214.html, p. 21. Siehe auch Al-Monitor, *Protests, Info Warfare Continue in Syria's Deir ez-Zor*, 22 January 2021, <http://bit.ly/37VgrYi>; SOHR, *SDF Storm Several Areas in Deir Ezzor Countryside, Arresting 17 Young People*, 22 January 2021, <http://bit.ly/37BBH5j>; SOHR, *Live Gunfire Injures Child, as SDF Attempting to Disperse Protesters*, 3 January 2021, <http://bit.ly/3sghKZt>; SNHR, *SDF Arrested Civilians in Deir Ez-Zour Governorate on December 16*, 18 December 2020, <http://bit.ly/3h6s1Dh>; SNHR, *Syrian Democratic Forces Killed in Civilian in al Shaddadi City in Hasaka on June 4*, 8 June 2020, <https://bit.ly/3fmy3hq>; SOHR, *Members Storms Village Arresting Eight Civilians Participating in Protests, and Disperses Demonstration by Force in Rural Deir ez-Zor*, 8 June 2020, <https://bit.ly/30DjzFm>.

⁹⁷ "These assassinations have sparked widespread anger amongst rural Deir-ez-Zor's Arab tribesmen, culminating in several anti-Syrian Democratic Forces (SDF) demonstrations on 4 August [2020] in the region. These demonstrations have occasionally turned violent, as in Hawayej, where five civilians and four SDF members were injured in a shootout. Locals from the towns of Thiban and Shiheil also took to the street to denounce the SDF's approach to security, and seven civilians were reportedly arrested as a result"; COAR, *Syria Update: 17 August 2020*, 17 August 2020, <https://bit.ly/3gfueu2>. "During the demonstrations in Al-Hawayij town [Deir Ez-Zour Governorate], SDF fighters forcibly dispersed the protests, wounding 5 protesters. Al-Hawayij is where unidentified gunmen assassinated an elder of the Akkidat tribe on 2 August [2020], leading to the ongoing protests. Following the protests, the SDF imposed a curfew and established new checkpoints in eastern Deir-ez-Zor Governorate"; Carter Center, *Weekly Conflict Summary: 3 - 9 August 2020*, 14 August 2020, <https://bit.ly/2YjKdkv>. "The developments are a sign of the deepening ethnic rift between Arab tribesmen and the SDF, who appear to have failed to win the hearts and minds of residents in the region they control. Locals have complained of a lack of services, rising crime, fuel shortages as well as growing Kurdish influence"; The New Arab, *Arab Tribal Leader Urges 'Armed Resistance' Against SDF amid Deir Az-Zour Tensions*, 12 August 2020, <https://bit.ly/3hfweUt>. Siehe auch Carter Center, *Weekly Conflict Summary: 10-16 August 2020*, 21 August 2020, <https://bit.ly/3ldXZir>, p. 5.

syrischen Lehrplan zu unterrichten. Die Auseinandersetzung führte zu Protesten und willkürlichen Verhaftungen sowie Schlägen gegen das Lehrpersonal und Schülerinnen und Schüler.⁹⁸

Darüber hinaus wurde von Menschenrechtsverletzungen berichtet, die die SDF, YPG und Institutionen der AANES⁹⁹ sowie ISIS gegenüber Zivilpersonen verübten.¹⁰⁰

3) Sicherheit in Gebieten, die de facto von HTS und bewaffneten oppositionellen Gruppen kontrolliert werden

Die Landesteile in der Provinz Idlib und Umgebung sind das letzte große Gebiet, das noch von bewaffneten oppositionellen Gruppen kontrolliert wird, wobei HTS das Gebiet militärisch und administrativ beherrscht.¹⁰¹ Weitere bewaffnete Akteure, die in dem Gebiet Präsenz zeigen, sind Gruppen, die der von der Türkei unterstützten NLF / SNA nahestehen,¹⁰² die mit Al-Qaida verbundene Hurras Al-Din (HAD)¹⁰³ und die Turkestan Islamic Party (TIP).¹⁰⁴ Berichten zufolge ist auch ISIS weiterhin begrenzt präsent.¹⁰⁵

Obwohl die Landesteile in der Provinz Idlib und den angrenzenden Gebieten Gegenstand des Deeskalationsabkommens von 2017 zwischen der Türkei, Russland und Iran, des

⁹⁸ Von Januar bis 15. Februar 2021, verzeichnete SNHR die Verhaftung von mindestens 27 Lehrkräften "due to their teaching the educational curriculum used by the Syrian regime." SNHR verzeichnete zudem, dass 14 dieser Lehrkräfte nur unter der Bedingung freigelassen wurden, nicht den Lehrplan der Regierung zu unterrichten; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, <https://bit.ly/3kfRGER>, p. 5. See also, Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, <https://bit.ly/3aJkZ5J>; SOHR, *Asayish Forces Arrest Four Teachers in Amouda for "Teaching Lessons of Syrian Regime Curricula"*, 7 February 2021, <http://bit.ly/3dEzYEH>.

⁹⁹ Siehe Kapitel II.E.2.

¹⁰⁰ Siehe Kapitel II.E.5.

¹⁰¹ Der zivile Flügel von HTS, das im November 2017 gegründete Syrian Salvation Government, ist das administrative Organ, dem die Verwaltung des Gebiets obliegt; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 5; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 13; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, pp. 9-13.

¹⁰² Die NLF (*Al-Jabha Al-Wataniya lil-Tahrir*), eine Allianz überwiegend nationalistisch-islamistischer und FSA-naher bewaffneter Gruppen, wurde im Mai 2018 in Idlib gegründet. Im Oktober 2019 wurde sie Teil der SNA, die von der Türkei unterstützt wird; HRW, "Targeting Life in Idlib": *Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 3; Clingendael Institute, *Strategies of Turkish Proxy Warfare in Northern Syria: Back with a Vengeance*, November 2019, <https://bit.ly/37xNqk5>, p. 4.

¹⁰³ HAD "operates in Idlib and its suburbs and is assessed to have between 3,500 and 5,000 fighters, up to half of whom are foreign terrorist fighters from countries that include Egypt, Jordan, Morocco, Saudi Arabia and Tunisia. HAD adheres more to a global than a local Syrian agenda. (...) Member States assessed that HAD was made up of a number of small factions, including Jund Al-Malahim, Jaysh Al-Sahel, Jaysh Al-Badyah, Saraya Al-Sahel, Saraya Kabul, Jund Al-Shari'a, Ansar Al-Furqan, Saraya Al-Ghotta, Abu Baker the Al-Sideeq Brigade, the Abu Obaidah Al-Jarah Brigade, Saraya Al-Ghuraba'a, the Jund Al-Sham Brigades, the Fursan Al-Eyman Brigades, the Al-Nukhba Forces, the Abdullah Azzam Group and the Usood Al-Tawheed Brigade"; UNSC, Letter Dated 20 January 2020, www.ecoi.net/en/document/2024173.html, para. 16. Mitte Juni 2020 richtete HAD zusammen mit anderen Al-Qaida-Verbündeten (Jamaat Ansar Al-Islam, Jabhat Ansar Al-Din, Tansiqiyat Al-Jihad und Liwa Al-Muqatileen Al-Ansar) eine gemeinsame militärische Operationszentrale („Fathbatou“ / „So Be Steadfast“) zur Koordinierung der Maßnahmen im Kampf gegen die Regierungstruppen ein. Seitdem kam es zu wiederholten Auseinandersetzungen zwischen HTS und „Fathbatou“, und Ende Juni 2020 löste HTS die Operationszentrale auf. Das Carter Center stellt fest: "Currently in northwest Syria, there is no other non-state armed group that can challenge HTS's rule"; Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, <https://bit.ly/3629DWP>. Siehe auch ISW, *Syria Situation Report: June 10 - 23, 2020*, 23 June 2020, <https://bit.ly/3imO7S1>; VOA, *Jihadists in Syria's Idlib Form New 'Operations Room'*, 15 June 2020, <https://bit.ly/310n714>.

¹⁰⁴ Für eine Übersicht der verschiedenen nichtstaatlichen bewaffneten Gruppen in der Region Idlib siehe Carter Center, *Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria*, 2 November 2020, <https://bit.ly/3629DWP>; BBC, *Syria: Who's in Control of Idlib?*, 22 June 2019, <https://bbc.in/2ky7zm1>; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, pp. 6-23.

¹⁰⁵ "While the Idlib region in the north-west of the Syrian Arab Republic is dominated by a rival group, Hay'at Tahrir al-Sham, it remains an important facilitation and transit point for ISIL"; UNSC, *Twelfth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, 29 January 2021, S/2021/98, <https://bit.ly/2NvRTOW>, para. 21. "HTS has been at war with ISIS since 2014, and since the March 2020 ceasefire it has escalated its raids and arrests aimed at thwarting ISIS attempts to build a covert network of cells in Idlib following the latter's loss of territorial control in eastern Syria"; ICG, *In Syria's Idlib, Washington's Chance to Reimagine Counter-Terrorism*, 3 February 2021, www.ecoi.net/en/document/2044763.html. See also, SOHR, *ISIS Cells Open Fire on HTS Checkpoint near Iskenderun Region, Killing Two Members*, 24 January 2021, <http://bit.ly/3shHxR0>; Carter Center, *Weekly Conflict Summary 11-17 January 2021*, 21 January 2021, <http://bit.ly/2P7vacd>.

Entmilitarisierungsabkommens von 2018 zwischen Russland und der Türkei¹⁰⁶ und sich daran anschließender Waffenstillstandsbemühungen gewesen sind,¹⁰⁷ haben 2019 und 2020 wiederholt Eskalationen zwischen den Regierungstruppen und HTS und anderen bewaffneten oppositionellen Gruppen stattgefunden.¹⁰⁸ Die gravierendste Eskalation der Kämpfe, die sich zwischen Dezember 2019 und Anfang März 2020 ereignete, führte zu großen Zahlen ziviler Opfer¹⁰⁹ und zur Vertreibung von nahezu einer Million Menschen, was die größte einzelne Vertreibungswelle seit Ausbruch des syrischen Konflikts neun Jahre zuvor darstellt.¹¹⁰ Die bereits bestehende humanitäre Krise verschärfte sich dadurch,¹¹¹ und es kam zu erheblichen Beschädigungen der zivilen Infrastrukturen, einschließlich medizinischer Einrichtungen, Märkten, Schulen, Vertriebenenlagern und landwirtschaftlicher Anbauflächen.¹¹² Der Vorstoß der Regierung zur Wiedereroberung von Gebieten in Idlib hat außerdem zu direkten militärischen Auseinandersetzungen zwischen syrischen und türkischen Truppen geführt.¹¹³ Am 6. März 2020 ist eine von der Türkei und Russland vermittelte Waffenstillstandsvereinbarung in Kraft getreten.¹¹⁴ Zum Zeitpunkt der Erstellung dieses Dokuments wird der Waffenstillstand grundsätzlich eingehalten, auch wenn weiterhin Auseinandersetzungen, Luftangriffe sowie Artillerie- und Raketenbeschuss gemeldet werden, weshalb zunehmend befürchtet wird, dass es im Nordwesten wieder zu intensiven Kampfhandlungen kommen könnte.¹¹⁵

¹⁰⁶ Siehe oben Fußnote 30.

¹⁰⁷ ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html; OHCHR, *Syria: Bachelet Condemns Continued Killings and Displacements Despite 'Ceasefire'*, 17 January 2020, www.ecoi.net/en/document/2023148.html; UN News, *Security Council: Two Draft Resolutions, Zero Consensus on Ceasefire in Syria's Idlib*, 19 September 2019, <https://bit.ly/2kGqVp7>.

¹⁰⁸ HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html; Atlantic Council, *Factbox: The Syrian Regime's Push in Idlib Province*, 2 March 2020, <https://bit.ly/34NwlgA>.

¹⁰⁹ "The Office of the United Nations High Commissioner for Human Rights has verified that at least 1,750 civilians have been killed since last April [2019]. The actual number is probably higher. A total of 351 civilians have been killed in the last two months alone. While the majority of those civilian deaths – 94 per cent – have occurred in opposition-held areas exposed to bombardment by pro-Government forces, 6 per cent occurred in Government-held areas"; UNSC, 8738th Meeting, S/PV.8738, 28 February 2020, <https://bit.ly/3g42hWo>, p. 3. Siehe auch International Committee of the Red Cross (ICRC), *Syria: A Spike in Civilian Casualties, Mass Displacement in Country's Northwest*, 31 January 2020, <https://bit.ly/31n6Rc6>; und Kapitel II.C.

¹¹⁰ Siehe Kapitel II.D.1.

¹¹¹ Siehe Kapitel II.F.2.a.

¹¹² "The alliance launched dozens of air and ground attacks on civilian objects and infrastructure in violation of the laws of war, striking homes, schools, healthcare facilities, and markets – the places where people live, work, and study"; HRW, *"Targeting Life in Idlib": Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 1. Siehe auch Kapitel II.E.1.

¹¹³ ISW, *Turkey Commits to Idlib*, 18 March 2020, <https://bit.ly/2Y6VuVS>; New York Times, *Turkey Declares Major Offensive Against Syrian Government*, 1 March 2020, <https://nyti.ms/3fvhUpo>; The Guardian, *Turkey Downs Two Syrian Fighter Jets as It Intensifies Idlib Attacks*, 1 March 2020, <https://bit.ly/3ejdi5u>; The Guardian, *Dozens of Turkish Soldiers Killed in Strike in Idlib in Syria*, 28 February 2020, <https://bit.ly/2BbaN6L>; UN News, *Syria: UN Urges Russia and Turkey to Secure 'Fresh Ceasefire' as Risk of Military Escalation Grows*, 28 February 2020, <https://bit.ly/2AFVovl>.

¹¹⁴ Vereinbart wurde u. a. die Einstellung aller militärischen Aktionen entlang der Kontaktlinie in der Deeskalationszone Idlib ab dem 6. März 2020, die Einrichtung eines Sicherheitskorridors 6 km nördlich und 6 km südlich der Autobahn M4 und der Beginn gemeinsamer türkisch-russischer Patrouillen entlang der Autobahn M4 am 15. März 2020; UNSC, *Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-Escalation Area*, 6 March 2020, S/2020/187, <https://bit.ly/2NiXkMX>.

¹¹⁵ "A Russian-Turkish ceasefire has held for ten months. If it breaks down, the regime could launch another offensive that would result in massive civilian casualties and displace hundreds of thousands toward (and potentially far beyond) the Turkish border, while scattering insurgents far and wide. In other words, Syria's conflict, for now largely locked in an uneasy standoff, could re-emerge as an epicentre of international instability"; ICG, *In Syria's Idlib, Washington's Chance to Reimagine Counter-Terrorism*, 3 February 2021, www.ecoi.net/en/document/2044763.html. "And although shelling and other open hostilities remain significantly lower compared to this time last year [2020] – before the ceasefire – artillery and similar bombardments have continued to impact communities, causing casualties across the northwest throughout January [2021], including in the Idlib area"; UN News, *Syria Floods: Humanitarians Working 'Round the Clock' to Provide Urgent Relief*, 29 January 2021, <https://shar.es/aokzZP>. "Artillery shelling and similar bombardments continued to impact communities across the northwest, especially around the M4 and M5 highways in the southern and eastern Idlib area"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 1. "In the north-west, the ceasefire in the Idlib de-escalation area largely continued to hold, albeit with a gradual increase in the number of violations. Mutual artillery shelling across contact lines took place on a nearly daily basis, while sporadic airstrikes continued. Ground-based clashes remained local, limited and intermittent. On 4 November [2020], multiple incidents of airstrikes and shelling in different parts of Idlib killed at least 7 civilians, including 4 children, and injured at least 14 civilians, including 3 children, in a single day. Among those killed were two aid workers on their way to a

Verschärft wird die bereits instabile Sicherheitslage durch gelegentliche USBV-Angriffe,¹¹⁶ Kriminalität einschließlich Erpressung und Entführung zur Erwirkung von Lösegeld,¹¹⁷ Entführung und Ermordung von Mitgliedern und Anführern rivalisierender bewaffneter Gruppen, einschließlich Überläufern von HTS,¹¹⁸ interne Auseinandersetzungen zwischen verschiedenen bewaffneten Gruppen¹¹⁹ und umfangreiche Kontaminierung mit Blindgängern.¹²⁰ Außerdem wird berichtet, dass HTS jegliche Form zivilen Widerspruchs gegen ihre Herrschaft gewaltsam bekämpft.¹²¹

4) Sicherheit in Gebieten, die de facto von der Syrischen Nationalen Armee kontrolliert werden

a) Sicherheit in Gebieten der „Operation Schutzschild Euphrat“ und der „Operation Olivenzweig“

Meldungen zufolge sind Dutzende bewaffneter Gruppen, die vor allem unter dem Dach der SNA operieren, in Afrin und den angrenzenden Distrikten (Azaz, al-Bab, Jarablus) aktiv.¹²² Die instabile

UNICEF-supported child-friendly space. Two schools were also reportedly damaged as a result of shelling that day”; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3momPeR>, para. 6. Siehe auch Al-Monitor, Fears of Syrian Government Offensive Mount in Idlib as Turkey Withdraws from Military Posts, 20 January 2021, <http://bit.ly/3aYwk23>; HRW, “Targeting Life in Idlib”: Syrian and Russian Strikes on Civilian Infrastructure, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 1; OCHA, Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ad Interim, Ramesh Rajasingham, Briefing to the Security Council on the Humanitarian Situation in Syria, 27 August 2020, <https://bit.ly/3bXRpbF>.

¹¹⁶ Siehe z. B. SOHR, New Explosion Rocks Town in Eastern Idlib, 14 February 2021, <https://bit.ly/3qJKBVJ>; SOHR, IED Attack: Little Girl Injured near the “Governor Palace” in Idlib, 14 January 2021, <http://bit.ly/37BFQWM>; SOHR, IED Explodes in Ma’rat Misrin, 30 December 2020, <http://bit.ly/359Ueo1>; SOHR, IED Attack: Explosion in Petrol Station in Northern Idlib Kills Two Civilians, 23 December 2020, <http://bit.ly/3rOfJ7k>; SOHR, Explosion Rocks Town in Northern Idlib Countryside, 30 November 2020, <https://bit.ly/3mlJqJZ>; SOHR, Car-Bomb Attacks: Explosion Hits Jisr Al-Shughur, Leaving Casualties, 29 November 2020, <https://bit.ly/2VeCnXB>; SOHR, IED Explodes in Car Injuring Man and His Two Children in Al-Hamama Village, 16 November 2020, <https://bit.ly/3feVIB1>; SOHR, IED Explodes in Motorcycle in Western Idlib, 17 October 2020, <https://bit.ly/3dNL83v>; SOHR, IED Explodes in a Car in Jisr Al-Shughour, Leaving One Injured, 17 August 2020, <https://bit.ly/3g7jRbN>; SOHR, Explosion Targets the Head of the “Local Council” in Harem, near Iskenderun Border, 25 July 2020, <https://bit.ly/2OYY019>.

¹¹⁷ Al-Monitor, Thefts on Rise in Idlib amid Rising Poverty, 27 January 2021, <http://bit.ly/2PaGXGq>; SOHR, Unidentified Gunmen Storm National Front Headquarters, and Steal its Contents, 29 December 2020, <http://bit.ly/2MkY0UO>; SOHR, Masked Men Rob Civilian in Idlib Countryside, 25 June 2020, <https://bit.ly/2VoT82T>; SOHR, Armed Robbery in Areas Held by HTS: Unidentified Gunmen Attack Currency Exchanger after Leaving Afrin, 12 June 2020, <https://bit.ly/2CeWz5p>; SOHR, Armed Robberies and Kidnappings Continue in Idlib and Countryside, 21 May 2020, <https://bit.ly/2AxomNS>.

¹¹⁸ See for example, SOHR, HTS Arrests Two Members of “Islamic Party of Liberation” in Northern Idlib, and Amasses Troops for Arresting Members of “Hurras Al-Din”, 27 February 2021, <http://bit.ly/3uDG09P>; SOHR, Security Crackdown on Jihadist Organization “Huraas al-Din”: HTS Arrests Six People in Idlib Province, 25 February 2021, <http://bit.ly/2O62MXp>; SOHR, HTS Arrests Three ex-Fighters of “Hazm Movement”, 13 January 2021, <http://bit.ly/3reLgi0>; SOHR, HTS Arrests Two Members of “Ahrar al-Sham” at al-Ghazawiya Crossing, 28 December 2020, <http://bit.ly/3aXhed8>.

¹¹⁹ “Infighting among non-state armed groups has been a regular feature of the Syrian conflict. Since Hayat Tahrir al-Sham (HTS) solidified its dominance in northwest Syria in mid-2017, the group strived to keep any competitor in check while avoiding all-out armed confrontation”; Carter Center, Power Through Strength: Hayat Tahrir al-Sham Solidifying Control in Northwest Syria, 2 November 2020, <https://bit.ly/3629DWP>. Siehe auch SOHR, HTS Impose Curfew in Tal’ada, after Ten People Killed in Fierce Clashes, 10 October 2020, <https://bit.ly/2SMXqzi>; MEE, Civil War Within Civil War: HTS Battles Rival Militants, Defectors in Syria’s Idlib, 27 June 2020, <https://bit.ly/389jF9o>; SOHR, Fierce Clashes Renew Between HTS and “Hurras Al-Din” in Western Idlib, 26 June 2020, <https://bit.ly/3eLsNnT>; Al-Monitor, Defections Threaten Hayat Tahrir al-Sham in Idlib, 22 April 2020, <https://n.pr/389AqBv>; MEE, Turkish Crackdown on Idlib Protest Exposes Syrian Rebel Divisions, 14 April 2020, <https://bit.ly/2YITinS>.

¹²⁰ “The security situation is further undermined by the prevalence of explosive hazards (...);” OCHA, Recent Developments in Northwest Syria: Situation Report No. 23, 21 December 2020, <https://bit.ly/2X8Sx5P>, p. 1. Siehe z. B. SOHR, Landmine Explosion Kills Young Man in Jisr Al-Shughour Countryside in Western Idlib, 5 February 2021, <http://bit.ly/2O2RSLs>; SOHR, Three Children Sustained Serious Injuries in Explosion of Unexploded Cluster Bomb in Sarmin, 31 December 2020, <http://bit.ly/3oprOO8>; SOHR, Landmine Explosion Kills Young Man Killed in Maarrat Al-Nu’man Countryside, 9 December 2020, <http://bit.ly/3n73Kyg>; SOHR, Explosion Kills and Wounds Six Children in Refugee Camp in Northern Idlib, 3 December 2020, <http://bit.ly/3gfRUA4>. Siehe auch HALO Trust, Explosive Hazard Contamination in Northwest Syria - Roundtable Meeting Report, 17 December 2020, <https://bit.ly/2LjBrj2>; und Kapitel II.C.

¹²¹ Siehe Kapitel II.E.3 und III.A.5.

¹²² “In addition to the Turkish military, the al-Hamzat Division and Jaish al-Islam, there are at least a dozen Syrian militias that control different parts of Afrin, including the National Liberation Front and several other Islamist factions such as the Sultan Murad Division, Ahrar al-Sharqiya and the Suleiman Shah Brigade”; VOA, Rights Groups Concerned About Continued Abuses in Afrin, 10 June 2020, <https://bit.ly/2YBNCuh>. Siehe auch GCSP, The Syrian National Army: Formation, Challenges, and Outlook, 19 November 2020, <https://bit.ly/3oyvQDQ>; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 34.

Sicherheitslage¹²³ manifestiert sich in regelmäßigen internen Machtkämpfen zwischen bewaffneten Gruppen, die mit der SNA verbunden sind,¹²⁴ USBV-Anschlägen und sonstigen Angriffen auf

¹²³ "Afrin region, particularly the city of Afrin, has been in the throes of rampant insecurity since the armed opposition factions of the Turkey-backed SNA took power in the region"; STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, <http://bit.ly/3pZSvcj>. "Al-Bab, the largest city in the Euphrates Shield region, is witnessing ongoing security chaos, with occasional assassinations and bombings"; Al-Monitor, *Syrian Opposition Split on Timing of Assad Military Offensive*, 13 January 2021, <http://bit.ly/2ZZgYUM>. "The Turkish army, in cooperation with the Syrian opposition's Free Syrian Army (FSA), launched a military operation to expel the Islamic State (IS) from the cities of Jarablus, al-Bab and al-Rai in northern Syria on Aug. 24, 2016 (...). However, since then the area has been experiencing security chaos, as kidnappings and explosions, especially using rigged motorcycles, are almost ongoing, not to mention the continuous clashes among factions affiliated with Ankara. Meanwhile, security chaos also prevails and weapons spread in the city of Afrin and its countryside, which the FSA factions controlled following Operation Olive Branch (...). This chaos is manifested through assassinations, kidnappings, ransoms, and car and motorcycle bombings as well as explosive devices"; Al-Monitor, *Turkish Backed Armed Groups Clash in Northern Syria*, 18 August 2020, <https://bit.ly/31mgslD>. "The combination of growing ethnic tension and terrorist attacks means that Afrin remains unstable"; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, p. 24. Siehe auch SOHR, "Olive Branch" and "Euphrates Shield" Areas in January 2021: Nearly 58 People Arrested and Kidnapped in Afrin, while 33 People Killed in Nearly 20 Explosions and Assassinations, 9 February 2021, <https://bit.ly/37xx8Zq>.

¹²⁴ "Infighting among Turkish-backed armed opposition groups remains a persistent challenge in Turkish-held territories of northern Syria. Although Turkey has attempted to maintain order among the opposition Syrian National Army (SNA) that it backs, outbreaks of violence persist. Clashes among SNA factions often occur due to competition over resources and influence"; Carter Center, *Weekly Conflict Summary: 8-14 February 2021*, 18 February 2021, <https://bit.ly/3aJkZ5J>. "Infighting between rebel factions is common in Afrin, mostly due to disputes over the homes and properties of Kurdish residents from the area who have been displaced"; Syria Report, *Afrin: Opposition Factions Fight over Properties of Displaced Residents*, 23 December 2020, <http://bit.ly/3q1ZpHe>. Siehe zum Beispiel, STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, <http://bit.ly/3pZSvcj>; SOHR, *Violent Clashes Erupt among Groups of "Jaysh Al-Sharqiyyah" in Jendires*, 14 February 2021, <https://bit.ly/2Zy3izl>; SOHR, *Nearly 15 Fighters Killed and Injured in Al-Jabha Al-Shamiyyah's Attack on Jaysh Al-Islam's Headquarters in Afrin*, 13 February 2021, <https://bit.ly/3uiNjnb>; SNHR, *IDPs Injured, Tents Damaged in North Aleppo Camp in Clashes Between Two Syrian National Army Factions on Dec 23, 24 December 2020*, <http://bit.ly/38aWQDK>; SOHR, *Civilian Injured in Clashes Between Turkish-Backed Factions*, 14 December 2020, <http://bit.ly/2Wd8tUd>; SOHR, *Clashes Erupt Between "Ahrar Al-Sham" and "Al-Hamzat Division" in Jendires, Leaving Casualties*, 24 September 2020, <https://bit.ly/3i2wEx1>; SOHR, *Afrin: Dispute over Civilian Homes Sparks New Clashes among Turkish-Backed Factions in Jandiras Area*, 4 September 2020, <https://bit.ly/3lR11w9>; SOHR, *Woman Killed and Child Wounded in Armed Fight among Groups of "Jaysh Al-Sharqiyyah"*, 22 July 2020, <https://bit.ly/30HE0Q1>; Enab Baladi, *Violations by "SNA"...Who to Blame?*, 12 June 2020, <https://bit.ly/2BeoH8H>; Carter Center, *Weekly Conflict Summary: 25 May - 31 May 2020*, 5 June 2020, <https://bit.ly/3clDogM>, p. 3; MEE, *Syria: Inter-Rebel Fighting in Afrin Kills a Child*, 29 May 2020, <https://bit.ly/3dxotr1>; SNHR, *Rival Factions: New Armed Fight Erupts among Turkish-Backed Factions in North-Eastern Aleppo*, 22 May 2020, <https://bit.ly/2AxBzGj>; SNHR, *The Death of Two Civilians During Clashes Between Two Factions of the Armed Opposition in al Bab City in Aleppo*, on May 16, 17 May 2020, <https://bit.ly/3727QkP>.

Zivilpersonen und militärische Ziele in den Orten Afrin,¹²⁵ Azaz,¹²⁶ al-Bab¹²⁷ und Jarabulus¹²⁸ sowie deren Umgebung, häufigen Fällen von Erpressung, Plünderung und illegaler Beschlagnahme von Eigentum,

- ¹²⁵ “[A] spate of likely-PKK perpetrated IED attacks result[ed] in dozens of casualties in Turkish-held Aleppo and Hasakah provinces. Nine improvised explosive devices (IEDs) detonated between January 30 and February 16 [2021] in Afrin, Azaz, Bza’a, al-Bab, Ras al-Ayn, al-Rai, and Jandires, killing at least 26. The IEDs targeted Turkish-backed Syrian National Army (SNA) infrastructure and civilian sites. The PKK is the most likely perpetrator, but ISIS may also be responsible for some of the attacks”; ISW, Syria Situation Report: January 30 - February 18, 2021, 19 February 2021, <https://bit.ly/3bq15hQ>. “Between January and April [2020], civilians residing in the Afrin region of Aleppo suffered a barrage of shelling and car bomb explosions, which killed and injured scores of inhabitants and damaged civilian infrastructure, including markets and homes”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 38. Siehe z. B. SNHR, IED Explosion: Three People Injured in Afrin City, 24 February 2021, <http://bit.ly/2MmaiwL>; SNHR, Civilians Injured and Hospital Damaged in an SDF Attack in Afrin City in Aleppo on February 17, 18 February 2021, <http://bit.ly/2NTPg8Q>; SOHR, Explosion Targets Car in Afrin City, Injuring One, 16 February 2021, <https://bit.ly/3dwWhHJ>; SOHR, Violent Explosion Injures Several People in Jandiras Area in Afrin Countryside, 14 February 2021, <https://bit.ly/2MgSX8s>; SOHR, Eight People Killed and Injured in Yesterday’s Car-Bomb Explosion in Afrin, Half of them Are Children, 31 January 2021, <http://bit.ly/3ukQsD9>; UN News, Deadly Car Bomb Attacks ‘Tragic Reminder’ of Price Civilians Pay in Syria, 6 January 2021, <http://bit.ly/3burbhi>; SOHR, Ten People Killed and Injured in Jendires Car-Bomb Attack, 2 January 2020, <http://bit.ly/355TBvE>; SOHR, IED Attack: Three People Injured in Explosion near Military Checkpoint in Afrin City, 24 December 2020, <http://bit.ly/3rOeG7o>; SOHR, Nearly 20 People Killed and Wounded in Today’s Car-Bomb Attack, 24 November 2020, <https://bit.ly/2KHuoJE>; SOHR, Ten People Killed and 35 Injured in Yesterday’s Explosion in Afrin, 15 September 2020, <https://bit.ly/35HvUe4>.
- ¹²⁶ Siehe z. B. SOHR, Nearly Ten People Injured in Car-Bomb Explosion in Northern Aleppo, 20 February 2021, <https://bit.ly/3bptOkI>; SOHR, Ankara-Backed Forces Detonate Two IEDs, and Arrest Three People in Azaz City, 7 February 2021, <http://bit.ly/3uiW54J>; Al Jazeera, At Least 13 Killed in Car Bombs, Shooting in Syria’s North, 31 January 2021, <http://bit.ly/3bpgZGU>; UNICEF, Four Children Reportedly Killed and Two Children Injured in Two Attacks in Northern Syria, 31 January 2021, <http://uni.cf/3pPPs6J>; ABC News, Syria Car Bombing near Azaz Courthouse Kills Dozens, Activists Say, 8 January 2021, <http://ab.co/3dBxqCn>; SOHR, One Person Killed and Others Injured in Explosion at Vegetable Market near Syrian-Turkish Border, North of Aleppo, 17 January 2021, <http://bit.ly/37EmfVM>; SOHR, Kurdish Forces Shell Hospital in Azaz, 27 November 2020, <https://bit.ly/3q9OvHy>; SOHR, Explosion Injures Judge of ‘Military Court’ in Azaz, 18 October 2020, <https://bit.ly/2T1BHng>; SOHR, Explosion in Azaz Injures Civilians and Causes Material Damage, 5 August 2020, <https://bit.ly/2E7IUOA>; Al Jazeera, Blast Kills Five, Wounds Dozens in Rebel-Held Northwest Syria, 19 July 2020, <https://aje.io/fyugw>.
- ¹²⁷ Laut OCHA “(...) more than 20 violent incidents, reportedly resulting in civilian casualties, have occurred in Al Bab this year alone. In early October [2020], at least 18 civilians – including 5 children – were killed and more than 75 wounded in a horrific bombing in the city”; UN News, UN Officials Denounce Bombings in Northern Syria, 25 November 2020, <https://shar.es/aoWq2N>. Siehe auch SOHR, Police Man and His Child Killed in Turkish-Held City of Al-Bab in Eastern Aleppo, 17 February 2021, <https://bit.ly/3pDVnvl>; SOHR, One Person Killed and Others Injured in IED Explosion in Car in Al-Bab City, 16 February 2021, <https://bit.ly/2NN1kc0>; SOHR, Car Explodes in Turkish-Controlled Areas in Rural Aleppo, Leaving over Ten Casualties, 13 February 2021, <https://bit.ly/3dsT386>; SOHR, Manbij Military Council’s Artillery Shelling: Nearly Ten People, Including Children and Women, Injured in Al-Bab City in Eastern Aleppo Countryside, 8 February 2021, <https://bit.ly/3uk6o8Q>; SOHR, Explosion Kills Turkish Officer in al-Bab City, 4 February 2021, <http://bit.ly/3dAL5tu>; SOHR, Al-Bab Blast: IED Explosion Kills One and Injures Three, 2 February 2021, <http://bit.ly/3ulunnV>; SOHR, Unknown Gunmen Open Fire on Turkish-Backed Militiaman, while Others Throw Grenade on Residential Neighbourhood, 17 January 2021, <http://bit.ly/2ORNS7g>; SOHR, IED Attack: Explosion in Residential Neighbourhood in Al-Bab Injures Many, 11 November 2020, <https://bit.ly/3pi8B1X>; SOHR, Three Members of ‘Engineering Teams’ Killed in IED Explosion in Al-Bab, 6 November 2020, <https://bit.ly/36dO1Hb>; SOHR, Military Commander Killed and His Father Injured in Explosion in Al-Bab, 5 November 2020, <https://bit.ly/38nLtsl>; SOHR, Number of Casualties of Al-Bab Bloody Blast Jumps to 95, 6 October 2020, <https://bit.ly/3d1piJk>.
- ¹²⁸ Siehe z. B. SOHR, IED Attack: Commander of ‘National Arm’ and Two Persons of His Family Injured in Jarabulus, 27 January 2021, <http://bit.ly/2ZC5Sif>; SOHR, Unknown Gunmen Shoot Dead a Lawyer in Jarabulus, 20 January 2021, <http://bit.ly/2NwP53z>; SOHR, IED Attack: Explosion Injures Little Girl in Jarabulus City in Aleppo Countryside, 12 January 2021, <http://bit.ly/3ugcmrf>; SOHR, Booby-Trapped Motorcycle Explodes Injuring Several People, North-East of Aleppo, 30 November 2020, <https://bit.ly/36pOTdh>; SOHR, IED Explodes in Eastern Aleppo, 17 November 2020, <https://bit.ly/2iDfNW1>; SOHR, Explosion Injures Two People in Jarabulus Countryside in North-East Aleppo, 9 November 2020, <https://bit.ly/35beKos>; SOHR, Gunmen Assassinate Ankara-Backed Police Officer, 8 November 2020, <https://bit.ly/36dtfYs>; SOHR, IED Explodes in North-Eastern Aleppo, Leaving Three Casualties, 5 September 2020, <https://bit.ly/331M7bh>; SOHR, IED Explodes at Market in Northern Aleppo, 20 August 2020, <https://bit.ly/2EmdN1A>; SOHR, Bomb-Motorcycle Explodes in Jarabulus Leaving Casualties, 15 August 2020, <https://bit.ly/3iLveYp>.

Entführungen und Ermordungen¹²⁹ sowie einem allgemeinen Zustand der Rechtslosigkeit und einer hohen Kriminalitätsrate.¹³⁰

In den Frontgebieten kommt es regelmäßig zu Zusammenstößen bewaffneter Gruppen, die der SNA verbunden sind, mit Regierungstruppen und den SDF/YPG.¹³¹ Darüber hinaus wird gemeldet, dass die SDF/YPG und ihre örtlichen Verbündeten für Attacken auf Zivilisten und mit der SNA verbündete Gruppen verantwortlich sind, einschließlich der Verwendung von Autobomben und dem Artilleriebeschuss ziviler Gebiete.¹³²

ISIS ist Berichten zufolge in dem Gebiet weiterhin operativ präsent und hat sich für mehrere Angriffe gegen türkische Truppen und die SNA verantwortlich erklärt.¹³³

¹²⁹ "Throughout 2018 and 2019, the Commission documented numerous cases of abduction of children in the Afrin region. The lack of an effective security apparatus and clear absence of the rule of law in the region resulted in frequent abductions by armed groups and criminal gangs, who also targeted children"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 58. Siehe z. B. SOHR, *Unknown Gunmen Assassinate Merchant in Al-Bab City*, 3 January 2021, <http://bit.ly/3dxujM1>; SOHR, 2020: *115 Children and Women among over 510 People Kidnapped in Syria, with Afrin and Regime-Held Areas Topping the List*, 27 December 2020, <https://bit.ly/38TOfog>; SOHR, *Unidentified Gunmen Assassinate Policeman in Aleppo Countryside*, 3 September 2020, <https://bit.ly/3jLLdq1>; SOHR, *Afrin: "Al-Hamzat Division" Loots Civilian Houses in Raju*, 24 July 2020, <https://bit.ly/3f0yNI5>; SOHR, *Two Unidentified Gunmen Assassinate Civilian in Azaz City*, 17 July 2020, <https://bit.ly/2WYWXD7>; SOHR, *Turkish Intelligence and Military Police Storm Village, Arresting Six People*, 2 July 2020, <https://bit.ly/38wumD7>. Siehe auch Kapitel III.A.6.a.

¹³⁰ Die Hohe Kommissarin der Vereinten Nationen für Menschenrechte, Michelle Bachelet, weist darauf hin, dass Gewalt und Kriminalität „[are] „rife“ in areas „under the control of Turkish forces and Turkish-affiliated armed groups“; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/de/dokument/2037973.html. "Weapons are widespread in the city. Many civilians and rebels retired from fighting carry arms to defend themselves, and there are many shops selling all kinds of weapons. The sound of gunfire is common"; MEE, *Syria: Inter-Rebel Fighting in Afrin Kills a Child*, 29 May 2020, <https://bit.ly/3dxotr1>. "Lawlessness is rampant, and very few fighters have faced repercussions for their criminal activity"; The New York Review of Books, *Who Are Turkey's Proxy Fighters in Syria?*, 27 November 2019, <https://bit.ly/2P3r5IA>.

¹³¹ "Since Turkey's military intervention into northeast Syria with Operation Peace Spring (OPS) in 2019, Turkish armed forces and Turkish-backed Syrian armed opposition groups have frequently clashed with the predominantly Kurdish Syrian Democratic Forces (SDF)"; Carter Center, *Weekly Conflict Summary: 19-25 October 2020*, 28 October 2020, <https://bit.ly/2I4sE2A>. Siehe auch Kapitel II.B.1.b und II.B.2.

¹³² "(...) local residents consistently described numerous security threats, which were likely committed by groups opposing the Syrian National Army, including shooting incidents, car bomb explosions and other attacks using improvised explosive devices that led to civilian casualties"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 43. In den meisten Fällen beansprucht kein Akteur die Verantwortung für diese Attacken. Die Türkei macht regelmäßig YPG-Truppen für die Attacken in Nordsyrien verantwortlich, die jedoch diese Vorwürfe zurückgewiesen und ihrerseits der SNA nahestehende Gruppen beschuldigt hat. "As Turkey has consolidated control, Turkish armed forces and Turkish-backed Syrian armed opposition forces have faced attacks from unidentified armed groups and Kurdish militias. Although some of these Kurdish groups claim to be independent, Turkey has argued that they are associated with the Kurdish People's Protection Units (YPG)"; Carter Center, *Weekly Conflict Summary: 15-21 February 2021*, 24 February 2021, <http://bit.ly/37SB87g>. See also, Anadolu Agency, *Terror Attack Kill 2 Civilians, Wounds 12 in NE Syria*, 24 September 2020, <http://bit.ly/3rVYXDn>; Al-Monitor, *Syrian Kurdish Groups Deny Responsibility for Bloody Afrin Bombing*, 29 April 2020, <http://almon.co/3cni>. Laut Carter Center "there have been at least 215 recorded attacks on Turkish armed forces and Turkish-backed armed opposition groups" zwischen März 2018 (als die Türkei und von der Türkei unterstützte Truppen in Afrin die Kontrolle übernahmen) und Juni 2020; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, <https://bit.ly/2ZidJUDA>, p. 3. Zu den gemeldeten gezielten Angriffen auf Personen, denen eine Kollaboration mit der SNA und der Türkei unterstellt wird, siehe Kapitel III.A.4.

¹³³ "ISIS claims its first attack in Afrin, Aleppo Province since 2017, demonstrating expanding area of operations. The attack consisted of an improvised explosive device (IED) planted in a vehicle belonging to the Turkish-backed Syrian National Army in Maatabli, Afrin District. ISIS only began claiming attacks in nearby Turkish-controlled towns al-Bab and Azaz in June 2020. ISIS attack capabilities in Afrin are notable as ISIS did not control Afrin even at the height of its power, in contrast with al-Bab and Azaz. ISW previously assessed that either ISIS or the PKK may have been responsible for IED attacks in Afrin throughout November and December 2020; while it is still unclear whether ISIS or the PKK was responsible for each event, this ISIS claim lends further credence to the possibility that ISIS perpetrated some of the attacks"; ISW, *Syria Situation Report: December 16, 2020 - January 7, 2021*, 11 January 2021, <https://bit.ly/3qduzTn>. Am 18. November 2020 z. B. "ISIS killed a Turkish-backed police officer in Al-Bab, Aleppo Governorate. This was the fourth attack that ISIS claimed against Turkish-backed forces in Aleppo Governorate"; Carter Center, *Weekly Conflict Summary: 16-22 November 2020*, 30 November 2020, <https://bit.ly/33x45Du>. "(...) ISIS has begun to issue claims of responsibility for attacks carried out by its operatives against the Turkish army and Turkish-backed rebel organizations operating in the region of Al-Bab and Manbij"; The Meir Amit Intelligence and Terrorism Information Center, *Spotlight on Global Jihad (June 25 - July 1, 2020)*, 2 July 2020, <https://bit.ly/3ekMmBP>. Siehe auch SOHR, "Islamic State" in 2020: 780 Regime Soldiers and Loyalists Killed in the Syrian Desert, and Nearly 500 Operations by ISIS Cells in SDF-Controlled Areas Leave over 200 Persons Dead, 29 December 2020, <http://bit.ly/38atjKy>; SOHR, *Azaz: Intelligence Service Arrests ISIS Cell*, 3 December 2020, <https://bit.ly/33OLIPR>.

Im historisch kurdischen Afrin nehmen die ethnischen Spannungen Berichten zufolge zu, was auf die Vertreibung einer großen Zahl mehrheitlich kurdischer Einwohner und die Neuansiedlung von Arabern aus anderen Landesteilen zurückzuführen ist.¹³⁴

b) Sicherheit in den Gebieten der „Operation Friedensquelle“

Am 9. Oktober 2019, kurz nachdem die Vereinigten Staaten angekündigt hatten, dass sie ihre Truppen aus dem Gebiet zurückziehen würden, starteten türkische Truppen mit Unterstützung der SNA eine Militäroffensive in Nordsyrien, einer ethnisch und religiös gemischten Region.¹³⁵ Die Vorstöße konzentrierten sich auf Gebiete zwischen Tal Abyad (Provinz Raqqa) und Ras al-Ain (Provinz Hassakeh). Ihnen gingen intensive Bombardierungen und Artilleriebeschießungen in ganz Nordsyrien voraus.¹³⁶ Am 13. Oktober 2019 haben die SDF der syrischen Regierung erlaubt, Truppen entlang der Grenzgebiete zu stationieren, um „die [türkische] Aggression abzuwehren“.¹³⁷ Gemäß den Vereinbarungen, die in dem Memorandum of Understanding (MoU) vom 22. Oktober 2019 zwischen Russland und der Türkei getroffen wurden, zogen sich die SDF/YPG-Truppen aus den türkischen Grenzgebieten sowie aus den Städten Manbij und Tel Rifat zurück,¹³⁸ während die Türkei und ihre Verbündeten die uneingeschränkte Kontrolle des 120 km langen und 30 km breiten Gebiets zwischen Ras al-Ain und Tal Abyad behielten.¹³⁹ Gleichzeitig marschierten syrische Regierungstruppen in Gebiete ein, die zuvor von den SDF/YPG kontrolliert worden waren, einschließlich der Städte Kobane (Ain al-Arab), Manbij und Tabqa (Provinz Raqqa).¹⁴⁰ Außerdem wurde eine Militärpatrouille aus russischen und türkischen Streitkräften gebildet, die entlang der türkischen Grenze östlich und westlich des Gebiets der „Operation Friedensquelle“ (Distrikte Qamishli und Ras al-Ain sowie Manbij) einen 10 km breiten Streifen kontrollierte.¹⁴¹ Die Militäroffensive hat zu zivilen Opfern,¹⁴²

¹³⁴ „While the Turkish incursion into Afrin led to an exodus of locals affiliated with the Kurdish self-administration [AANES], the city has recently experienced an influx of Arabs from other parts of Syria, changing the ethnic balance in the city.“ Weiter heißt es: „The demographic shift is a reality. Most of the refugees who have moved to Afrin over the last three years are Sunni Arabs from parts of Idlib and Eastern Ghouta, which were formerly held by the opposition“; ECFR, *A New Gaza: Turkey's Border Policy in Northern Syria*, May 2020, www.ecoi.net/en/document/2032219.html, pp. 11, 23. Siehe auch Kapitel III.A.6.a.

¹³⁵ Siehe Kapitel III.A.8.

¹³⁶ The Guardian, *Turkey Unleashes Airstrikes Against Kurds in North-East Syria*, 9 October 2019, <https://bit.ly/2NCgxsP>. Die internationale Gemeinschaft, einschließlich der Arabischen Liga und der EU, verurteilte die Offensive; DW, *European Lawmakers Condemn Turkish Operation in Syria*, 23 October 2019, <https://bit.ly/34nXXvg>; VOA, *Arab League Condemns Turkey's Syria Incursion, Calls for UN Action*, 12 October 2019, <https://bit.ly/2pstNbC>.

¹³⁷ BBC, *Turkey-Syria Offensive: Assad's Army 'Enters Manbij'*, 14 October 2019, <https://bbc.in/2NFwXk6>; The Defense Post, *Syrian Government Forces Set to Enter Kobani and Manbij in SDF Deal*, 13 October 2019, <https://bit.ly/32ai1Qo>.

¹³⁸ Reuters, *Russia Tells Turkey Kurdish Fighters Have Left NE Syrian Border Area: Erdogan*, 29 October 2019, <https://reut.rs/36hxamf>. „(...) the SDF-Damascus agreement of October 2019 has not directly affected the administration of NES on the civilian, political or internal security level. Except for those cities occupied by Turkey, the AANES retains the same political authority and autonomy as it did before the war“; Rojava Information Center (RIC), *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, <https://bit.ly/32gZ2az>, p. 17.

¹³⁹ Laut MoU „the established status quo in the current Operation Peace Spring area covering Tel Abyad and Ras Al Ayn with a depth of 32 km will be preserved“; President of Russia, *Memorandum of Understanding Between Turkey and the Russian Federation*, 22 October 2019, <https://bit.ly/34odvyY>. Siehe auch ISW, *Map: Russo-Turkish Agreement on Northeast Syria*, 23 October 2019, <https://bit.ly/2qMHEK8>.

¹⁴⁰ Der US-Militärgeheimdienst Defense Intelligence Agency stellt fest: „between 4,000 and 10,000 Syrian regime forces have been deployed in northeastern Syria since the Turkish incursion“; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 51. „So far, however, these [government] soldiers have not tried to establish control over YPG-held populated areas. Their seeming restraint suggests that, for now at least, the YPG-protected autonomous administration will continue to govern areas in the majority of the north east held neither by Turkey nor its Syrian allies“; ICG, *Steadying the New Status Quo in Syria's North East*, 27 November 2019, <https://bit.ly/2r3LGOB>, pp. 7-8.

¹⁴¹ Die Stadt Qamishli wurde jedoch von der Vereinbarung vom 22. Oktober 2019 ausgenommen; BBC, *Turkey Syria Offensive: Russia Deploys Troops to Border*, 23 October 2019, <https://bbc.in/2C8XNMB>; Al Jazeera, *Russia and Turkey Begin Joint Patrols in Northeast Syria*, 1 November 2019, <https://aje.io/7ur25>.

¹⁴² OHCHR, *Press Briefing Note on Syria*, 6 December 2019, www.ecoi.net/en/document/2021145.html; OCHA, *Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 14 November 2019, <https://bit.ly/2Qr0WPP>, p. 2.

Massenvertreibungen von Kurden, Jesiden und Christen¹⁴³ sowie Beschädigungen bzw. Sperrungen wesentlicher Infrastrukturen geführt.¹⁴⁴ Zudem waren mehr als 600 palästinensische Flüchtlinge von den Kämpfen im Zusammenhang mit der „Operation Friedensquelle“ betroffen.¹⁴⁵

Zum Zeitpunkt der Erstellung dieses Dokuments ist die Sicherheitslage in den Gebieten der „Operation Friedensquelle“ weiterhin angespannt¹⁴⁶ aufgrund von regelmäßigen Auseinandersetzungen und Schusswechseln zwischen bewaffneten, mit der SNA verbundenen Gruppen, türkischen Streitkräften und den SDF/YPG¹⁴⁷ und Regierungstruppen¹⁴⁸, internen Machtkämpfen zwischen bewaffneten, mit der SNA verbundenen Gruppen¹⁴⁹ und regelmäßigen USBV-Angriffen auf zivile und militärische

¹⁴³ “Turkey intervened militarily in northern Syria in October 2019 to create a ‘safe zone’ where Syrian refugees could be returned. This triggered more than 220,000 internal displacements, mostly from Kurdish border towns. Others fled across borders”; Internal Displacement Monitoring Centre (IDMC), *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 23. “The launch of Operation Peace Spring triggered mass waves of displacement. More than 100,000 people had fled by 11 October [2019]. This number rose to more than 175,000 displaced individuals by 22 October, including approximately 80,000 children. More than 10,000 civilians fled across the border to Iraq”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 48. Siehe auch Kapitel II.D.1 und III.A.8.d.

¹⁴⁴ UNSC, *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*, 16 December 2019, S/2019/949, www.ecoi.net/en/document/2022113.html, para. 52; United Nations Children’s Fund (UNICEF), *Geneva Palais Briefing Note on Children in Syria*, 21 November 2019, <https://uni.cf/2qwMOKw>.

¹⁴⁵ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Syria: Achievements and Highlights in 2019*, 24 February 2020, <https://bit.ly/3ekek1o>. Siehe auch Kapitel II.B.4.b.

¹⁴⁶ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 46.

¹⁴⁷ Die mit solchen Ereignissen verbundene Unsicherheit führt Berichten zufolge zu Flucht- und Migrationsbewegungen, insbesondere aus den Gebieten in der Umgebung von Ain Issa (Provinz Raqqa). “In recent weeks, fighting around the northern town of Ain Issa has intensified with Turkish-backed Syrian militias carrying out attacks against U.S.-backed Syrian Democratic Forces (SDF). The clashes have forced thousands of civilians in Ain Issa to flee their homes as nearby villages have already been caught in the crossfire”; VOA, *Fighting Continues over Flashpoint Town in Northern Syria*, 5 January 2020, <http://bit.ly/2ME4M8s>. “Turkey continues shelling and attempts to seize SDF-held villages near Ayn Issa, Raqqa Province, while escalating kinetically across the frontline in Aleppo, Raqqa, and Hasakah Provinces, stoking tensions with Russia as well as the SDF. While Turkey has not yet mounted a full-scale offensive on Ayn Issa, continuous kinetic activity has disrupted civilian life, with more than half the town’s population of 14,000 fleeing the area”; ISW, *Syria Situation Report: December 16, 2020 - January 7, 2021*, 11 January 2021, <https://bit.ly/3qduzTn>. Siehe auch SOHR, *New Displacement Movement over Rocket Attacks by Turkish-Backed Factions on Positions in Rural Tal Tamr*, 6 January 2021, <http://bit.ly/3kaYaep>; SOHR, *Turkish Attack: Woman and Child Injured in Shelling on Ain Issa, North of Raqqa*, 3 January 2021, <http://bit.ly/37yvlN2>; SOHR, “Peace Spring” Frontlines in Al-Hasakah Countryside Witness Shelling and Clashes, amid Civilian Exodus from Village, 29 December 2020, <http://bit.ly/354U5IG>; Al Jazeera, *Civilians Flee Ain Issa, Northeast Syria as Clashes Escalate*, 27 December 2020, <http://bit.ly/3rQEwYc>; SOHR, *Civilians Flee from Abu Rasin “Zarkan”, as Turkish Bombardment Continues on the Area*, 6 December 2020, <https://bit.ly/37HWV0h>; und Kapitel II.B.2.

¹⁴⁸ Siehe Kapitel II.B.1.b.

¹⁴⁹ Auseinandersetzungen rivalisierender bewaffneter Gruppen führen regelmäßig zu zivilen Opfern; siehe z. B. SOHR, *Clashes Erupt Between “Malek Shah” and “Sultan Murad” Factions in Tal Halaf, Leaving Casualties*, 10 February 2021, <https://bit.ly/2NjDXY0>; SOHR, *Clashes Erupt among Turkish-Backed Militiamen over Harassment of a Girl in Ras Al-Ain City*, 5 January 2021, <http://bit.ly/2NOXM9r>; SOHR, *Clashes Erupt Between “Malek Shah” and “Sultan Murad” Factions in Tal Halaf, Leaving Casualties*, 10 February 2021, <https://bit.ly/2NjDXY0>; SOHR, *Clashes Erupt among Turkish-Backed Militiamen over Harassment of a Girl in Ras Al-Ain City*, 5 January 2021, <http://bit.ly/2NOXM9r>; SOHR, *Ras Al-Ain Experiences Growing Tension and Splits among Factions over Displaced Civilians’ Properties and Revenue-Sharing*, 26 November 2020, <https://bit.ly/3meGpuS>; SOHR, *Dispute over Seizing Houses Evolves into Clashes Between Turkish-Backed Factions*, 5 November 2020, <https://bit.ly/356Emmz>; SOHR, *Popular Discontent Grows in Ras Al Ain City (Seri Canier) over Yesterday’s Bloody Clashes Between “Sultan Murad” Members*, 28 October 2020, <https://bit.ly/3mlC6HY>; SOHR, *Tension Grows over Conflicts and Disputes among Turkish-Backed Factions*, 17 October 2020, <https://bit.ly/3dzdG0q>; SOHR, *New Fight Erupts Between Turkish-Backed Factions in “Peace Spring” Areas, Leaving Many Civilians and Military Injured*, 9 October 2020, <https://bit.ly/2SIJdn3>; SOHR, *Turkish-Backed Militiaman Assassinated, as Factional Quarrels Continue in “Peace Spring” Areas*, 21 September 2020, <https://bit.ly/3cncrWIM>; SOHR, *Factional Clashes Renew, as Tension Continues Between People of Rural al-Hasakeh and Turkish-Backed Factions*, 13 September 2020, <https://bit.ly/3bUUzNi>; SOHR, *Ras al-Ain: Clashes among Turkish-Backed Factions Leave Three People Injured*, 8 September 2020, <https://bit.ly/2GMz5ad>.

Ziele¹⁵⁰, überwiegend in und um Ras al-Ain (Provinz Hassakeh)¹⁵¹ und Tal Abyad (Provinz Raqqa)¹⁵². Darüber hinaus wurde von Menschenrechtsverletzungen berichtet, die bewaffnete, der SNA verbundene Gruppen gegenüber Zivilpersonen verübten.¹⁵³

C. Zivile Opfer

Seit 2011 wurden mehrere Hunderttausend Zivilpersonen infolge des Konflikts getötet.¹⁵⁴ Zwar ist die Zahl der Opfer seit 2018 zurückgegangen und nach der Vereinbarung eines Waffenstillstands in Idlib

¹⁵⁰ "Attacks, which included the use of improvised explosive devices, vehicle-borne improvised explosive devices and small arms fire, continued to be reported, including against civilians"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 8. "The area (...) is subjected to dozens of rigged car and motorcycle explosions in the cities of Ras al-Ain and Tell Abyad and the towns of Tal Halaf, Suluk and Hamam al-Turkman, claiming dozens of victims, the majority of whom are civilians"; Al-Monitor, *Turkish Backed Armed Groups Clash in Northern Syria*, 18 August 2020, <https://bit.ly/31mgslid>. Die Türkei macht regelmäßig YPG-Kämpfer für diese Anschläge verantwortlich, siehe Fußnote 124.

¹⁵¹ Siehe z.B. SOHR, *Children and Women among 12 People Killed and Injured in Outdoors Market*, 25 February 2021, <http://bit.ly/3dO237T>; SOHR, *Two Explosions Rock Turkish-Held City of Ras al-Ain (Sere Kaniye)*, 3 February 2021, <http://bit.ly/3aIR79P>; SOHR, *IED Attack, Turkish-Backed Militiaman Killed and Four Others Injured in Ras Al-Ain (Sere Kaniye)*, 6 January 2021, <http://bit.ly/3qI8XzI>; Xinhua, *Explosion Kills 5 in Rebel-Held Area in NE Syria*, 2 January 2021, <http://bit.ly/3ueWZ26>; AFP, *Car Bomb Leaves 16 Dead in Syria*, 11 December 2020, <https://bit.ly/3olwuy0>; SOHR, *Ten People Killed and Injured in Car-Bomb Explosion in Ras al-Ain Countryside (Sere Kaniye)*, 27 November 2020, <https://bit.ly/2JtTWjy>; SOHR, *Explosion Injures Several People at Vegetable Market in Ras al-Ain City (Sere Kaniye) in Rural Hasakeh*, 2 November 2020, <https://bit.ly/2Gmrsr3>; SOHR, *Seven People Killed and Ten Others Injured in Ras Al-Ain Blast*, 26 September 2020, <https://bit.ly/3kU0JR0>; SOHR, *Four People Killed, Including Two Children, and more than Ten Others Injured in Car-Bomb Explosion in Ras al-Ain Countryside*, 24 September 2020, <https://bit.ly/3j2kXYI>; SOHR, *Four Women and a Man Killed in Yesterday's Explosions in Ras Al-Ain (Sere Kaniye)*, 13 September 2020, <https://bit.ly/3k86WIW>.

¹⁵² Siehe z. B. SOHR, *Violent Explosion in Turkish-Control Tal Abyad Kills and Injures Ten People*, 26 January 2021, <http://bit.ly/2NsnPDq>; SOHR, *Car-Bomb Explosion Kills One Turkish-Backed Militiaman and Injures Others in Northern Al-Raqqa*, 5 November 2020, <https://bit.ly/2ldh31w>; SOHR, *Civilian Killed and Others Injured in Motorcycle-Bomb Explosion*, 3 November 2020, <https://bit.ly/3jVAY25>; SOHR, *IED Explodes in Northern Al-Raqqa Injuring Many*, 1 September 2020, <https://bit.ly/3bhZJHH>; SNHR, *Woman Died on Aug 22 Due to Wounds Sustained by a Blast of a Car Bomb of Unknown Origin in Slouk Town in Raqqa*, 22 August 2020, <https://bit.ly/31IEDA8>; SOHR, *Car Bomb Explodes in "Peace Spring" Areas, Leaving Casualties*, 20 August 2020, <https://bit.ly/32cz9ab>; SOHR, *Car Bomb Explodes at Checkpoint in Rural Tal Abyad, Leaving Many Casualties*, 18 August 2020, <https://bit.ly/3aCwgDi>; SOHR, *Tal Abyad's Car-Bomb Explosion: Six People Killed, Including Three Children and Other Unidentified Bodies in Northern Al-Raqqa*, 7 July 2020, <https://bit.ly/3206DKc>; SOHR, *North of Al-Raqqa: IED Explodes Killing Two Turkish-Backed Fighters*, 10 June 2020, <https://bit.ly/33n7tjw>; SOHR, *Car-Bomb Explosion Leaves Casualties among Turkish Troops and Proxy Factions in a Town North of Raqqa City*, 6 March 2020, <https://bit.ly/30j6lxd>

¹⁵³ Siehe Kapitel II.E.4.

¹⁵⁴ Es existieren mehrere Datensätze zu Todesfällen und Verletzten in Syrien (einschließlich unterschiedlicher Definitionen des Begriffs „Zivilperson“), die auf verschiedenen Methoden beruhen und jeweils sehr unterschiedliche Zahlenangaben enthalten. SOHR dokumentierte den Tod von über 116.900 Zivilpersonen (einschließlich über 13.800 Frauen und 22.100 Kindern) bis zum 9. Dezember 2020. In der ganz überwiegenden Mehrzahl der Fälle wurden die Regierungstruppen für den Tod verantwortlich gemacht. Nicht berücksichtigt sind u. a. weitere 88.000 Menschen, deren Tod durch Folter in den Haftanstalten der Regierung dokumentiert ist. SOHR zählt auch Zivilpersonen, die gegenüber der Regierung zu den Waffen gegriffen haben, zu den Zivilpersonen; SOHR, *On International Human Rights Day: Millions of Syrians Robbed of "Rights" and 593 Thousand Killed in a Decade*, 9 December 2020, <https://bit.ly/2tzRUXm>. Das Violations Documentation Center (VDC) hat die Namen von über 135.500 Zivilpersonen zusammengetragen, die zwischen März 2011 und November 2020 durch Gewalt im Zusammenhang mit dem Konflikt getötet wurden. Für die überwiegende Mehrzahl dieser zivilen Toten werden die Regierungstruppen verantwortlich gemacht; VDC, *Monthly Statistical Report in Casualties in Syria: November 2020*, <http://bit.ly/37R1vKT>, pp. 1, 3. SNHR hat mehr als 226.800 Todesfälle von Zivilpersonen dokumentiert, die zwischen März 2011 und September 2020 getötet wurden, einschließlich 28.300 Frauen und 29.300 Kindern. In der ganz überwiegenden Mehrzahl der Fälle (fast 200.000) wurden die Regierungstruppen für den Tod verantwortlich gemacht; SNHR, *Civilian Death Toll*, Zugriff am 28. Februar 2021, <https://bit.ly/3jEQgJy>. Laut AGPS, einer Menschenrechtsorganisation mit Sitz in London, hat der Konflikt zum Tod von über 4.040 Palästinensern geführt, wobei sich sowohl Zivilpersonen als auch Kämpfer unter den Opfern finden. Mehr als 490 Todesopfer waren Frauen; AGPS, *Victims Data Table*, Zugriff am 28. Februar 2021, <https://bit.ly/2l6ZB1v>. SNHR dokumentierte zwischen März 2011 und Juli 2020 den Tod von fast 3.200 Palästinensern, einschließlich 312 Frauen und 352 Kindern. Berichten zufolge sind 491 Palästinenser an den Folgen von Folter gestorben; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xX0sb>. Die Vereinten Nationen haben Anfang 2014 die Erhebung von Daten zu Todesopfern und Verletzten eingestellt und dies mit fehlendem Zugang zu den entsprechenden Datenquellen und sinkendem Vertrauen in deren Verlässlichkeit begründet; Time, *UN to Stop Updating Syria Death Toll*, 7 January 2014, <http://ti.me/1achNKN>.

im März 2020 auf den niedrigsten Stand seit Ausbruch des Konflikts 2011 gesunken, doch alle Konfliktparteien töten weiter Zivilpersonen.¹⁵⁵ Schätzungsweise wurden über 100.000 Syrer eingesperrt oder Opfer von Verschwindenlassen, was überwiegend den Regierungstruppen zuzuschreiben ist.¹⁵⁶

Mangels angemessener gesundheitlicher Versorgungsmöglichkeiten sind zudem viele Zivilpersonen an ansteckenden und nicht ansteckenden chronischen Erkrankungen vorzeitig gestorben.¹⁵⁷ Außerdem sind viele weitere Personen unmittelbar durch den Konflikt verletzt worden, was oftmals zu Langzeitbehinderungen geführt hat,¹⁵⁸ und zahlreiche Menschen leiden unter den psychologischen Folgen, die mit Gewalterfahrungen, Verlust von Familienangehörigen, Vertreibung und Entbehrung verbunden sind.¹⁵⁹

Der jahrelange Konflikt hat dazu geführt, dass das Land großflächig mit explosiven Kampfmittelrückständen und Landminen kontaminiert ist, was eine Bedrohung für das Leben von

Die Hohe Kommissarin der Vereinten Nationen für Menschenrechte stellte 2019 fest: *“Several hundreds of thousands of children, women and men have been killed in Syria since 2011. (...) So many that it is no longer even possible to give a credible estimate”*; UN News, *UN Human Rights Chief Fears World Has Grown Numb to Syrian Carnage*, 26 July 2019, <https://bit.ly/2YC5Q17>. Siehe auch, *The New Arab, Will We ever Really Know how Many People Have Died in Syria since 2011?*, 28 January 2020, <https://bit.ly/2RzaSHe>. Auf der Grundlage von Meldungen englischsprachiger Medien registrierte Action on Armed Violence (AOAV) zwischen 2011 und 2019 über 74.500 Fälle, in denen Zivilpersonen explosiven Waffen zum Opfer fielen, darunter 32.000 Todesfälle und 38.500 Verletzte, wobei eine „erheblich höhere Dunkelziffer“ wahrscheinlich ist; AOA, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, <https://bit.ly/2OB9eTf>, p. 7.

¹⁵⁵ *“Civilians were killed and injured as a result of shelling and intermittent airstrikes in the de-escalation area in the north-west, and as a result of fighting between and within various armed groups in the north-west, northern and eastern parts of the country. Civilians also continued to be killed and injured by attacks carried out with various types of improvised explosive devices, including vehicle-borne improvised explosive devices, and as a result of explosive remnants of war, including unexploded ordnance. Some improvised explosive device attacks were carried out inside residential areas and local markets, either targeting civilians or heedless of their impact on civilians”*; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 17. *“Syria remained the second deadliest conflict in 2019 but battle-related deaths decreased from 11,824 in 2018 to 7,304 in 2019”*; Peace Research Institute Oslo (PRIO), *Conflict Trends in the Middle East, 1989–2019*, 24 September 2020, <https://bit.ly/3i7leaa>, p. 12. *“In the year since 15 March 2019, ACLED records almost 19,000 total disorder events across Syria. Battles, violence against civilians, and explosions/remote violence – such as shelling and airstrikes – account for over 17,100 of these events. Nearly 15,000 total fatalities are reported during this period, including almost 4,100 civilians killed in direct or targeted attacks, with even more killed as ‘collateral damage’”*; ACLED, *Syria Enters Its 10th Year of War*, 19 March 2020, <https://bit.ly/3ef9jGi>. 2020 verzeichnete SOHR insgesamt 6.817 Todesopfer, darunter 1.528 Zivilpersonen, was die niedrigste jährliche Todesrate seit 2011 darstellt; SOHR, *Lowest Yearly Death Toll ever: 6,817 People Killed Across Syria in 2020, of whom 22.4% Are Civilians*, 31 December 2020, <http://bit.ly/3b3ZDk4>. Zwischen Januar und Juni 2020 registrierte SNHR 1.006 zivile Todesopfer, darunter 218 Kinder und 113 Frauen. Die Mehrzahl der zivilen Opfer wurde aus der Provinz Idlib gemeldet (vor allem in den ersten beiden Monaten von 2020), gefolgt von den Provinzen Aleppo, Deir Ez-Zour, Dera’a, Raqqa und Hassakeh. SNHR meldete, dass mindestens 71 Personen an den Folgen der Folter gestorben sind, überwiegend in Haftanstalten der Regierung (63), während andere durch SDF, HTS und andere Konfliktparteien getötet wurden; SNHR, *1,006 Civilians, Including Three Media Workers and 12 Medical and Civil Defense Personnel, Documented Killed in Syria in the First Half of 2020*, 1 July 2020, <https://bit.ly/3eaqd97>.

¹⁵⁶ Laut SNHR waren in Syrien im August 2020 noch mindestens 148.000 Personen in Haft oder zwangsverschleppt und verschwunden, was größtenteils (über 130.000 Personen) von der Regierung zu verantworten ist. Die überwiegende Mehrzahl der unter Zwang verschwundenen Personen wurde aus den Provinzen Damaskus-Umgebung, Aleppo und Damaskus gemeldet; SNHR, *The Ninth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances: There Is No Political Solution Without the Disappeared*, 30 August 2020, <https://bit.ly/3215EgB> (im Folgenden: SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>), pp. 7, 10.

¹⁵⁷ *“The rising death toll of non-combatants, due to either direct assaults or as a by-product of increasingly scarce health services resulting from impaired facilities and restrictions on dispatching humanitarian assistance, together with the outbreak of communicable diseases, is reflected in lower life expectancy, which in 2018 was marked at 71.8 years”* (Hervorhebung nur hier); ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 37. *“Medical supplies are low and at times nonexistent, patients often die of wounds and diseases that are not severe, and medical staff are overworked and often under-qualified”*; MEI, *Ravaged by War, Syria’s Health Care System Is Utterly Unprepared for a Pandemic*, 23 April 2020, <https://bit.ly/3cyXPgf>.

¹⁵⁸ *“Such injuries [caused by explosive weapons] in Syria often require life-long expert health care. Unfortunately, not only do explosive weapons result in catastrophic injuries, they also decimate healthcare systems, meaning such support is often thin on the ground. Due to displacement and other conflict-related restrictions, many wounded may not receive adequate care. Even when they do, poor living conditions mean the injured often have high rates of readmission from complications such as infection and disease”*; AOA, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, <https://bit.ly/2OB9eTf>, pp. 8-9. Siehe auch SOHR, *Regime Aerial Operations in Six Years: 165,000 Airstrikes Killed Nearly 14,000 Civilians, Including more than 5,300 Children and Women, and Injured 91,000 Others*, 30 November 2020, <https://bit.ly/3lXjdjU>; Enab Baladi, *Amputee Children Dream of Prosthetic Limbs in Northern Syria*, 2 March 2020, <https://bit.ly/2NKBuCm>.

¹⁵⁹ Siehe Kapitel II.F.1.

Millionen Zivilpersonen darstellt.¹⁶⁰ Bei Binnenvertriebenen und Rückkehrern ist die Gefahr einer Verletzung durch explosive Kampfmittelrückstände und Landminen erhöht, da sie Gebiete durchqueren bzw. an Orte zurückkehren, ohne zu wissen, wo sich Gefahren befinden könnten.¹⁶¹

D. Zwangsvertriebung und Rückkehr

1) Zwangsvertriebung und Zugang zu Sicherheit

Über die Hälfte der vor dem Krieg bestehenden syrischen Bevölkerung ist vertrieben worden,¹⁶² einschließlich 6,18 Mio. Binnenvertriebenen,¹⁶³ über 5,58 Mio. registrierter Flüchtlinge, die in die Nachbarländer und nach Nordafrika geflohen sind,¹⁶⁴ und Hunderttausender von Menschen, die als Asylsuchende Europa und andere Regionen erreichten und von denen die überwiegende Mehrheit

¹⁶⁰ “Although the scale and scope of explosive contamination across the Syrian Arab Republic has yet to be fully determined, approximately one explosive incident every 10 minutes was recorded between January 2019 and March 2020”; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 26. Laut SNHR wurden zwischen März 2011 und Dezember 2020 mindestens 2.601 Zivilpersonen, einschließlich fast 600 Kindern, durch Antipersonen- und Antifahrzeugminen getötet; SNHR, *Syria Is Among the World’s Worst Countries for the Number of Mines Planted Since 2011, Despite Prohibition of Their Use in International Law*, 10 December 2020, <https://bit.ly/3a6hMgy>. “The contamination of large parts of Syria by explosive hazards adds to the appalling human cost of the active fighting. Each month we see a steady stream of civilian casualties; often these are children killed or injured while playing or picking through rubble”; OCHA, *Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ad Interim, Ramesh Rajasingham, Briefing to the Security Council on the Humanitarian Situation in Syria*, 27 August 2020, <https://bit.ly/3bXRpbF>. “Owing to the fog of war, the scale of the contamination is not fully known, though the number of casualties and the levels of bombardment suggests it is alarmingly high. (...) Due to the level of conflict that continues in the country demining organisations cannot carry out their work. This in many instances means civilians carry out clearance themselves, which has killed or injured many”; AOA, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, <https://bit.ly/2BdyH1X>, pp. 14, 15. Der Humanitarian Needs Overview (HNO) stellte 2020 fest, dass 11,5 Mio. Personen, d. h. mehr als die Hälfte der syrischen Bevölkerung, in den 2.562 Gemeinden leben, aus denen in den vorherigen zwei Jahren Kontaminierungen mit nicht zur Detonation gelangten Kampfmitteln gemeldet wurden. Alle Bevölkerungsgruppen sind durch Explosionsrisiken potenziell gefährdet, doch bei Kindern und insbesondere Jungen ist das Risiko besonders hoch; OCHA, *HNO*, July 2020, pp. 20-21; United Nations Mine Action Service (UNMAS), *Syria: Explosive Hazard Contamination*, letzte Aktualisierung im Oktober 2020, <https://bit.ly/35bMMai>. Siehe auch SOHR, *13 Children Killed in Landmine Explosions in Various Syrian Areas Earlier this Year*, 17 January 2021, <http://bit.ly/3bvBDVx>; Carter Center, *Explosive Munitions in Syria Report #4*, 13 November 2020, <https://bit.ly/33p8ngb>; Enab Baladi, *Landmines and Explosive Remnants of War Continue to Claim Lives and Limbs in Syria’s Daraa*, 28 May 2020, <https://bit.ly/2XEQszA>; OHCHR, *Syria: Bachelet Warns of ‘Ticking Time-Bomb’ as Civilian Killings Mount*, 8 May 2020, www.ecoi.net/en/document/2029807.html. “Explosive Remnants of War (ERW) continue to claim the lives of civilians, and Palestine refugees in camps and areas that witnessed active fighting over the past ten years are particularly at risk”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 11; und Fußnoten 931 und 932.

¹⁶¹ “While everyone in contaminated areas is at risk, children, farmers, construction workers and people on the move are particularly vulnerable. Residential areas and key infrastructure, such as roads, schools, health centres, agricultural land, and settlements remain unsafe or unserviceable because of contamination (...)”; UNMAS, *Syria: Explosive Hazard Contamination*, last updated October 2020, <https://bit.ly/35bMMai>. “Farmers, cattle grazers, construction workers, scrap metal collectors, humanitarian workers as well as displaced people and returnees are facing such risks every day as they are forced to live or work in the vicinity of weapon contaminated areas”; ICRC, *Syria: Amid Concerns over COVID-19, the Risk of Weapon Contamination Should not Be Forgotten*, 4 April 2020, <https://bit.ly/3epe8xv>.

¹⁶² “Half the pre-war population – more than 13.2 million people – remain displaced inside and outside the country. This is the largest refugee crisis in the world (...)”; UNHCR, *UN Chiefs Urge Sustained Support to Syrians and the Region ahead of Fourth Brussels Conference*, 29 June 2020, <https://bit.ly/2YETmou>.

¹⁶³ UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021, 1 March 2021*, <https://bit.ly/3b3FJW6>, p. 1. “Many of the more than 6.2 million displaced persons in the Syrian Arab Republic were victims of the crime against humanity of forcible transfer, the war crime of ordering the displacement of the civilian population, or both. Even absent crimes committed for the purpose of displacement, the commission of multiple war crimes and violations of international humanitarian law by parties in the course of the conflict prompted many millions to flee internally or to seek asylum abroad”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 66.

¹⁶⁴ Einschließlich 3,65 Mio. Flüchtlingen in der Türkei, 865.500 im Libanon, 663.500 in Jordanien, 243.100 im Irak, 130.500 in Ägypten und 31.600 in anderen Teilen Nordafrikas; UNHCR, *Syria Regional Refugee Response*, zuletzt abgerufen am 28. Februar 2021, <http://data2.unhcr.org/en/situations/syria>. “The numbers would be higher if asylum seekers and non-registered refugees were included, especially those in Lebanon and Jordan who have not yet been granted refugee status”; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 28. Der letzte große Exodus fand im Zuge der von der Türkei angeführten „Operation Friedensquelle“ in Nordsyrien Ende 2019 statt, und mehr als 20.000 Syrer reisten über informelle Grenzübergänge in die Region Kurdistan-Irak ein; UNHCR, *UNHCR Iraq Factsheet: January 2020*, 10 February 2020, <https://bit.ly/370bETz>, p. 1.

anschließend internationalen Schutz erhielt.¹⁶⁵ Während sich 2019 und 2018 insgesamt die Vertreibungswellen gegenüber den Vorjahren verringerten,¹⁶⁶ fanden Anfang 2020 wieder neue Massenvertreibungen statt, vor allem im Nordwesten des Landes.¹⁶⁷

Laut Schätzungen von UNRWA sind von den ca. 560.000 Personen, die in Syrien vor dem Konflikt bei UNRWA registriert waren („Palästinaflüchtlinge“)¹⁶⁸, ca. 438.000 in Syrien verblieben, 254.000 wurden mindestens einmal seit 2011 vertrieben, 40 % bleiben Binnenvertriebene,¹⁶⁹ und über 120.000 sind in andere Länder geflüchtet.¹⁷⁰ Bis zu 2.500 vertriebene palästinensische Flüchtlingsfamilien halten sich laut UNRWA-Schätzungen noch immer in Idlib und den angrenzenden Gebieten auf, sodass die Gefahr besteht, dass sie unmittelbar in bewaffnete Auseinandersetzungen hineingezogen werden, einschließlich Luftangriffen und Artilleriebeschuss.¹⁷¹

¹⁶⁵ 2019 war bei syrischen Asylanträgen ein rückläufiger Trend zu beobachten, der sich 2020 fortsetzte, was zumindest teilweise auf die COVID-19-Pandemie zurückzuführen ist. Syrer waren jedoch weiterhin die Personengruppe, die in Europa im Jahr 2020 die meisten Anträge stellte; European Asylum Support Office (EASO), *Latest Asylum Trends: 2020 Overview*, Zugriff am 28. Februar 2021, <https://bit.ly/2C2ViuE>.

¹⁶⁶ 2018 wurden insgesamt 1,6 Mio. Menschen registriert, die sich in Migrationsbewegungen befanden, d. h. 40 % weniger als 2017. 2019 wurden mehr als 1,8 Mio. Menschen registriert, die sich in Migrationsbewegungen befanden; OCHA, *Syrian Arab Republic: IDP Movements*, Stand Oktober 2020, <https://bit.ly/2KxO1bf>. Zu den wichtigsten Ereignissen, die 2019 zu Binnenvertreibungen führten, zählen die eskalierende Gewalt in Idlib und Umgebung, die von der Türkei angeführte „Operation Friedensquelle“ in Nordsyrien im Oktober 2019 und bewaffnete Auseinandersetzungen zwischen den SDF und ISIS im Osten der Provinz Deir Ez-Zour Anfang 2019; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, pp. 29-30, 35.

¹⁶⁷ „Displacement has been reduced to a few governorates. In areas that are still affected by conflict, however, there have been record flows [between 2018 and 2020]“; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 28. Zwischen Januar und Oktober 2020 wurden mehr als 1,73 Mio. Menschen registriert, die sich in Migrationsbewegungen befanden. Die Mehrzahl dieser Personen wurde in Idlib und Umgebung registriert. Aus diesen Gebieten wurden zwischen Dezember 2019 (erneute Eskalation des Konflikts) und Anfang März 2020 (temporärer Waffenstillstand) fast 1 Mio. Menschen vertrieben. OCHA, *Syrian Arab Republic: IDP Movements*, Stand Oktober 2020, <https://bit.ly/2KxO1bf>. Anfang März 2020 befanden sich infolge der von der Türkei angeführten „Operation Friedensquelle“ im Oktober 2019 noch immer 70.000 Binnenvertriebene im Nordosten; International Rescue Committee (IRC), *Syria's Tragedy, Our Lessons: President and CEO of the IRC David Miliband CSIS Speech*, 2 March 2020, <https://bit.ly/3eoygix>. Von ISIS verübte Anschläge und militärische Operationen, die gegen ISIS gerichtet sind, führen ebenfalls weiterhin zur Vertreibung der Zivilbevölkerung: „In June [2020], Liwa Al-Quds requested military reinforcements to comb the area [in rural Hama Governorate] and were subsequently joined by large groups of Christian militias from the Hama governorate towns of Mhardeh and Suqalbiyeh. These operations pushed many remaining residents of remote eastern Hama desert villages to flee their homes“; Syria Report, *Eastern Hama Villagers Flee their Homes as Pro-Regime Militias Comb for ISIS*, 7 October 2020, <https://bit.ly/3pyBjM3>. „ISIL attacks displaced 200 households in eastern Hama during July and August [2020]“; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, <https://bit.ly/36ahiUR>, p. 3. Siehe auch SOHR, *ISIS Resurgence in Eastern Rural Hama: Kidnapping of Three Civilians and Stealing Their Property, and Pro-Regime Militiaman Killed in Landmine Explosion*, 20 September 2020, <https://bit.ly/3hLgJwF>; SOHR, *ISIS Storms Village in Eastern Hama, Stealing Several Vehicles, Setting Houses on Fire and Killing a Resident*, 26 July 2020, <https://bit.ly/2DbXO5Q>; SOHR, *ISIS Unleashes New Attack on Al-Sukhnah, while Civilians Flee from the Area*, 23 July 2020, <https://bit.ly/32VthnK>; SOHR, *ISIS Resurgence: Unidentified Gunmen Kill Four Shepherds and Steal Their Sheep in Regime-Controlled Areas, East of Al-Raqqa*, 16 June 2020, <https://bit.ly/32ZbMmg>.

¹⁶⁸ UNRWA definiert „palestine refugees“ für seine operativen Zwecke als Personen, „persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict“; UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 1 January 2009, www.refworld.org/docid/520cc3634.html, p. 32. Gemäß den einschlägigen Resolutionen der UN-Generalversammlung können auch andere Personen berechtigt sein, Leistungen von UNRWA zu erhalten, vor allem Personen, die infolge der Ereignisse von 1967 und der anschließenden Kämpfe vertrieben wurden; UNRWA, CERI, pp. 6-7. Neben den über 568.700 palästinensischen Flüchtlingen, die bei UNRWA in Syrien registriert sind, können gemäß den einschlägigen Resolutionen der UN-Generalversammlung auch andere Personen berechtigt sein, Leistungen von UNRWA zu erhalten, vor allem Personen, die infolge des Kriegs von 1967 und der anschließenden Kämpfe vertrieben wurden; ebenda. Für aktuelle Bevölkerungszahlen siehe UNRWA, *UNRWA Registered Population Dashboard*, <http://bit.ly/2WGS5MI>.

¹⁶⁹ UNRWA, *Syria: Humanitarian Snapshot*, December 2021, 1 February 2021, <https://bit.ly/3pMit3A>. „The Palestine refugee population remains largely displaced in 2020“; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, <https://bit.ly/2LutDes>, p. 10.

¹⁷⁰ Unter anderem in den Libanon (27.700 palästinensische Flüchtlinge aus Syrien) und nach Jordanien (17.000 palästinensische Flüchtlinge aus Syrien). Viele palästinensische Flüchtlinge aus Syrien leben aufgrund ihrer unsicheren Rechtsstellung und eingeschränkter gesellschaftlicher Schutzmechanismen unter prekären Bedingungen, weshalb sie massiv auf die Hilfe von UNRWA angewiesen sind, um ihre Grundversorgung sicherzustellen. Es wird angenommen, dass weitere palästinensische Flüchtlinge aus Syrien in Gebiete außerhalb der Region geflüchtet sind und sich somit außerhalb des Tätigkeitsradius von UNRWA befinden; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, pp. 6, 35, 37, 41, 51.

¹⁷¹ UNRWA, August 2020. Viele der Flüchtlinge, die im Rahmen sogenannter „Evakuierungsabkommen“ nach Idlib evakuiert wurden, sind anschließend aufgrund der militärischen Offensiven gegen die von der Opposition kontrollierten Gebiete 2019/2020 erneut vertrieben worden: AGPS, *Palestinian and Syrian Families Flee Deadly Shelling in Northern Syria*, 19 December 2019, <https://bit.ly/3hDK5V7>. Siehe auch Kapitel III.A.1.c.

Die Regierungen der Aufnahmeländer in der Region behielten die Maßnahmen zur Sicherung ihrer Grenzen bei oder verschärfte sie, um die Zahl der Neuankömmlinge zu beschränken, sodass Tausende schutzbedürftiger Menschen in Syrien festsitzen, ohne Schutz zu erhalten.¹⁷² Mehrere Quellen berichten, dass die Zahl der Personen, die zur Rückkehr gezwungen werden bzw. denen die Einreise verweigert wird, angesichts der sich verschlechternden Wirtschaftslage und zunehmender flüchtlingsfeindlicher Ressentiments in einigen Aufnahmeländern steigt.¹⁷³

2) Rückkehr von Flüchtlingen und Binnenvertriebenen

a) Rückkehr von Flüchtlingen

Parallel zu den laufenden Vertreibungen ist festzustellen, dass die Rückkehr aus Nachbarländern allmählich zunimmt und sich schrittweise beschleunigt, u. a. aufgrund der sich verschlechternden Bedingungen für syrische Flüchtlinge in diesen Ländern.¹⁷⁴ Im Jahr 2020 kehrten ungefähr 38.200 syrische Flüchtlinge spontan aus Ländern der Region – überwiegend aus der Türkei, dem Irak und dem Libanon – nach Syrien zurück, was deutlich weniger Rückkehrer sind als 2019 (fast

¹⁷² "(...) there was no major influx recorded in 2020 as borders and admissions procedures remained closely managed, even before the COVID-19 restrictions"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, <https://bit.ly/352b2Np>, p. 7.

¹⁷³ "(...) there is a worrying increase in incidents of the Lebanese general security handing over to their Syrian counterparts men who defected from the Syrian army and fled to Lebanon, including the most recent case of Hussein Jumaa who was, according to several reports, arrested in January 2021 in Baalbek and handed over to Assad's security"; SACD, *Treatment of Syrian Refugees is Lebanon's most Serious Human Rights Failure*, 13 January 2021, <https://bit.ly/2ZY4ufY>. "Forcible returns from [Turkey and] other countries have also been reported, but are very difficult to monitor"; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36. Siehe auch SOHR, *Idlib Countryside: Turkish Border Guards Kill Child, as He Tries to Enter Turkish Territory*, 4 February 2021, <http://bit.ly/3dAKAQ8>; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html; AGPS, *12 Palestinian Refugees from Syria Fatally Shot by Turkish Gendarmerie*, 23 January 2021, <http://bit.ly/2ZOdzbl>; SOHR, *Turkish Border Guards' Violations: Over 460 Civilians Killed since the Start of the Syrian Revolution, Nearly One Third Are Children and Women*, 12 December 2020, <https://bit.ly/2LqYh8d>; Refugee Protection Watch, *Trapped in Between Lebanon and Syria: The Absence of Durable Solutions for Syria's Refugees*, 19 October 2020, <https://bit.ly/2l4m7ow> (im Folgenden: Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>), pp. 14-15; Amnesty International, *Jordan: Stop Forcible Transfer of Syrian Refugees to a No-Man's Land in the Desert*, 15 September 2020, <https://bit.ly/2Rz6Uxt>; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html. Aus Syrien geflohene palästinensische Flüchtlinge in Jordanien, die keine jordanischen Dokumente haben, "continue to face the risk of arrest, detention and potential forced return to Syria"; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, <https://bit.ly/2LutDes>, p. 6.

¹⁷⁴ "Dire conditions inside Syria coupled with extreme 'push factors' in host countries lead us to believe that the overwhelming majority of returnees to Syria thus far did not do so voluntarily, but rather they were forced to take the return decision based on their difficult circumstances. Syrian refugees living in neighboring countries often experience legal, economic, and social marginalization, and at times active discrimination, in their places of residence. Return decisions that were taken to escape such conditions cannot be considered voluntary or dignified. Furthermore, the overall situation in Syria remains highly uncondusive for the safe and dignified return of displaced Syrians"; Joint Agency NGO Report, *Into the Unknown: Listening to Syria's Displaced in the Search for Durable Solutions*, June 2020, <https://bit.ly/32COLW3> (im Folgenden: Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>), p. 12. UNHCR-Sprecherin Lisa Abou Khaled berichtet: "[F]rom conversations with refugees such [socioeconomic] factors – including no longer being able to afford rent, medical services, food, clothes and other necessities – were mentioned among reasons for having made the decision to return. Some refugees also cited the current situation in Lebanon and increasing food prices"; The Arab Weekly, *Few Syrian Refugees Return Home Despite Lebanon's Economic Crises*, 8 April 2020, <https://bit.ly/2E5JlJ3>. Siehe auch SACD, *Treatment of Syrian Refugees is Lebanon's most Serious Human Rights Failure*, 13 January 2021, <https://bit.ly/2ZY4ufY>; UNHCR, *2020 Progress Report: 3RP Regional Refugee & Resilience Plan in Response to the Syria Crisis (August 2020)*, 31 August 2020, <https://bit.ly/3nxiHLE>, p. 3; Arab News, *Lebanon Pushes for Syrian Refugees to Leave*, 18 July 2020, <https://bit.ly/2ONTk88>; Refugees International, *Lebanon at a Crossroads: Growing Uncertainty for Syrian Refugees*, 30 January 2020, <https://bit.ly/32BTPdB>.

95.000 bestätigte Rückkehrer).¹⁷⁵ Die Rückkehr der Flüchtlinge ist jedoch nicht immer dauerhaft, und Berichten zufolge fanden erneute Vertreibungen statt.¹⁷⁶

Zwischen Mitte März und Mai 2020 führten Grenzsicherungen und Einschränkungen der Bewegungsfreiheit aufgrund der COVID-19-Pandemie dazu, dass fast keine Flüchtlinge mehr aus den Nachbarländern nach Syrien zurückkehrten.¹⁷⁷ Irreguläre Grenzübertritte, insbesondere aus dem Libanon, fanden jedoch weiterhin statt, da die Wirtschaftskrise des Landes die wirtschaftliche Not syrischer Flüchtlinge verschärfte.¹⁷⁸

Am 7. Juli 2020 erließ die syrische Regierung ein Dekret, dem zufolge alle erwachsenen Syrer, die aus dem Ausland zurückkehren, 100 US-Dollar oder den Gegenwert in einer ausländischen Währung, die von der Zentralbank von Syrien akzeptiert wird, umtauschen müssen. Da der Umtausch nach der neuen Regelung unter Anwendung des offiziellen Wechselkurses der Zentralbank erfolgen muss, sind Rückkehrer gezwungen, Bargeld zu etwa der Hälfte des tatsächlichen Marktwerts umzutauschen.¹⁷⁹

¹⁷⁵ Zwischen Januar und Februar 2021 verzeichnete UNHCR beinahe 4.300 Rückkehrer, überwiegend aus der Türkei; UNHCR, Februar 2021. Die Rückkehrzahlen beinhalten syrische Flüchtlinge, die von UNHCR in Ägypten, im Irak, in Jordanien und im Libanon sowie von der türkischen Regierung registriert wurden. Bei den gemeldeten Zahlen handelt es sich ausschließlich um Fälle, die von UNHCR dokumentiert/überprüft wurden, weshalb die tatsächlichen Zahlen wahrscheinlich höher sind; UNHCR, *Syria Regional Refugee Response: Durable Solutions*, last updated 31 December 2020, https://data2.unhcr.org/en/situations/syria_durable_solutions. "The decrease in returns is likely due to a number of factors including the challenging legal, economic and political situation and the impact of the COVID-19 pandemic on Syria as well as new requirements introduced by Syrian authorities related to entry, including a negative PCR test result and, for every adult, the exchange of 100 USD to Syrian pounds at the official rate upon entry"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, <https://bit.ly/352b2Np>, p. 34.

¹⁷⁶ "Even in provinces where the conflict has abated, they struggle to get jobs and access services. Faced with the impossibility of achieving a durable solution at home, some returning refugees cross borders again"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 73. "The lack of sustainable material, physical and legal safety has increasingly given rise to a phenomenon of 're-displacement', in which refugee returnees decided to again leave Syria and attempt to cross the border with Lebanon, where they however don't have access to legal residency"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/214m7ow>, p. 30.

¹⁷⁷ "No verified returns occurred between late March and late May 2020. (...) By late 2020, return from all 3RP countries [countries covered by the UN's Refugee Response Plan, i.e. Jordan, Lebanon, Iraq, Turkey and Egypt] had resumed, though numbers remain significantly lower than prior to the pandemic"; UNHCR, *Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022*, 31 December 2020, <https://bit.ly/352b2Np>, p. 7. Siehe auch UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, <https://bit.ly/2LutDes>, p. 10.

¹⁷⁸ Die Grenze zwischen dem Libanon und Syrien wurde Mitte Juli 2020 für zurückkehrende Flüchtlinge wieder geöffnet. "From 16 August [2020], the GoS has required individuals arriving from official border crossing points with Lebanon to present a negative PCR certificate obtained within the past 96 hours at accredited laboratories. Those unable to present such a document are quarantined"; OCHA / World Health Organization (WHO), *COVID-19 Humanitarian Update No. 22*, 23 December 2020, <https://bit.ly/392uhbc>, p. 2. Mitte Juni 2020 hatte die Türkei Maßnahmen zur Rückführung von Flüchtlingen über die türkische Grenze wieder aufgenommen, und auch aus dem Irak wurde die Rückkehr von Flüchtlingen gemeldet; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, <https://bit.ly/30v9DMI>, p. 10.

¹⁷⁹ Die neue Regelung ist am 1. August 2020 in Kraft getreten und gilt für Grenzübergänge auf dem Landweg und für Flughäfen. Fahrer öffentlicher Transportmittel und Lastwagenfahrer sind davon ausgenommen. "For large and poor families, the cost of these measures will be exorbitant"; The Syria Report, *Government Forces Syrians Entering the Country to Sell Dollars at Official Rate*, 15 July 2020, <https://bit.ly/2Cr0KLS>. "With the implementation of Cabinet Decision no. 46 from 1 August 2020, which imposes on all Syrians and alike (with the exception of individuals under the age of 18 years and drivers of public transportation) the requirement to exchange USD 100 at the borders prior to being granted entry into Syria, there has been a reduced number of returns witnessed"; UNHCR, *Syria: UNHCR Operational Update, July-August-September 2020*, 10 November 2020, <https://bit.ly/32yewGe>, p. 10. "Several refugees trying to go back to Syria – often to escape the dire economic circumstances in Lebanon – have found themselves stuck in a no man's land between Lebanon and Syria, unable to go home but also not allowed back into Lebanon. At least one 17-year old girl has died in this situation"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/214m7ow>, pp. 13-14. HRW ist der Auffassung, dass die Regelung "has only added another obstacle to prevent Syrians who wish to go home from returning"; HRW, *Syria's 100 Dollar Barrier to Return*, 23 September 2020, www.ecoi.net/en/document/2037981.html.

Zwar ist die Gesamtzahl palästinensischer Flüchtlinge, die an die Orte ihres gewöhnlichen Wohnsitzes in Syrien zurückkehren¹⁸⁰, weiterhin relativ gering, doch verzeichnete UNRWA im Jahr 2020 etwa 1380 Rückkehrer aus dem Libanon und aus Jordanien.¹⁸¹

b) Rückkehr von Binnenvertriebenen

Die Zahl der zurückgekehrten Binnenvertriebenen schwankte in Zusammenhang mit den sich verändernden Fronten.¹⁸² Im Jahr 2020 wurden 450.000 zurückgekehrte Binnenvertriebene gemeldet.¹⁸³ Die meisten dieser Fälle erfolgten in Gebiete außerhalb der Kontrolle der Regierung im Nordwesten im Anschluss an den Waffenstillstand im März 2020.¹⁸⁴ Wie bei den Flüchtlingen ist auch bei den Binnenvertriebenen die Rückkehr nicht immer dauerhaft, und Berichten zufolge fanden erneute Vertreibungen statt.¹⁸⁵

Einige binnenvertriebene palästinensische Flüchtlinge kehrten 2019 und 2020 zum ehemaligen Ort ihres gewöhnlichen Wohnsitzes zurück, einschließlich mehr als 3.000 Personen, die zum Dera'a Camp in Südsyrien zurückkehrten.¹⁸⁶

¹⁸⁰ Palästinensische Flüchtlinge, die bei der General Authority for Palestinian Arab Refugees (GAPAR) registriert sind, können legal nach Syrien zurückkehren. Palästinensische Flüchtlinge, die nicht bei der GAPAR registriert sind, können eventuell zurückkehren, müssen jedoch ihren Aufenthaltstitel erneuern; UNRWA, December 2020.

¹⁸¹ Einschließlich 1.053 Rückkehrer aus dem Libanon und aus Jordanien und 330 Rückkehrern aus anderen Ländern; UNRWA, *Syria: Humanitarian Snapshot, December 2020*, 1 February 2021, <https://bit.ly/39KmBmi>. 2019 registrierte UNRWA mehr als 2.700 palästinensische Flüchtlinge aus dem Libanon und Jordanien; UNRWA, *Syria Regional Crisis Emergency Appeal 2020*, 31 January 2020, <https://bit.ly/30eFsue>, p. 6. "There was a reduction in the total number of Palestine refugee returns from March 2020 onwards due to the border closures and restrictions implemented in Syria and neighbouring countries as part of COVID-19 preventative measures"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12.

¹⁸² Die Entscheidung von Binnenvertriebenen, in ihre Heimatgebiete zurückzukehren, basiert sowohl auf Pull- als auch auf Pushfaktoren, die mit der wirtschaftlichen Situation, Zugang zu Unterstützung und Grundversorgung, der Sicherheitslage und dem Wunsch nach einer Familienzusammenführung verbunden sind; OCHA, *2020 HNO*, July 2020, p. 29.

¹⁸³ OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, <https://bit.ly/3shgULZ>, p. 4. Im Vergleich dazu kehrten im Jahr 2019 494.000 und im Jahr 2018 1,4 Millionen Binnenvertriebene in ihre Herkunftsorte zurück. "The number of IDP return movements decreased by two-thirds in 2019, from 1.4 million in 2018 to 494,000 in 2019. This downward trend is associated with perceptions on personal safety and security conditions, limited livelihood and income opportunities, debilitated infrastructure, including housing, and service availability in areas of return." Absichtsbefragungen kamen zu dem Ergebnis, dass mehr als 50 % aller Binnenvertriebenen in Bezug auf ihre unmittelbare Zukunft (die nächsten drei Monate) unschlüssig sind. Etwa ein Fünftel der Befragten gab an, sich in ihre derzeitigen Gemeinden integrieren zu wollen, insbesondere in den Provinzen Raqqa und Deir Ez-Zour. Nur 16 % erklärten, zu ihrem Herkunftsort zurückkehren zu wollen (2019 waren dies noch 30 %). "These numbers indicate growing uncertainty over conditions for return – including safety concerns, movement restrictions, lack of employment opportunities and access to basic services – as well as the extent to which IDPs may have been able to establish a living in their places of displacement, even if ultimately unsustainable"; OCHA, *2020 HNO*, July 2020, pp. 16-17.

¹⁸⁴ Zwischen Januar und November 2020 kehrten schätzungsweise 242.400 Binnenvertriebene in von der Opposition kontrollierte Gebiete in den Provinzen Idlib und West-Aleppo zurück, aus denen sie vertrieben wurden (Rückkehr entweder in den Herkunftsort oder den Ort, an den sie zuvor vertrieben worden waren); OCHA, *Recent Developments in Northwest Syria: Situation Report No. 23*, 21 December 2020, <https://bit.ly/2X8Sx5P>, p. 2; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 6. "IDPs have also reported being afraid to return to towns and villages the government has retaken. There is a well-documented record of government forces arbitrarily arresting, torturing and forcibly disappearing civilians from territories held by non-state armed groups"; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 29. Laut IICISyria: "[F]ears of arbitrary detention by pro-government forces remained one of the factors impeding return to areas re-taken by the Government"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 79.

¹⁸⁵ "10 per cent of IDP households have attempted to return to their places of origin, only to be displaced again after less than a month, due to a combination of push and pull factors. In Dar'a Governorate this figure is 15 per cent; for Idlib Governorate it climbs to 20 per cent"; OCHA, *2020 HNO*, July 2020, p. 17.

¹⁸⁶ UNRWA, December 2020.

3) Rückkehrabsichten und Rückkehrhindernisse von Flüchtlingen

Umfragen haben gezeigt, dass eine freiwillige Rückkehr in Sicherheit und Würde noch immer die bevorzugte Dauerlösung für syrische Flüchtlinge darstellt und die Mehrzahl der Flüchtlinge weiterhin ihrer Hoffnung Ausdruck verleiht, eines Tages zurückzukehren.¹⁸⁷

Zahlreiche Faktoren beeinflussen die Entscheidungen von Flüchtlingen. Wichtige Einflussfaktoren sind die Wahrnehmung der Sicherheitslage in Syrien¹⁸⁸, einschließlich Furcht vor willkürlicher Verhaftung und Inhaftierung¹⁸⁹, und bei Männern im wehrpflichtigen Alter die Verpflichtung, den Pflichtwehrdienst oder Reservewehrdienst abzuleisten.¹⁹⁰ In einigen Fällen hat die Regierung Flüchtlingen nicht die

¹⁸⁷ Eine Befragung von 1.100 Vertriebenen, die von SACD durchgeführt wurde, kam zu dem Ergebnis, dass 62 % der befragten Flüchtlinge nach Syrien zurückkehren wollten, wenn die richtigen Bedingungen vorlägen (verglichen mit 92 % der befragten Binnenvertriebenen); SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, <https://bit.ly/2WtVwFy>, pp. 3, 22. Aus der fünften Befragung zu den Stimmungen und Absichten von Flüchtlingen (Refugee Perceptions and Intentions Survey), die UNHCR in Ägypten, im Irak, in Jordanien und im Libanon zwischen November 2018 und Januar 2019 durchführte, ergab sich als regionaler Durchschnittswert, dass 75 % der syrischen Flüchtlinge hoffen, eines Tages nach Syrien zurückkehren zu können. Allerdings beabsichtigte nur eine Minderheit von 5,9 %, in den 12 Monaten nach Durchführung der Befragung zurückzukehren; UNHCR, *5th Regional Survey on Refugee Return Perceptions and Intentions March 2019*, 17 March 2019, www.ecoi.net/en/document/2005431.html.

¹⁸⁸ "Security concerns are the biggest barrier to return"; SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, <https://bit.ly/2WtVwFy>, p. 3. "Many of the IDPs and refugees interviewed for this report will not voluntarily return to areas of origin or make long-term decisions regarding relocation until they have greater confidence that they would be safe if they did so. This relates not only to the absence of active conflict but also the removal of explicit or implicit threats from the government, militias and other groups. Frequently raised fears, beyond active fighting, include arbitrary arrest by security forces, forced conscription, kidnapping by armed groups and the risk from unexploded ordnance"; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 15. "For potential returnees, the threat to their own security or that of their loved ones is the primary concern"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 15. Siehe auch Omran Center for Strategic Studies, *Indicators of Security Stability in Syria and Refugee Return: An Evaluation of Select Cases*, 17 December 2020, <https://bit.ly/3rhZoYC>; New York Times, *Syria Seeks Return of Refugees, but They Fear Leader's Wrath*, 12 November 2020, <https://nyti.ms/33ZeDeR>.

¹⁸⁹ Eine Studie, der 620 Befragungen syrischer Flüchtlinge im Irak, im Libanon, in Jordanien und in der Türkei sowie zwei Fokusgruppendifkussionen in den von der Regierung kontrollierten Gebieten Dera'a und Damaskus-Umgebung zugrunde lagen, kam zu dem Ergebnis: "The threat of facing arbitrary arrest by the Assad regime security, militias, and military factions was the most listed reason for delayed return among displaced Syrians. Fear of detention by the regime or other armed forces in Syria is followed by theft, abduction, and blackmailing for ransom. Other important considerations included local and foreign militias, the prevalence of assassinations, and random blasts." Aus den Befragungen ging hervor, dass es sich bei den Gruppen, die bei der Rückkehr in von der Regierung kontrollierte Gebiete am stärksten ins Visier genommen wurden, um Aktivisten, FSA-Soldaten, übergelaufene Soldaten, Berufssoldaten, übergelaufene Beschäftigte des öffentlichen Dienstes, deren Familien und Geschäftsleute handelte; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, p. 11, siehe auch pp. 44-49, 95. "Many refugee returnees – in particular military-aged males – fear detention and reported that men of military age are often harassed on the streets by members of the security apparatus, even after gaining official exemptions from the compulsory military service. (...) Overall, the heavy presence of the security apparatus in the areas of return included in this research was considered threatening by the majority of respondents (in particular among male respondents), even among those that know they are not 'wanted' or at particularly high risk of being detained. Respondents reported that not having personal papers in order, or another seemingly small annoyance, could have large repercussions for one's personal safety and security"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/214m7ow>, pp. 5, 17. "Some of these formerly besieged areas such as the Damascus suburb of Darayya (...) now remain totally depopulated. People originating from these formerly besieged areas continue to face human rights violations such as the threat of arrest or harassment when returning to check on or claim property"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 4. Siehe auch Syria Report, *Al-Lajat: A Partial, and Dangerous, Return for Displaced Residents*, 3 February 2021, <http://bit.ly/37QexYX>; Chatham House, *Pro-Regime Militias and ISIS Militants Stand Against the Return of Palmyra's People*, 19 September 2019, <https://bit.ly/2CPrTYy>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 10; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 5; World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*, 6 February 2019, www.ecoi.net/en/document/1457751.html (im Folgenden: World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html), p. 73; und Kapitel III.A.1.e. "Fear of Assad's security apparatus was the most important cause of displacement from the regime-held areas during all years of the conflict with 96% of people surveyed naming it as a cause of displacement in 2011 and 94% in 2018"; SACD, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, <https://bit.ly/3kaA55Ou>, p. 3.

¹⁹⁰ "84 per cent of the study participants who wish to return want to see compulsory military recruitment either cancelled or suspended for at least 5 years"; SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, <https://bit.ly/2WtVwFy>, p. 4. Furcht vor Rekrutierung "significantly contributes to decision making around refugee returns, including for boys soon to be of military age, who frequently mention conscription as a key reason

Unbedenklichkeitsbescheinigung erteilt, die für eine Rückkehr erforderlich ist, und einige Rückkehrer wurden an einer Rückkehr in ihre Heimatregion gehindert.¹⁹¹ Darüber hinaus wird berichtet, dass die Betroffenen befürchten, wegen angeblicher Verstöße zur Rechenschaft gezogen zu werden, und dass sie sich wegen der religiösen Koexistenz sorgen.¹⁹² Außerdem ist die weitverbreitete Kontaminierung mit explosiven Kampfmittelrückständen ein weiterer Grund für Besorgnis.¹⁹³

Ferner äußern Flüchtlinge Bedenken wegen des Mangels an geeigneten Unterkünften, der fehlenden Grundversorgung und fehlender Erwerbschancen in Verbindung mit den hohen Lebenshaltungskosten.¹⁹⁴ Das Fehlen offizieller Dokumente führt zu weiteren Hindernissen für Rückkehrer, u. a. beim Passieren von Kontrollstellen, beim Zugang zu Beschäftigungsmöglichkeiten,

for them not to return to Syria, even if they otherwise feel that return would give them better access to higher education or livelihood opportunities”; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria’s Displaced Children and Adolescents*, 25 June 2020, <https://bit.ly/3dJHpCi>, p. 15. “Men who are eligible to serve in the military are particularly worried about the prospect of forced conscription into the Syrian Arab Army, which continues to engage in combat operations. They also express fear of punishment for desertion or draft evasion”; ECFR, *The Displacement Dilemma: Should Europe Help Syrian Refugees Return Home?*, 13 March 2019, <https://bit.ly/2JcXqqr>. Siehe auch ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. i; HRW, *Winter Looms for Lebanon’s Syrian Refugees*, 20 December 2019, <https://bit.ly/2uoMaA5>; und Kapitel III.A.1.e. Männer, die das 42. Lebensjahr überschritten und nicht den obligatorischen Grundwehrdienst geleistet haben sowie keine gültige Befreiung besitzen, müssen nach den Änderungen des Rekrutierungsgesetzes eine Gebühr von 8.000 US\$ bezahlen. Wer nicht bezahlt, ist den Folgen unterworfen, einschließlich der Beschlagnahme von beweglichem und unbeweglichem Vermögen. Da die meisten syrischen Flüchtlinge in der Situation sind, nicht die Mittel zur Zahlung zu haben, haben diese Regelungen eine stark abschreckende Wirkung für Personen, die überlegen, nach Syrien zurückzukehren. Siehe auch Kapitel III.A.2.

¹⁹¹ Siehe Kapitel III.A.1.e.

¹⁹² “From massacres and abuses by sectarian militias to HLP [housing, land and property] policy that contributes to major demographic shifts, sectarian identities have been activated and politicized by the war. (...) Deep divisions in Syria’s social fabric contribute to further tensions, from the prospect of micro-level retaliatory violence to structural violence that is exhibited in an inability for refugees to return to their places of origin due to occupation of housing, among other forms”; SAWA for Development and Aid (SDAID), *Unpacking Return: Syrian Refugees’ Conditions and Concerns*, 6 February 2019, www.ecoi.net/en/document/1458873.html (im Folgenden: SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html), pp. 39-40. “Refugees articulated skepticism about the possibility of achieving justice, although some spoke about the need for truth, reform, accountability, compensation, divine justice, and restitution of housing, land, and property. Views on future coexistence were more varied. For refugees from Daraa’s Bosra al-Sham and Homs, concerns centered around Sunni-Shi’a and Sunni-Alawite relations. Among refugees from Daraa and Swayda, concerns also had to do with relations between Sunni and Druze. In each case, their concerns were shaped by their perceptions of the roles of different groups in the violence, political dynamics, and their personal experiences during displacement”; International Center for Transitional Justice (ICTJ), *An Uncertain Homecoming: Views of Syrian Refugees in Jordan on Return, Justice, and Coexistence*, 1 May 2019, <https://bit.ly/2CrIXEt>, p. 2. Siehe auch Carnegie MEC, *Homs, a Divided Incarnation of Syria’s Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>; Georgetown Journal of International Affairs, *The Weaponization of Minorities in Syria and Beyond*, 9 January 2019, <https://bit.ly/2OPwpsM>.

¹⁹³ UNMAS, *Syria: Explosive Hazard Contamination*, letzte Aktualisierung im Oktober 2020, <https://bit.ly/35bMMai>. Siehe auch Kapitel II.B.1.b und II.C.

¹⁹⁴ “The cumulative effects of the disruption of basic services and the destruction of homes, schools, hospitals, electricity plants, water mains and other infrastructure create major barriers to people’s return”; IDMC, *A Decade of Displacement in the Middle East and North Africa*, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 23. “The number of returnees to these neighbourhoods [Karam Al-Maisar, Karam Al-Tarab, Karam Al-Jazmati, Jabal Badro, Al-Ardh Al-Hamra, Karam Al-Tahhan, Youth Housing and Karam Al-Qaterji] remains small compared to other areas of east Aleppo – not only due to the destruction, but also because of neglect on the part of the government, governorate and city council (...). Electricity has yet to be restored, and the water networks have not been repaired, while municipal services remain absent. Most of the debris in these neighbourhoods is still strewn in the streets”; Syria Report, *East Aleppo: Katerji Buys Properties of Displaced Residents*, 13 January 2021, <http://bit.ly/3slAy3X>. “Access to livelihoods is another important factor influencing Syrian refugee’s decision to return. With the deteriorating economy across Syria, returnees are unable to gain the resources necessary for survival”; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, p. 94, siehe auch pp. 34-35. “Almost all the interviewed returnees cited struggling to meet basic needs, the high cost of living and how this is being exacerbated by fluctuations in the value of the Syrian Pound and the COVID-19 measures limiting people’s ability to work. (...) One unpublished study by an NGO based on focus group discussions in Azraq camp in Jordan found that respondents in every group raised the issue of inflation, increased prices, and lack of supplies inside Syria as barriers to their return. (...) Some areas have seen systematic demolition of homes, preventing people from returning, such as in Qaboun [Damascus Governorate]”; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 17. Siehe auch Syria Report, *Al-Lajat: A Partial, and Dangerous, Return for Displaced Residents*, 3 February 2021, <http://bit.ly/37QexYX>; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, pp. 27-29; OAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, <https://bit.ly/2BdyH1X>, p. 8; OCHA, *2020 HNO*, July 2020, p. 5; und Kapitel II.F.

staatlich subventionierten Waren und Gesundheitsversorgung, bei der Anmeldung von Kindern in der Schule, bei der Anmietung von Wohnraum oder der Rückforderung von Eigentum.¹⁹⁵

Das erhebliche Ausmaß der Zerstörung und Beschädigung von Städten, Dörfern und Gemeinden in zurückeroberten Gebieten und der ausgebliebene Wiederaufbau stellen weitere Hindernisse für die Rückkehr dar, sodass einige Gebiete weitestgehend entvölkert bleiben.¹⁹⁶ Das geltende Eigentumsrecht¹⁹⁷ – insbesondere das Gesetz Nr. 10 vom April 2018 und das daran anknüpfende Gesetz Nr. 42 von 2018 zur Änderung bestimmter Artikel des Gesetzes Nr. 10 – sieht die Ausweisung von Neugestaltungsgebieten in ganz Syrien per Dekret vor und kann zur entschädigungslosen Beschlagnahme des Eigentums abwesender Eigentümer führen.¹⁹⁸ Diese Vorschriften wurden von verschiedenen Akteuren kritisiert, da sie aufgrund ihrer Komplexität und Mehrdeutigkeit das Potenzial besitzen, erhebliche Rückkehrhindernisse zu schaffen, und da das komplizierte Verwaltungsverfahren Anlass zur Sorge gibt.¹⁹⁹ Darüber hinaus weisen Beobachter darauf hin, dass das Antiterrorgesetz von

¹⁹⁵ The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html; The New Humanitarian, *No Papers, no Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html.

¹⁹⁶ "Six years have passed since residents of the northern Daraa village of Kafr Nasej [Sanamayn Distict] were displaced from their homes (...) a large share of residents remain displaced because their homes are greatly damaged and they are unable to make repairs because they don't have the financial means"; Syria Report, *Northern Daraa Countryside: Destruction Hinders Return*, 6 January 2021, <http://bit.ly/37UFxGS>. "(...) the regime's policy aimed to destroy the homes and infrastructure to such a degree as to make these areas uninhabitable until the regime approves their reconstruction under the new, discriminatory laws which would strip most of the owners and residents of their property and housing rights and make their displacement permanent. Such scenario was seen in the old Homs, Al-Waer neighborhood, Eastern and Western Ghouta, Al-Qalamoun, Moadamiya, Qudsaya, Al-Qusayr, Eastern Aleppo, the Jobar neighborhood in Damascus, Idlib countryside, Hama and elsewhere"; SADC, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, <https://bit.ly/3kA55Ou>, p. 4. Die vorsätzliche Zerstörung von Immobilien durch die Regierungstruppen nach der Rückeroberung von Gebieten, die zuvor von der Opposition kontrolliert wurden, "prevented many residents from returning to their hometowns. Many families who lost their homes are still displaced elsewhere in rural Daraa, or in neighbouring countries such as Jordan and Lebanon"; Syria Report, *More Than Two Years After Recapture, Regime Forces Still Burn, Damage Homes in Daraa*, 7 October 2020, <https://bit.ly/2TquSvS>. "(...) much civilian infrastructure has been destroyed in indiscriminate attacks by the parties to the conflict, as well as in what seem to be targeted campaigns to depopulate certain neighbourhoods and prevent the original population from returning [such as "for example in the old city of Homs, Yarmouk camp, and Qaboun]. Without major reconstruction efforts, many refugees have no homes to which they can return"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 4 and footnote 13. "Many formerly opposition-held areas, such as Daraya near Damascus, eastern Aleppo or certain neighbourhoods of Homs, have suffered such severe destruction that return is difficult without substantial material support, which is mostly unavailable"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, pp. 22-23. Siehe auch, Friedrich-Ebert-Stiftung (FES), *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 98-99. Siehe auch Kapitel II.F.1 und III.A.1.

¹⁹⁷ Für eine Übersicht des anwendbaren Eigentumsrechts, vergleiche SNHR, *Public Auctions of Forcibly Displaced People's Lands Are Another Syrian Regime Method to Seize Its Opponents' Property in a Widespread and Deliberate Manner*, 14 February 2021, <https://bit.ly/3q0eEr2>, pp. 3-5; Syria Report, *The Most Notable Laws and Decrees Issued in Syria over the Past Decade Related to HLP Issues*, 20 January 2021, <http://bit.ly/3dVkhUX>.

¹⁹⁸ Das Gesetz Nr. 10 von 2018 erweitert den Anwendungsbereich des Dekrets Nr. 66, welches 2012 erlassen wurde, um in Damaskus „Gebiete, in denen sich nicht genehmigte Wohnhäuser und informelle Siedlungen [Slums] befinden, neu zu gestalten“, auf ganz Syrien. Nach dem Gesetz Nr. 10 waren syrische Flüchtlinge verpflichtet, nach Syrien zurückzukehren, um ihre Eigentumsrechte bei den Regierungsbehörden registrieren zu lassen. Das Gesetz Nr. 10 räumte den Eigentümern nur 30 Tage ein, um ihr Eigentumsrecht geltend zu machen. Wurde innerhalb dieser Frist kein Eigentumsrecht geltend gemacht, führte dies zur Enteignung kraft Gesetz durch die Regierung. Neben anderen Änderungen verlängerte das Gesetz Nr. 42 die Frist von 30 Tagen auf ein Jahr; Syrian Law Journal, *Urban Renewal Law: Law 10/2018*, Zugriff am 28. Februar 2021, <https://bit.ly/3o3w0n9>; MEE, *Assad Amends Law 10, Giving Syrians a Year to Claim Their Property*, 29 January 2019, <https://shar.es/a30oiP>. "Some of the best-known examples include Basatin Mezzeh and Kafr Sousse [Damascus Governorate], whose residents were stripped of their properties by the Decree 66 of 2012, under the pretext of establishing the Marota City project. Other areas include Daraya, Al Qadam and Al Qanawat, which cover an area equivalent to about 10% of the total the area of Damascus, whose residents saw their properties confiscated without compensation equivalent to property or even housing in lieu of the confiscated housing"; SADC, *Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement*, November 2020, <https://bit.ly/3kA55Ou>, p. 4. Zu Gesetz Nr. 40 von 2012 bezüglich des Abrisses ungenehmigter Gebäude, siehe Fn. 536.

¹⁹⁹ "(...) conditions to prove eligibility [to obtain compensation for property expropriation] are very difficult to meet, especially for those who are displaced, those wanted by the regime and the many who lived in informal, unregistered housing in these areas. Such individuals can thus be expropriated at little notice and without compensation or access to legal remedy"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 3. "Interviewees outlined the cumbersome administrative burden upon those wishing to return to their places of origin. Individuals

2012 und die Gesetzgebung zu Wohn-, Grundstücks- und Eigentumsverhältnissen benutzt wurden, um Personen oder Gemeinden, die als Regierungsgegner wahrgenommen werden, dauerhaft zu enteignen und somit „Vertreibung als andauernde Realität zu zementieren“.²⁰⁰ Die Unabhängige internationale Untersuchungskommission zur Arabischen Republik Syrien (IICISyria) meldete darüber hinaus, dass die Regierung von Rückkehrern die Zahlung ausstehender Gebühren für Versorgungseinrichtungen forderte, was „die Rückkehr noch komplizierter gemacht hat“.²⁰¹ In Gebieten, die von SNA-nahen bewaffneten Gruppen kontrolliert werden, ist die Beschlagnahme von Eigentum als entscheidendes Hindernis für die Rückkehr genannt worden.²⁰²

Im Rahmen einer geschlechtsspezifischen Analyse der Rückkehr wurden zahlreiche Hindernisse für Frauen identifiziert, einschließlich Angst vor Festnahme und vor der Einberufung männlicher Familienangehöriger oder der eigenen Einberufung zum Wehrdienst²⁰³, Problemen im Zusammenhang mit Wohn-, Land- und Eigentumsrechten²⁰⁴, Androhung geschlechtsspezifischer Gewalt und fehlender Gesetze zum Schutz und zur Ermächtigung von Frauen²⁰⁵, fehlender Grundversorgung und

wishing to claim their property in Bayadah, Homs Governorate, were required to present proof of ownership to the Office of the Governorate and then approach the Criminal Security Branch to clear their records. Once cleared, they were required go to the local police. Many people who applied to return were not cleared and the reasons for denial were not specified nor provided in writing, preventing them from challenging the decision”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 76. Siehe auch Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, pp. 6, 32-34.

²⁰⁰ PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 2. “The pattern is always the same: use indiscriminate attacks and terror to displace the original population, handover the control of these areas to various security branches and militias which continue to oppress those who stay behind and prevent the displaced from safely returning, and then pass laws and decisions to strip the original owners of their properties and re-appropriate them to the regime-friendly businessmen or members of its forces. These decrees and laws are always made under the guise of ‘re-organisation’ or reconstruction, but, as the case of Hama’s countryside clearly illustrates, their aims are to cement displacement and the resulting demographic change”; SACD, *Hama Confiscations of Property Confirm Syrian Regime’s Intent to Cement Displacement*, 16 November 2020, <http://bit.ly/2lOnlQm>. “The government continued to use Law No. 10 to reward those loyal to the government and create obstacles for refugees and internally displaced persons (IDPs) to claim their property or return to their homes”; United States Commission on International Religious Freedom (USCIRF), *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. Siehe auch Kapitel III.A.1.a und III.A.1.d.

²⁰¹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 77. Beispiel Ost-Ghouta: “[H]omeowners are routinely tasked with paying back electricity bills dating as far back as 2011, regardless of whether or not they have actually been living in their homes. (...) Those who are unable to pay these extortionate bills have their homes cut off from the power grid. (...) To resume service, residents must pay their outstanding bills as well as a fee of 12,000 SYP (Syrische Pfund) (\$17.60) to obtain proof of debt clearance.” Darüber hinaus “Douma Financial Directorate has launched a sweeping investigation into the financial histories of many residents and local business owners. Regime forces are demanding they pay unpaid back taxes with service fees added to the delinquent account. Those who cannot or refuse to pay face prison”; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, pp. 11, 14. Siehe auch Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, <http://bit.ly/2NEWwWM>; Enab Baladi, “Adhesion Contracts” for Seizure of Real Property in Homs, 27 August 2020, <https://bit.ly/363SnAA>; Enab Baladi, *State Institutions Extort Syrians in Daraa with Exorbitant Bills*, 13 November 2019, <https://bit.ly/2E2iRlx>; Syria Direct, *Syrian Government Forces Returning Displaced Persons to Pay for Services They never Received*, 16 September 2019, <https://bit.ly/3hmiMNY>.

²⁰² Siehe Kapitel III.A.6.

²⁰³ Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 11; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 22. “The fear of forced military conscription has also resulted in a relatively large number of families who have undertaken a so-called ‘split return’, where only a part of a refugee household returns to Syria and others (mainly male family members) stay behind in Lebanon”; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, p. 18.

²⁰⁴ “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. 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”; UN Women, *Why Gender Matters in the Discussion on Returns to Syria*, 8 November 2019, <https://bit.ly/30wZXkr>, p. 2. Siehe auch Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 11.

²⁰⁵ Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 11; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 71.

Erwerbschancen²⁰⁶ sowie dem Fehlen eines echten politischen Prozesses und der Gewährleistung von Sicherheit und Menschenrechten.²⁰⁷

Viele Flüchtlinge berichten auch von Ängsten und Furcht vor der Rückkehr aufgrund der traumatischen Erfahrungen, die sie in Syrien gemacht haben.²⁰⁸

UNRWA geht davon aus, dass viele palästinensische Flüchtlinge in absehbarer Zeit nicht aus der Vertreibung zurückkehren werden, da die Zugangsbeschränkungen fortbestehen, viele Lager und Siedlungen weitestgehend zerstört wurden und es dort an einer Versorgung fehlt.²⁰⁹ Andere Organisationen berichten von weiteren Hindernissen wie der Furcht vor willkürlicher Verhaftung und Zwangsrekrutierung²¹⁰, Problemen im Zusammenhang mit Wohn-, Grundstücks- und

²⁰⁶ "Women interviewees, especially widows, expressed particular concern about going back to Syria without a house or source of income"; ICTJ, *An Uncertain Homecoming: Views of Syrian Refugees in Jordan on Return, Justice, and Coexistence*, 1 May 2019, <https://bit.ly/2CrIXEt>, p. 2. Siehe auch Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 11.

²⁰⁷ "The lack of anything resembling due process, plus the government's continued practices of arbitrary arrests, mistreatment and harassment, continue to be a major deterrent to people considering a return to Syria"; HRW, *Dozens of Prisoners Released in Syria*, 6 November 2020, www.ecoi.net/en/document/2040384.html. "Examples were cited of family members that had returned and been arbitrarily detained simply for their family name or place of origin. Widespread risk of GBV and impunity inside Syria was also cited, with concerns raised that the Syrian authorities have drastically limited the number of organisations authorised to provide legal aid including to assist or advise survivors of such violence. The research also highlights how women and girls face specific gendered challenges in their legal status; both as refugees and as returnees. Refugee women are less likely to (...) have Syrian identity cards or passports. This lack of legal documentation puts them at heightened risk of extortion and sexual harassment"; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 11. Siehe auch UN Women, *Why Gender Matters in the Discussion on Returns to Syria*, 8 November 2019, <https://bit.ly/30wZXkr>.

²⁰⁸ "Syrian refugees have highlighted the extent to which distressing and traumatic memories of their earlier lives in Syria remain, resulting in a complicated relationship to the notion of return. Even for those who express a desire to reunite with their families and to 'go home', thoughts of returning are often accompanied by deep levels of anxiety and fear (...)" ; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, <https://bit.ly/3dJHpCi>, p. 17. Siehe auch SACD, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, <https://bit.ly/2WtVwFy>, p. 22. Berichten zufolge haben 92 % der Binnenvertriebenen keinen Zugang zu psychosozialen Diensten; OCHA, *2020 HNO*, July 2020, p. 30.

²⁰⁹ "Yarmouk, Dera'a, and Ein El-Tal (Aleppo) camps, previously home to more than 30 per cent of the Palestine refugee population in Syria, were almost completely destroyed during the conflict"; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12; Enab Baladi, *1,200 Displaced Yarmouk Camp Residents Wish to Return Home*, 7 January 2021, <http://bit.ly/3em6F5F>. Siehe auch, UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12; Enab Baladi, *1,200 Displaced Yarmouk Camp Residents Wish to Return Home*, 7 January 2021, <http://bit.ly/3uSKwSb>; Enab Baladi, *With No Title Deeds, Yarmouk Camp's Displaced Residents Might Not Return Home*, 12 December 2021, <https://bit.ly/3boQ7bc>. "Damascus Governor Adel Al-Olabi told the pro-government newspaper Al-Watan on February 6 [2020] that out of the 1,200 official requests submitted by former residents of the Yarmouk Palestinian refugee camp south of the capital, 500 have been approved, allowing those people to return to the now-empty camp. Approval came after applicants provided proof of property ownership in the camp, proof of the property's safety, and security approval." Um zurückzukehren, mussten Antragsteller Folgendes bereitstellen: "copies of their identity card, family card, proof of ownership, security approval number and a written request to obtain the restoration permit. The applicant must also attach a 'technical report' prepared by an engineer from the camp municipality on the property to be restored"; Syria Report, *Yarmouk Camp: the Right of Return?*, 10 February 2021, <https://bit.ly/38vjir9>. Die Voraussetzung, eine beglaubigte Urkunde über das Eigentum vorweisen zu können, stellt für Personen, die nach Yarmouk zurückkehren wollen, ein Hindernis dar, da bereits vor dem Konflikt viele Palästinenser "had limited property rights"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 31. Für weitere Informationen über das Camp Yarmouk, vergleiche Fn. **Error! Bookmark not defined.**

²¹⁰ SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOSb>, p. 18. Siehe auch Kapitel III.A.1.e.

Eigentumsverhältnissen²¹¹ und dem Verlust der Lebensgrundlage.²¹² Die Häuser von mehr als 180.000 palästinensischen Flüchtlingen wurden im Rahmen von Kämpfen zerstört oder schwer beschädigt.²¹³

UNHCR und andere Akteure in Syrien haben keinen freien und ungehinderten Zugang zu allen – sowohl binnervertriebenen als auch ins Ausland geflüchteten – Rückkehrern, um die Bedingungen der Aufnahme und Wiedereingliederung zu beobachten und die Freiwilligkeit und Dauerhaftigkeit der Rückkehr zu prüfen.²¹⁴ Da die Bedingungen für eine sichere, menschenwürdige und dauerhafte organisierte Massentrückkehr weiterhin ungünstig sind²¹⁵, wird davon ausgegangen, dass die Gesamtzahl der zurückgekehrten Flüchtlinge ohne erhebliche Investitionen in den Wiederaufbau und ohne nachhaltigen Fortschritt hinsichtlich der politischen Entwicklung und der Menschenrechtssituation im Vergleich zur Gesamtzahl der Flüchtlinge, die sich außerhalb des Landes befinden, begrenzt bleiben wird.²¹⁶

²¹¹ "The case of Yarmouk Camp in Damascus illustrates the complexity of Palestinian refugees' situation with respect to property rights. (...) Most residents' ownership contracts are registered only with a notary, not the cadastre registry department, and according to local activists, many HLP-related documents stored at the Yarmouk court building were damaged during shelling in early 2013. Former Yarmouk residents need a special permit and have to pay bribes to access the camp to check on their properties. To date only 1,700 persons have been able to return to the camp, mainly through connections with the regime or with Palestinian factions with ties to it. These challenges will inevitably complicate proof of ownership during any restitution efforts in the future"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 7. Siehe auch SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, p. 16; The Syria Report, *New Zoning Plans for Yarmouk Camp*, 15 July 2020, <https://bit.ly/32DhCtr>.

²¹² MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, <https://bit.ly/2XO0Nbp>; Asharq Al-Awsat, *Palestinians Bid Farewell to Syria's Yarmouk Refugee Camp*, 29 March 2020, <https://bit.ly/2XNttRD>; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, <https://bit.ly/2TZym9d>.

²¹³ Siehe unten Fußnote 437.

²¹⁴ "As also emphasized by the World Bank, UNHCR currently does not have a system in place to monitor whether current returns can be considered safe, voluntary and dignified. This report confirms the lack of UNHCR access and current ability to monitor the situation of refugee returnees. All returnee respondents reported that there has not been follow up by any actor after return. Moreover, when asked if they would contact UNHCR if they were ever to face an issue in their place of residence, overwhelmingly respondents reported that they will not do so due to their distrust in UNHCR's capabilities. Respondents also reported a lack of UNHCR presence in their areas, in particular in Rural Damascus"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/214m7ow>, p. 6, siehe auch p. 34. "Existing UN monitoring and assessment methodologies in Syria cannot ascertain the voluntariness and sustainability of these returns, or whether they have been adequately informed and took place in safety and with dignity"; OCHA, *2020 Humanitarian Response Plan*, 29 August 2020, p. 16. "The situation inside Syria remains very opaque, and independent monitoring of returnee conditions is virtually impossible"; Refugees International, *Lebanon at a Crossroads: Growing Uncertainty for Syrian Refugees*, 30 January 2020, <https://bit.ly/32BTPdB>. "Opportunities for systematic field-based data collection remain limited due to access restrictions (...)"; UNHCR/Shelter Cluster, *Q2 2020 Shelter Sector Syria Hub Quarterly Report*, 19 July 2020, <https://bit.ly/3fkVn8B>, p. 1. Siehe auch World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 40.

²¹⁵ UNHCR ist der Auffassung, dass die erzwungene und vorzeitige Rückkehr nach Syrien verschiedene negative Auswirkungen haben kann, einschließlich einer eventuellen Gefahr für die Grundfreiheiten der Flüchtlinge und für ihr Wohlergehen, Verstößen gegen den Non-Refoulement-Grundsatz und gegen das Völkerrecht, Exposition gegenüber unmittelbaren Gefahren, unangemessener Härten beim Wiederaufbau der Lebensgrundlage und beim Zugang zu Grundversorgung, Unterbringung und Verdienstmöglichkeiten, Ausschluss aus der Gesellschaft, Marginalisierung und Stigmatisierung, negativer Signalwirkung für andere potenzielle Rückkehrer und der Gefahr einer weiteren Vertreibung; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, <https://bit.ly/30v9DMI>, p. 11. "Without a resolution to the conflict and a reconciliation process that includes all of the country's ethnic groups and religions, displacement will not be brought to a sustainable end"; IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36. "Challenges remain in the safety and sustainability of returns and some [returns] may have been prompted by the difficult conditions in areas of displacement"; OCHA, *Syrian Arab Republic: 2019 Humanitarian Response Plan Monitoring Report (January - May 2019)*, 10 October 2019, <https://bit.ly/2oWASkg> (im Folgenden: OCHA, *2019 HRP Monitoring Report (January - May 2019)*, 10 October 2019, <https://bit.ly/2oWASkg>), p. 5. "Any increase in pressure on refugees and IDPs to prematurely return or relocate carries a significant risk of creating 'unsafe returns', compounding suffering, precipitating cyclical displacement and discouraging others from returning"; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 13.

²¹⁶ "While most Syrian refugees wish to return one day, only a very small proportion feel confident to do so soon according to the latest intention surveys. Many Syrian refugees are likely to remain in host countries for the medium term (...)"; UNHCR, *UNHCR Briefing Note: Latest Developments in Displacement Dynamics in Countries Neighbouring Syria*, June 2020, <https://bit.ly/30v9DMI>, p. 6.

E. Verstöße gegen die internationale Menschenrechtsgesetzgebung und das humanitäre Völkerrecht

Noch immer trägt die Zivilbevölkerung die Hauptlast des Konflikts.²¹⁷ Zahlreichen Berichten zufolge begehen die Konfliktparteien Kriegsverbrechen und andere schwere Verstöße gegen das humanitäre Völkerrecht und die internationalen Menschenrechte, einschließlich Handlungen, die Verbrechen gegen die Menschlichkeit darstellen, und müssen gemeinhin mit keiner Strafe rechnen.²¹⁸

1) Regierungstruppen

In Berichten werden den Regierungstruppen Kriegsverbrechen, die unbestraft blieben, Verbrechen gegen die Menschlichkeit sowie schwere Verstöße gegen die Menschenrechtsgesetzgebung

²¹⁷ “Pro-government forces, but also other warring parties, resorted to methods of waging war and used weaponry that minimized risks to their fighters, rather than those minimizing harm to civilians. They consistently focused on the acquisition and control of territory, at the expense of the rights of the civilian population. Syrians have suffered vast aerial bombardments of densely populated areas; they have endured chemical weapons attacks and modern day sieges in which perpetrators deliberately starved the population along medieval scripts and indefensible and shameful restrictions on humanitarian aid (...). The horrors of the conflict have left no Syrian family untouched”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 96. “Civilians across the Syrian Arab Republic continued to suffer the direct and indirect consequences of armed conflict and violence. Civilians were killed and injured as a result of shelling and intermittent airstrikes, fighting between and within various armed groups, shootings, attacks carried out with various types of improvised explosive devices, including vehicle-borne improvised explosive devices, and as a result of explosive remnants of war, including unexploded ordnance. Some improvised explosive device attacks were carried out inside residential areas and local markets, appearing either to target civilians or to be heedless of their impact on civilians”; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 18. Laut UN-Generalsekretär “[M]illions of civilians continue to face protection risks... We have seen nine years of horrific atrocities, including war crimes. Nine years of human rights abuses on a massive and systematic scale, eroding international norms to new depths of cruelty and suffering. (...) Tens of thousands are missing, disappeared, detained, subjected to ill-treatment and torture. Untold numbers have been killed and injured”; UN News, *War in Syria: ‘Carnage’, Flouting of Rights and International Law, Must Stop: Guterres*, 12 March 2020, <https://shar.es/aHljIV>.

²¹⁸ “Over the past 10 years, parties to the conflict have perpetrated the most heinous violations of international humanitarian law and violations and abuses of international human rights law. Such violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 95. “For almost a decade the government of Syria, its allies and armed opposition groups have all perpetrated attacks on civilians and civilian infrastructure, blatantly disregarding international law. All parties to the conflict have committed acts that may amount to war crimes and crimes against humanity. As various armed groups attempt to consolidate their control over territory in Syria, civilians face the ongoing risk of atrocities”; Global Centre for the Responsibility to Protect, *Syria*, 15 January 2021, <http://bit.ly/37Mg2XW>. “In the light of the patterns observed and the large number of incidents and civilians killed and injured in markets and residential areas, it appears that parties to the conflict have failed to respect the key principles under international humanitarian law of distinguishing civilians from fighters and civilian objects from military objectives; of refraining from indiscriminate attacks; of respecting proportionality in attack; and of taking constant care to spare civilians and civilian objects in the conduct of military operations”; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, paras 19, 59. “There is no declared intention, nor mechanism, for meaningful accountability and reconciliation for the gross violations and brutal crimes committed during the conflict”; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 24. “Even if the political will existed, neither the 1953 Penal Code nor the 1950 Military Penal Code contains provisions enabling the prosecution of war crimes, crimes against humanity, or genocide, although ordinary crimes committed on Syrian territory are easily prosecuted as such”; Beth Van Schaack / Stanford Law School, *National Courts Step Up: Syrian Cases Proceeding in Domestic Courts*, zuletzt überarbeitet am 16. April 2020, <https://bit.ly/2D35GqG>, p. 8.

angelastet.²¹⁹ Willkürliche und direkte Angriffe auf Zivilpersonen²²⁰ und zivile Infrastrukturen²²¹, einschließlich medizinischer Einrichtungen²²², Schulen²²³, Vertriebenenlagern²²⁴, Märkten,

²¹⁹ “The government of Syria has not only manifestly failed to uphold its responsibility to protect, it bears primary responsibility for the ongoing commission of war crimes and crimes against humanity”; Global Centre for the Responsibility to Protect, Syria, 15 January 2021, <http://bit.ly/37Mg2XW>. “(...) for the past nine years, the Commission has consistently found that Syrian national courts are not an effective mechanism through which to pursue justice. The Commission has yet to identify evidence that Syrian courts have either the will or the capacity to fulfil international obligations to prosecute the perpetrators of serious international crimes. To date, however, the Commission has not received any information concerning the investigation, prosecution, conviction or acquittal of any Syrian military, security forces or government personnel for any criminal violations of international human rights or humanitarian law by the Government. The Commission has yet to identify evidence that Syrian courts have either the will or the capacity to fulfil international obligations to prosecute the perpetrators of serious international crimes. To date, there have been no developments towards lifting the immunity of security and intelligence forces who continue to enjoy immunity from prosecution under Legislative Decrees No. 14/1969 and No. 69/2008”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 75. Siehe auch frühere Berichte der IICISyria, abrufbar unter www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

²²⁰ “From the end of 2011 through the end of 2020, its army and air forces have used artillery and airstrikes in a clearly indiscriminate manner. (...) From the outset of the armed conflict, government forces have indiscriminately bombarded civilian populated areas and deliberately targeted protected objects, in particular hospitals and medical facilities, and what are clearly civilian locations, including markets, bakeries, schools and civilian neighbourhoods. Protected religious sites have also been struck in indiscriminate attacks”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 23-24. “Numerous hospitals, schools, markets and homes were destroyed by aerial and ground attacks, the latter including the use of cluster munitions, in acts amounting to the war crimes of launching indiscriminate attacks, and deliberate attacks on protected objects”; UN Human Rights Council, Rampant Human Rights Violations and War Crimes as War-Torn Idlib Faces the Pandemic UN Syria Commission of Inquiry Report, 7 July 2020, <https://bit.ly/329IORv>. Zu absichtlichen zielgerichteten Angriffen auf zivile Wohngebiete, Städte und Dörfer, die als Regierungsgegner angesehen werden, siehe Kapitel III.A.1.c.

²²¹ “The repeated Syrian-Russian alliance attacks on civilian infrastructure in populated areas in which there was no apparent military objective suggests that these unlawful attacks were deliberate. The intent may have been to deprive local residents of the means to sustain themselves, to force the civilian population to flee and make it easier for Syrian ground forces to take territory, or simply to instill terror in the civilian population as a way to achieve victory”; HRW, “Targeting Life in Idlib”; Syrian and Russian Strikes on Civilian Infrastructure, October 2020, www.ecoi.net/en/document/2039286.html, p. 5. Zu den kritischen zivilen Infrastrukturen, die gezielt angegriffen wurden, zählen auch Wasserspeicher, Wasseraufbereitungsanlagen, Bewässerungssysteme, Getreidespeicher und Weizenlager. Siehe z. B. SNHR, Ariha’s Main Water Tank Damaged in Syrian Regime Ground Attack in Idlib Suburbs on July 14, 15 July 2020, <https://bit.ly/2BipTlc>; AOA, The Broken Land: The Environmental Consequences of Explosive Weapon Use, 3 July 2020, <https://bit.ly/2BdyH1X>, p. 17; SNHR, Russian Forces Bombed a Water Tank in Jedraya Village in Aleppo, on January 21, 22 January 2020, <https://bit.ly/2CMic3B>. Siehe auch Kapitel III.A.1.c.

²²² “The Commission notes the abhorrent, established pattern of pro-government forces targeting hospitals and clinics, clearly documented beginning in 201238 and accelerating in 2016”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 29. Im November 2020 “[A] total of 25 attacks affecting health care were recorded since the beginning of the year, resulting in at least 13 deaths and 41 injuries to health-care workers and patients”; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3momPeR>, para. 25. SNHR dokumentierte gezielte Angriffe auf 862 medizinische Einrichtungen, wobei die überwiegende Mehrzahl dieser Einrichtungen (88 %) von den Regierungstruppen angegriffen wurde. SNHR stellte fest: “[T]argeting the medical sector and its workers is a fundamental component in terrorizing society and pushing citizens towards displacement”; SNHR, 857 Medical Personnel Killed and 3,353 Others Arrested and Disappeared since March 2011, Nearly 85% by the Syrian Regime, 17 September 2020, <https://bit.ly/3mATZt6>, pp. 3, 15-16. PHR bestätigten 595 Angriffe auf mindestens 350 verschiedene Gesundheitseinrichtungen und dokumentierten die Tötung von 923 medizinischen Fachkräften zwischen März 2011 und Februar 2020. Zwischen April 2019 und Februar 2020 bestätigten PHR 40 Angriffe auf medizinische Einrichtungen in Idlib und Umgebung. Die überwiegende Mehrzahl dieser Angriffe (90%) wurde den Regierungstruppen zugeschrieben. Nach Auffassung von PHR sind diese Angriffe “a widespread and systematic governmental policy”; PHR, Physicians for Human Rights’ Findings of Attacks on Health Care in Syria, Stand Februar 2020, <https://bit.ly/32sl2NT>. Siehe auch Syrian Human Rights Committee (SHRC), The 19th Annual Report on Human Rights Situation in Syria, January 2021, <https://bit.ly/3dPeNLs>, pp. 25-32; SOHR, Syrian Regime Ground Attack Damages Medical Facility in Ariha City in Idlib Suburbs on July 14, 15 July 2020, <https://bit.ly/3fJyW3Q>; Amnesty International, ‘Nowhere Is Safe for Us’: Unlawful Attacks and Mass Displacement in North-West Syria, 11 May 2020, www.ecoi.net/en/document/2029602.html (im Folgenden: Amnesty International, Unlawful Attacks and Mass Displacement in North-West Syria, 10 May 2020, www.ecoi.net/en/document/2029602.html). Am 30. Juli 2019 richtete UN-Generalsekretär António Guterres eine Untersuchungskommission ein, die sich mit Angriffen befassen soll, die seit der im September 2018 erfolgten Unterzeichnung des „Memorandums über die Stabilisierung der Situation in der Deeskalationszone Idlib“ gegen Einrichtungen, die sich auf der Deconfliction-Liste befinden, sowie andere von den UN unterstützte Einrichtungen in Nordwestsyrien verübt wurden. Die Untersuchungskommission stellte fest, es sei „plausibel“ oder „höchstwahrscheinlich“, dass fünf der sieben untersuchten Angriffe

„der Regierung von Syrien und/oder ihren Verbündeten zuzuschreiben“ seien; UN Secretary-General, *Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents in Northwest Syria*, 6 April 2020, <https://bit.ly/3fFy1Ru>.

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“In numerous aerial and ground attacks, Government forces targeted schools and caused widespread destruction of educational establishments. While schools can lawfully be targeted when used for military purposes, any attack in densely populated civilian areas requires effective advance warning, unless the circumstances do not permit. As previously documented by the Commission, Government forces often failed to provide such warnings prior to conducting attacks. The Commission further documented instances where Government forces deliberately attacked schools, and therefore committed the war crimes of deliberately targeting a civilian object and deliberately attacking civilians”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 81. Im Jahr 2020 dokumentierte SHRC Angriffe auf 42 Schulen (im Vergleich zu 177 im Jahr 2019), beinahe alle durch Regierungskräfte; SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, <https://bit.ly/3dPeNLs>, pp. 38-41. See also, SNHR, *Syrian Regime Forces Shelled a School in Ariha City in Idlib Suburbs on January 14*, 15 January 2021, <http://bit.ly/3kcZeye>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 24; SNHR, *Damages to a School in Balshoun Village in Idlib by Syrian Regime Forces’ Shelling on November 24*, 25 November 2020, <https://bit.ly/37hoY6F>; SNHR, *Syrian Regime Bombed a Kindergarten in Ariha City in Idlib Suburbs on November 6*, 12 November 2020, <https://bit.ly/37dWivk>; Save the Children, *Syria: At Least Four Children Killed in Intense Shelling Across Idlib*, 4 November 2020, <https://bit.ly/2JKDknX>; SNHR, *School in Ariha City in Idlib Suburbs Damaged by Syrian Regime Forces’ Bombing on November 4*, 4 November 2020, <https://bit.ly/2U6vB5O>; SNHR, *Damages to Two Schools in Ariha City in Idlib Suburbs Due to Syrian Regime Bombing on October 30, 31 October 2020*, <https://bit.ly/382Ldzs>; UNGA/UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 9 June 2020, A/74/845–S/2020/525, www.ecoi.net/en/document/2031779.html (im Folgenden: UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html), para. 177; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html.

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“In some instances, displacement sites [in Idlib] were subjected to attacks, further terrorizing residents”; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 6. “Even camps and other sites where displaced families have sought shelter have been struck by shelling”; UN News, *‘Mayhem’ in Syria’s Idlib amid Ongoing Violence, as Guterres Urges Immediate Ceasefire*, 28 February 2020, <https://shar.es/abnABs>. Siehe auch Al Jazeera, *At Least 15 Displaced Syrians Killed in Idlib Air Attack*, 5 March 2020, <https://aje.io/y47cw>; MEE, *‘Assad’s Bombs Chase Us’: Syrian Forces Target Refugee Camps near Turkish Border*, 19 February 2020, <https://bit.ly/2NGfAAg>; SNHR, *The Death of a Civilian and Damages in an IDPs Camp near Sarmada City in Idlib Due to a Shelling by Syrian Regime, on Feb 15, 16 February 2020*, <https://bit.ly/30pgmYn>; The Guardian, *Syria: Five Children Killed in Missile Strike on Displacement Camp*, 4 January 2020, <https://bit.ly/2tFMuu8>.

Bäckereien²²⁵ und Moscheen²²⁶, sowie auf Mitarbeiter und Hilfsgüter humanitärer Organisationen²²⁷ sind typische Verstöße der Regierungstruppen, insbesondere in Nordwestsyrien.²²⁸ Laut Berichten haben die Regierungstruppen Waffen in unterschiedsloser Weise eingesetzt, einschließlich Artillerie, Luftangriffen²²⁹, Fassbomben²³⁰, Brandwaffen, Streumunition²³¹ und chemischer Waffen in besiedelten

- ²²⁵ SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, <https://bit.ly/3dPeNLs>, pp. 11, 23-24; AOA, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, <https://bit.ly/2BdyH1X>, p. 17; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para.73. Siehe z. B. SNHR, *Syrian Regime Forces Shelled a Market in Ariha City in Idlib Suburbs on January 14*, 15 January 2021, <http://bit.ly/3aKblue>; SNHR, *Civilian Killed & Fires Caused by Russian Forces' Bombardment of a Market in al Dabes Village in Aleppo on October 23*, 25 October 2020, <https://bit.ly/2HuxFKR>; The New Arab, *Syrian Regime Bombs Idlib Market, Killing Five Children*, 3 March 2020, <https://bit.ly/2XQ6DKq>; SNHR, *Russian Forces Bombed a Bakery in Mhambel Village in Idlib, on February 20*, 20 February 2020, <https://bit.ly/3fJTlpc>; SNHR, *Syrian Regime Bombed a Market in Darat Ezza City in Aleppo, on February 18*, 18 February 2020, <https://bit.ly/3dnGWFD>; UN News, *As North-West Syria Violence Reaches 'Horrorifying' New Level, UN Relief Chief Says Ceasefire Is Only Option*, 17 February 2020, <https://shar.es/abniAi>; SNHR, *Syrian Regime Bombed a Bakery in al Atareb City in Aleppo, on February 9*, 9 February 2020, <https://bit.ly/2zU2fB2>; SNHR, *Russian Forces Bombed a Bakery in Sarmin City in Idlib, on February 4*, 4 February 2020, <https://bit.ly/39eEMrA>; SNHR, *Syrian Regime Bombed a Bakery in al Bara Village in Idlib, on January 28*, 29 January 2020, <https://bit.ly/2OAQTPe>; Al Jazeera, *Syria's War: More than 20 Killed in Air Raids on Rebel-Held Idlib*, 16 January 2020, <https://bit.ly/3ea4xuD>.
- ²²⁶ Im Jahr 2020 dokumentierte SHRC Angriffe auf 45 Moscheen, beinahe in allen Fällen durch Regierungskräfte; SHRC, *The 19th Annual Report on Human Rights Situation in Syria*, January 2021, <https://bit.ly/3dPeNLs>, pp. 42-45. Siehe für example, SNHR, *Civilians Injured and Mosque Damaged in Syrian Regime Forces' Bombardment of al Bab City in Aleppo on February 8*, 9 February 2021, <http://bit.ly/3btTMD0>; SNHR, *Mosque in al Qameshli City in Hasaka Suburbs Was Damaged due to Syrian Regime Forces' Shelling on January 23*, 28 January 2021, <http://bit.ly/3aINC31>; SNHR, *Mosque Damaged in Russian Air Attack on al Bab City in Aleppo Suburbs on July 15*, 16 July 2020, <https://bit.ly/3jjaQz3>; SNHR, *Syrian Regime Ground Attack Damages Mosque in al Mozara Village in Idlib Suburbs on July 13*, 13 July 2020, <https://bit.ly/2CiTRcB>; SNHR, *Russian Forces Bombed a Mosque in Shnan Village in Idlib, on March 5*, 6 March 2020, <https://bit.ly/30gmHFx>; SNHR, *Syrian Regime Shelled a Mosque in Balyoun Village in Idlib, on March 2*, 2 March 2020, <https://bit.ly/3dm2hz2>; SNHR, *Syrian Regime Bombed a Mosque in Ariha City in Idlib, on February 21*, 22 February 2020, <https://bit.ly/2Cj6bwX>; SNHR, *Russian Forces Bombed a Mosque in Hraitan Town in Aleppo, on February 6*, 6 February 2020, <https://bit.ly/3fKUMne>; SNHR, *Russian Forces Bombed a Mosque in al Bab City in Aleppo, on February 1*, 2 February 2020, <https://bit.ly/2ZFDOe8>; SNHR, *Syrian Regime Shelled a Mosque in al Nayrab Village in Idlib, on January 30*, 31 January 2020, <https://bit.ly/3hNKR24>.
- ²²⁷ Siehe z. B. SNHR, *Damages of a Car of SCD [Syrian Civil Defence] in a Bombing near Binnesh City in Idlib by Russian Forces, on Mar 2*, 3 March 2020, <https://bit.ly/2OQZxAh>; SNHR, *Russian Forces Bombed a Civil Defense Center in Bsamis Village in Idlib, on Feb 23*, 25 February 2020, <https://bit.ly/3fKJVcl>; SNHR, *Russian Forces Bombed a SCD Center in Sarmin City in Idlib, on Feb 21*, 23 February 2020, <https://bit.ly/32wWoxj>; SNHR, *Russian Forces Bombed a Building Consists of Two SCD Centers in Saraqeb City in Idlib, on Jan 31*, 1 February 2020, <https://bit.ly/2OEKnha>; SNHR, *Syrian Regime Bombed a Civil Defense Center in Shnan Village in Idlib, on January 15*, 16 January 2020, <https://bit.ly/2AOUJw>. Siehe auch Kapitel III.A.1.
- ²²⁸ SNHR dokumentierte zwischen dem 26. April 2019 und dem 29. Mai 2020 882 Angriffe auf unverzichtbare Einrichtungen, einschließlich 220 Gebetsstätten, 218 Bildungseinrichtungen, 93 medizinischen Einrichtungen, 86 Zivilschutzzentren und 52 Märkten; SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, <https://bit.ly/3fKU5tX>, p. 6. "These violations included air strikes and ground attacks, in some cases using internationally banned cluster munitions, on medical facilities, such as hospitals, specialized medical clinics and physiotherapy centres, and schools, some of which are used as shelters for internally displaced people. (...) Amnesty International's investigation (...) has led it to conclude that Syrian and Russian government forces have been responsible for serious violations of international humanitarian law in north-west Syria by **intentionally directing attacks against civilians and civilian objects** such as hospitals and schools, failing to distinguish between civilians and fighters, and using prohibited weapons in attacks that killed or injured civilians" (Hervorhebung nur hier); Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, pp. 12, 13. "The (...) pattern of attack strongly suggests that pro-government forces **systematically targeted medical facilities**" (Hervorhebung nur hier); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 52. Siehe auch Global Centre for the Responsibility to Protect, *How a UN Board of Inquiry Failed to Address the Real Problem in Syria*, 28 April 2020, <https://bit.ly/2ztY0jR>; und Kapitel III.A.1.c.
- ²²⁹ Zwischen November 2014 und August 2020 dokumentierte SOHR über 162.400 Luftangriffe; SOHR, *The Sixth Month in a Row: Regime Aircraft Kill no Civilians*, 30 August 2020, <https://bit.ly/31Jg3JE>.
- ²³⁰ Zwischen November 2014 und August 2020 dokumentierte SOHR den Einsatz von 78.505 Fassbomben; ebenda.
- ²³¹ "Concerning the attacks with cluster munitions on densely populated civilian areas impacting the Khaled Shaar, al-Barahim and al-Izza Ibn Abdelsalam schools in Idlib city (...), the Commission has reasonable grounds to believe that Government forces committed the war crime of launching indiscriminate attacks resulting in death or injury to civilians, which may also amount to a direct attack against civilians"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para.71. Siehe auch New York Times, *Casualties from Banned Cluster Bombs Nearly Doubled in 2019, Mostly in Syria*, 25 November 2020, <https://nyti.ms/3glk72y>.

Gebieten.²³² Berichten zufolge haben die Regierungstruppen vorsätzlich Zivilpersonen in der Nähe der Frontlinien getötet und verletzt, u. a. durch gezielte Angriffe von Heckenschützen auf Menschen, die in landwirtschaftlich genutzten Feldern arbeiteten.²³³

²³² *The IICISyria documented 28 separate instances of the use of chemical weapons, including 32 which met its standard of proof for attribution to Syrian government forces*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 32. Siehe auch Reuters, *Syria Condemned by Chemical Weapons Body for Use of Sarin, Chlorine*, 9 July 2020, <https://reut.rs/2O7axZK>; SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, <https://bit.ly/3fKU5tX>, pp. 7-8; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html.

²³³ Enab Baladi, *Al-Ghab Plain: An Exposed Area whose Farmers Are at Risk due to Regime's Targetings*, 2 January 2021, <http://bit.ly/3b3eWcL>; SNHR, *Syrian Regime Killed a Girl in the Vicinity in al Bab City in Aleppo Suburbs on July 1*, 1 July 2020, <https://bit.ly/3enXIF7>; SOHR, *Regime Snipers Shoot Dead Two Young People in Eastern Countryside*, 18 June 2020, <https://bit.ly/32goXyO>; SNHR, *Syrian Regime Forces Killed a Child near Ifes Village in Idlib Suburbs on June 4*, 5 June 2020, <https://bit.ly/2OddSqi>; SNHR, *The Injury of a Child by a Syrian Regime Sniper near the Regime's 46th Regiment's Base in Aleppo, on May 17*, 19 May 2020, <https://bit.ly/2AVOu5q>; SNHR, *Syrian Regime Killed a Civilian in Mizanaz Village in Aleppo, on May 8*, 9 May 2020, <https://bit.ly/2WbhuNK>.

Den Vereinten Nationen und Menschenrechtsbeobachtern zufolge werden willkürliche Verhaftungen²³⁴ und Verschwindenlassen²³⁵, Inhaftierungen unter lebensbedrohlichen Umständen²³⁶, systematische

²³⁴ “Tens of thousands of civilians reportedly remain missing or arbitrarily detained, with the vast majority held in government facilities. Both pro-government forces and armed groups continued to arbitrarily detain individuals in areas under their effective control. In the majority of cases documented by OHCHR, detainees were denied information about the reasons for their detention and other due process rights, while their families were denied information concerning their whereabouts or their fate, raising concerns that, in some cases, such detentions may constitute enforced disappearance”; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3momPeR>, para. 20. Willkürliche Verhaftungen und Verschwindenlassen “are carried out by the Syrian security services, as well as their affiliated militias, as part of a deliberate and planned strategy, often in a sweeping indiscriminate manner, in order to instill terror and fear into the largest possible number of Syrian people”. Laut SNHR sind die Familien der verhafteten Personen “are unable to accurately identify the body responsible for making the arrest, given the vast array of forces affiliated with the Syrian regime (...)”; SNHR, At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women, 2 February 2021, <https://bit.ly/3e60jH4>, p. 2. “(...) many arrests are effectuated without a formal arrest warrant, akin to an abduction: Armed men show up in government owned vehicles, ask for someone by name, and then take them away often with little or no explanation. According to some testimonies, in rare cases the arresting force identifies the arresting agency; but in many cases, family members, even if present, may not be informed of the detaining authority”; ICTJ, Gone Without a Trace: Syria’s Detained, Abducted, and Forcibly Disappeared, May 2020, <https://bit.ly/2Bzsqx9> (im Folgenden: ICTJ, Syria’s Detained, Abducted, and Forcibly Disappeared, May 2020, <https://bit.ly/2Bzsqx9>), p. 13. “(...) the majority of these arrests begins with a group of armed men, often affiliated with the security services, wearing military or civilian uniforms, breaking into a house, raiding a workplace or a public place, or detaining the victims at a checkpoint, with arrests carried out without presenting any arrest warrant, official order or judicial documentation for the arrest. These armed men refuse to reveal their names or identities or to give any information about their affiliations or which security service or official body they represent. These mafia-like abductions are usually accompanied by the use of excessive violence, physical and verbal abuse, using both to intimidate the detainee and other people in the area.” Laut Schätzungen von SNHR wurden zwischen März 2011 und März 2020 “at least 1.2 million Syrian citizens have been arrested and detained at some point”; SNHR, On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 6. Siehe auch Kapitel III.A.1.a.

²³⁵ “In areas under the control of the Government, OHCHR continued to document cases of detainees dying while in custody, allegedly owing to natural causes. In many such cases, individuals appear to have been subjected to enforced disappearance, and the fact that they were detained by the Government did not become known until their deaths were acknowledged. The bodies of the deceased are rarely returned to their families, who are also denied the opportunity to question the official causes of death or to know the whereabouts of the bodies”; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3momPeR>, para. 20. “Continuing to repress people by keeping them in incommunicado detention in abhorrent conditions and torturing them, amounts to crimes against humanity”; UN Human Rights Council, Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council Session, 22 September 2020, <https://shar.es/abl9Fy>. “Almost all cases of arbitrary arrest and detention that were investigated in the reporting period resulted in enforced disappearance, with at least 34 men, one woman and 10 children disappeared. These took place in Dar’a, Homs, Qunaytirah, Rif Damascus and Suwayda’ Governorates, involving government security forces, including the Military Intelligence Directorate and the Military Police”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 21. Laut SNHR, “enforced disappearances have been carried out in the context of a widespread assault against all civilian population groups”. Im August 2020 waren noch mehr als 130.750 Personen, einschließlich 8.000 Frauen und über 3.500 Kindern, in Haft oder unter Zwang der Regierung verschwunden; SNHR, The 9th Annual Report on Enforced Disappearance, 30 August 2020, <https://bit.ly/3215EgB>, p. 7. Siehe auch UN News, Security Council Stalemate Frustrates Families of Syria’s Missing Detainees, 23 July 2020, <https://shar.es/abtwq4>; ICTJ, Syria’s Detained, Abducted, and Forcibly Disappeared, May 2020, <https://bit.ly/2Bzsqx9>, pp. 1, 2; Freedom House, Freedom in the World 2020: Syria, March 2020, www.ecoi.net/en/document/2030806.html; HRW, Kidnapped by ISIS: Failure to Uncover the Fate of Syria’s Missing, 11 February 2020, www.ecoi.net/en/document/2024560.html, p. 5.

²³⁶ “(...) the Syrian regime also deliberately subjects the imprisoned detainees to unimaginably squalid, unsanitary and massively overcrowded conditions in its detention centers which lack even the bare minimum of hygiene or sanitation to protect against illness and disease. These conditions are especially horrific in the headquarters of the four main security branches and military prisons, where large numbers of detainees are packed into cells of various sizes, with an average cell area measuring 4 x 6 square meters containing approximately 50 detainees; this means that each detainee barely has an area of 70 cm² for sitting and sleeping, with detainees usually taking turns to attempt to sit or lie down to sleep when their numbers exceed the holding capacity of the cell, as they routinely do. These cells also lack ventilation and the most basic standards of sanitation and cleanliness, with the conditions being even more squalid in the solitary confinement cells located on the detention centers’ lower floors which lack even light. Throughout the duration of their detention in the security branches, detainees are also prevented from going outside to get any exercise, or exposure to fresh air or sunlight”; SNHR, At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women, 2 February 2021, <https://bit.ly/3e60jH4>, p. 18. “Inhumane conditions were described across both official and informal detention centres”; UN Human Rights Council, Report of the

und weitverbreitete Folter und sonstige Formen der Misshandlung²³⁷, Verletzungen des Rechts auf ein faires Verfahren²³⁸, Inhaftierungen über lange Zeiträume ohne gerichtliches Verfahren²³⁹ sowie summarische und außergerichtliche Hinrichtungen weiterhin in großem Umfang dokumentiert²⁴⁰, und sie richten sich überwiegend gegen Personen, die tatsächlich oder vermeintlich Gegner der Regierung

Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 26. "Those who survive the daily brutalities endure inhuman conditions, with minimal food or water. Diseases are allowed to run rampant, emaciation is common, and medical assistance is purposefully withheld. (...) Numerous local and international human rights organizations have reported that in addition to systematically torturing and ill-treating detainees (...) the Syrian regime also deliberately punishes detainees by keeping them in inhumanely overcrowded conditions, with little or no access to adequate food, clean drinking water, sanitation facilities, medical care, or medication"; Center on International Cooperation / New York University, *Do or Die: COVID-19 and Imprisonment in Syria*, June 2020, <https://bit.ly/2luTu4J>, pp. 1, 4. "Even before the onset of COVID-19, we have received a significant number of reports of deaths in the facilities run by the four security branches and in Sednaya, including as a result of torture and denial of medical care"; OHCHR, *Press Briefing Note on Syria*, 3 April 2020, www.ecoi.net/en/document/2027741.html. Siehe auch The National, 'Assad Wants Them to Die of Coronavirus,' Say Families of Syria's Missing, 28 April 2020, <https://bit.ly/366OE4P>; ICTJ, *As Pandemic Looms, Action Is Needed to Protect Syria's Vulnerable Prison Population*, 22 April 2020, <https://bit.ly/3fDJx0r>; SNHR, *Images of Detainees Have Been Recently Released by Syrian Regime Forces Show the Negligence of Health and Medical Care which Threaten 130,000 Remaining Detainees*, 18 April 2020, <https://bit.ly/2YSI4gt>; HRW, *Syria's Detainees Left even more Vulnerable to Coronavirus*, 16 March 2020, www.ecoi.net/en/document/2026693.html. Siehe auch Kapitel III.A.1.a.

²³⁷ "Detention facilities are set up as 'interrogation prisons' where detainees are tortured regularly with various techniques. (...) The Assad government maintains its claim that interrogations are a means to obtain 'confessions.' In reality, the system of torture does not serve to obtain information, but to terrorize and humiliate the population"; European Center for Constitutional and Human Rights (ECCHR), *Human Rights Violations in Syria: Torture under Assad*, last updated March 2021, <https://bit.ly/2OdbC5J>, p. 5. "Every detainee is tortured from the very first moment of his or her arrest (...)"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3e60jH4>, p. 2. Zwischen März 2011 und September 2020 dokumentierte SNHR den Tod von mehr als 14.260 Personen, die infolge von Folter durch die Regierungstruppen starben; SNHR, *Death Toll Due to Torture*, Zugriff am 28. Februar 2021, <https://bit.ly/3ijCkmh>; SOHR dokumentierte den Tod von 16.245 Personen, die aufgrund von Folter in Haftanstalten und Gefängnissen der Regierung starben, einschließlich 125 Kindern und 64 Frauen; SOHR, *Civilian from Daraa Dies in Sednaya Prison after Six Years of Detention*, 20 February 2021, <https://bit.ly/2OZDIbN>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 25, 27. Siehe auch Kapitel III.A.1.a.

²³⁸ "Due process and fair trial standards established under international law – including the right to be tried before an independent and impartial court, the right to a defense, the right to be presumed innocent, and the principle of equality of arms – are routinely violated, and the right of habeas corpus is consistently denied to those in custody." In Bezug auf Gerichte wie das Anti-Terror-Gericht (Counter-Terrorism Court, CTC), militärische Feldgerichte und Militärgerichte, die von den grundlegenden Verfahren, die die ordentlichen Gerichte in Syrien einhalten müssen, befreit sind, stellt das ICTJ fest: "Numerous human rights reports assert that trials before these courts are manifestly unfair and often summary in nature. (...) They often mete out harsh punishments, including the death penalty. Generally, the accused are tried without a lawyer or denied the right to present a defense. In the field military courts, trials usually last a few minutes, with the judge reading out the charges and asking the accused persons if they are guilty and their answering 'yes' or 'no.' Although it is widely known that many confessions were made under torture, judges still follow the sentence recommended by the intelligence director, in contravention of human rights standards. Reports indicate that rather than abide by due process requirements, the regime works to legalize the detention of the arrested persons, sometimes by inventing charges after arrests are made"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, pp. 13, 15. "Military officers can try civilians in both conventional military courts and field courts, which lack due process guarantees. While civilians may appeal military court decisions with the military chamber of the Court of Cassation, military judges are neither independent nor impartial, as they are subordinate to the military command"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. Laut SNHR wurden etwa 16 Kinder vor dem Anti-Terror-Gericht angeklagt; SNHR, *On World Children's Day: Ninth Annual Report on Violations Against Children in Syria*, 20 November 2020, <https://bit.ly/3agi2tv> (im Folgenden: SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>), p. 10. Siehe auch Kapitel III.A.1.a.

²³⁹ "Little data is available on how many of those detained are actually brought before a court, because of the secretive nature of legal proceedings in Syria, the arbitrary actions of the security and intelligence services when conducting arrests, and the lack of access to or communication with those detained. Given the climate of prolonged incommunicado detention and enforced disappearance, it may be assumed that detainees are being held without any real due process in the vast majority of conflict-related cases"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 14.

²⁴⁰ Laut SOHR wurden "104,000 civilians have been executed and killed inside the prisons of the regime and its intelligence forces", die Mehrzahl zwischen Mai 2013 und Oktober 2015. "SOHR sources also confirmed that more than 30,000 detainees were killed inside the notorious Sednaya prison alone, while the Air Force Intelligence prisons came in the second place in terms of the number of deaths"; SOHR, *Nearly 120 Syrian Civilians Have Died under Torture Inside Regime Security Prisons since Caesar Act Came into Effect*, 26 December 2020, <http://bit.ly/3902tny>. "There were numerous reports of deaths in custody, notably at the Mezzeh airport detention facility, Military Security Branches 215 and 235, and Sednaya Prison, by execution without due process, torture, and deaths from other forms of abuse, such as malnutrition and lack of medical care"; Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "The Commission recalls that the scope and scale of arbitrary arrests and detention used by government forces as a tool of repression have led to the custodial deaths of thousands of Syrian civilians"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 75. Siehe auch STJ, "My Mother still Hopes He's Alive": Dozens of Syrian Families Told Their Detained Loved Ones Are Dead, 1 February 2021, <https://bit.ly/3sTHcEH>; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, pp. 11-12, 17.

sind, einschließlich Kindern.²⁴¹ Der Gebrauch von sexueller Gewalt, einschließlich als Foltermethode, gegenüber Männern²⁴², Frauen, Jungen und Mädchen ist Berichten zufolge weitverbreitet.²⁴³ IICISyria stellte fest, dass sie

„... triftige Gründe für die Annahme hat, dass die syrische Regierung im Rahmen einer durchgängigen staatlichen Politik weiterhin Verbrechen gegen die Menschlichkeit in Form von erzwungenem Verschwinden, Mord, Folter, sexueller Gewalt und Freiheitsentzug begangen hat. In einigen Fällen sind diese Handlungen möglicherweise auch als Kriegsverbrechen einzustufen.“²⁴⁴

Aus Gebieten, die von der Regierung zurückerobert wurden, sei es infolge von militärischen Offensiven und/oder „Versöhnungsabkommen“, wird berichtet, dass die früheren Praktiken der Menschenrechtsverletzungen wieder aufgenommen wurden und es häufig dazu kam, dass Menschen schikaniert, willkürlich verhaftet, in Isolationshaft genommen, gefoltert und in sonstiger Weise misshandelt, zwangsverschleppt und verschwinden gelassen wurden sowie zwangsrekrutiert wurden.²⁴⁵ Die Zusicherungen, die die Regierung im Rahmen der „Versöhnungsabkommen“ gegeben hat, einschließlich der Wiederherstellung der Grundversorgung und der Freizügigkeit, der Entlassung Gefangener, der Rückkehr staatlicher Beschäftigter zu ihrem Arbeitsplatz und der Rückstellung vom

²⁴¹ Siehe Kapitel III.A.1.

²⁴² “Syrian forces have used rape and other forms of sexual violence to harass, intimidate, and torture men and boys in intelligence branches, military and unofficial detention centers, central prisons, checkpoints, and in the Syrian army”; HRW, “They Treated Us in Monstrous Ways”: Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, July 2020, www.ecoi.net/en/document/2035116.html (im Folgenden: HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html), p. 32. “(...) the systematic sexual torture of men and boys”; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 3 June 2020, S/2020/487, <https://bit.ly/2WNngz6v> (im Folgenden: UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, <https://bit.ly/2WNngz6v>), para. 57. “The broad reasons to use sexual violence against men are the same that led to sexual violence against women: to terrorise, to humiliate, and to disempower. But sexual violence directed against men can also be committed for different reasons than female sexual violence: specifically, to ‘cast aspersions of homosexuality’ and to emasculate. In the Syrian context, forced nudity upon arrival to the detention facility followed by threats of rape during interrogation sexually humiliated male detainees and threatened their masculinity”; Lina Biscaia, “Weaponising Gender”, in Hilly Moodrick-Even Khen, Nir T. Boms, Sareta Ashraph (eds), *The Syrian War: Between Justice and Political Reality*, 2020, pp. 154-155.

²⁴³ IICISyria stellte fest: “[R]apes and other acts of sexual violence at checkpoints and the imprisonment and rapes in detention that followed also formed part of a widespread and systematic attack directed against a civilian population, and amounted to crimes against humanity”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 83. “Women and girls have been targeted on the basis of their gender since the early days of the Syrian conflict. Rape and sexual violence have been committed against women and girls during house raids often following ground offensives, at checkpoints and, most often, in State custody. Women and girls were raped and sexually assaulted in Government detention facilities (...). Girls in detention were subjected to sexual and gender-based violence to extract information, coerce confession or force the surrender of opposition family members. (...) Boys in detention have been particularly vulnerable to sexual violence. Sexual torture, including the tying of genitals, has been systematically perpetrated against men and boys in detention in Damascus, Homs and Aleppo”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 60-62. Siehe auch SNHR, *On the International Day for the Elimination of Violence Against Women: Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv> (im Folgenden: SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>), pp. 14-15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 25; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?*, 19 June 2020, <https://p.dw.com/p/3e3Ns>.

²⁴⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 35.

²⁴⁵ “In Damascus, around Rif Damascus, Suwayda’ and Dar’a, arbitrary detention, enforced disappearance and torture remained pervasive”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 4. “Just as in all areas that the regime has recaptured in the war, the civilian population [in Eastern Ghouta] lives in constant fear of further reprisals”; Konrad-Adenauer-Stiftung (KAS), *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 3. “(...) as Russian military police retreated from Homs city in mid- to late 2018, pro-regime units, such as the National Defense Force, were given control. They created an atmosphere of terror as the regime apprehended thousands of people, reneging on promises not to arrest those who had been reconciled”; Carnegie MEC, *Homs, a Divided Incarnation of Syria’s Unresolved Conflict*, 15 May 2020, <https://bit.ly/3iZgWEi>. “Civil rights in Syria are systematically violated. This was the case not only for the years in which the regime felt an essential threat to its existence, but has become even more so in the period where it has gained ground, and the violation of civil rights is particularly visible in those areas recaptured”; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 13. Siehe auch Kapitel III.A.1.d und III.A.2.

Militärdienst, wurden von der Regierung nicht eingehalten.²⁴⁶ Vielmehr wird von „*allgegenwärtigen Kontrollstellen*“ berichtet, die die Möglichkeit der Menschen einschränken, sich innerhalb der zurückeroberten Gebiete frei zu bewegen bzw. diese Gebiete zu verlassen.²⁴⁷ Personen, die in wiedereroberte Gebiete zurückkehren möchten, wurden Berichten zufolge rechtswidrig enteignet und willkürlichen Beschränkungen der Freizügigkeit unterworfen, was laut IICISyria den Tatbestand des „*Kriegsverbrechens der kollektiven Bestrafung*“ erfüllen kann.²⁴⁸

Darüber hinaus haben die Regierungstruppen Zivilpersonen im Rahmen von militärischen Operationen²⁴⁹ und sogenannten „Evakuierungsabkommen“ unter Zwang aus Gebieten vertrieben, die sie von bewaffneten oppositionellen Gruppen zurückerobert haben.²⁵⁰

Berichten zufolge werden tatsächliche oder vermeintliche Gegner der Regierung, die aus dem Ausland nach Syrien zurückkehren, gezielt ins Visier genommen.²⁵¹

Seit 2011 hat die Regierung per Dekret mehrere zeitlich begrenzte Amnestien erlassen, die Straffreiheit und Reduzierungen des Strafmaßes für bestimmte Straftaten und Straftäter vorsehen.²⁵² Diese Amnestiedekrete haben Berichten zufolge nur eine eingeschränkte Wirkung in Bezug auf die Freilassung tatsächlicher und vermeintlicher Regierungsgegner, von denen viele aufgrund des Antiterrorgesetzes inhaftiert sind.²⁵³ Eine große Anzahl tatsächlicher und vermeintlicher Regierungsgegner befindet sich laut Meldungen noch immer in Haft, und es finden weiterhin willkürliche Verhaftungen statt.²⁵⁴ Berichten zufolge besteht bei Personen, die aufgrund eines Amnestiedekrets

²⁴⁶ "(...) the Assad regime and Russia repeatedly violated the commitments made in those [reconciliation] agreements"; KAS, *De-escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 3. "Civilians in retaken areas indicated that the lack of respect for the 'reconciliation' processes and agreements was a significant factor of current fear and tension among the population. A network of checkpoints remained across 'reconciled areas', including in Dar'a and eastern Ghutah, in contravention of the assurances made during 'reconciliation processes'. This has severely restricted the freedom of movement of the civilian population, primarily affecting adult men who feared apprehension and forced conscription"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 72, 73. Siehe auch Kapitel III.A.1.d.

²⁴⁷ Siehe Kapitel II.B.1.a.

²⁴⁸ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 36; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 80. Siehe auch Kapitel III.A.1.

²⁴⁹ Beispielsweise "(...) the Commission finds that there are reasonable grounds to believe that, through the widespread and indiscriminate bombardment on Ma'arrat al-Nu'man during the second half of December [2019], and Ariha on 29 January [2020], in addition to Atarib between 10 and 14 February [2020] and Darat Azza on 17 February [2020], pro-government forces may have perpetrated the crime against humanity of forcible transfer"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 80.

²⁵⁰ Siehe Kapitel III.A.1.d.

²⁵¹ Siehe Kapitel III.A.1.e.

²⁵² Laut SNHR hat die Regierung 17 Amnestiedekrete erlassen, und die Mehrzahl dieser Dekrete hatte einen sehr ähnlichen Inhalt; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3gJY3F7>, p. 18. Mit dem jüngsten Dekret, dem Gesetzesdekret Nr. 6 vom 22. März 2020, wurden eine Amnestie für einige Straftaten (einschließlich Wehrdienstentziehung und Desertion), die vor diesem Zeitpunkt begangen worden waren, sowie eine Reduzierung des Strafmaßes für Jugendliche und andere Inhaftierte gewährt; *Legislative Decree No. 6 of 22 March 2020*, abrufbar auf Arabisch unter <https://bit.ly/2VF0puO>. Das Dekret ist mit dem Gesetzesdekret Nr. 20 vom 15. September 2019 fast identisch; *Legislative Decree No. 20 of 15 September 2019*, abrufbar auf Arabisch unter <https://bit.ly/2KckH9C>.

²⁵³ Siehe Kapitel III.A.1.a.

²⁵⁴ SNHR dokumentierte über 660 willkürliche Verhaftungen und 116 Todesfälle durch Folter in dem Zeitraum zwischen dem Erlass der zwei jüngsten Amnestiedekrete (15. September 2019 und 22. März 2020). Im gleichen Zeitraum dokumentierte SNHR die Freilassung von 232 inhaftierten Personen, einschließlich 14 Frauen, gemäß dem Gesetzesdekret Nr. 20 vom 15. September 2019. Alle Freilassungen wurden aus Gefängnissen gemeldet, die dem Justizministerium unterstehen. Aus den Haftanstalten, die von den vier Sicherheitsdiensten kontrolliert werden, wurden keine Freilassungen gemeldet; SNHR, *It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues*, 24 March 2020, <https://bit.ly/2z6lAy8>, pp. 1, 5, 6. Bis Juli 2020 hatte SNHR die Freilassung von 121 politischen Gefangenen nach dem Dekret Nr. 6 vom 22. März 2020 registriert. Die Zahl der gemeldeten Freilassungen wird jedoch von der Zahl neuer Verhaftungen übertroffen; SNHR, *SNHR Submits a Report to the UN Human Rights Committee on the Most Notable Violations Committed by the Syrian Regime During the Past Four Years*, 27 August 2020, <https://bit.ly/3b9fKe6>, p. 4; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/335E8vt>, p. 11.

freigelassen wurden, die Gefahr, erneut verhaftet zu werden.²⁵⁵ Die Amnestiedekrete, die Wehrdienstentzug oder Desertion betreffen, befreien nur von den Strafen, die mit Wehrdienstentzug und Desertion verbunden sind, entbinden jedoch nicht von der Wehrpflicht.²⁵⁶ Im November und Dezember 2020 wurden Berichten zufolge knapp 100 Gefangene der Provinz Dera'a aufgrund einer Begnadigung durch den Präsidenten freigelassen.²⁵⁷

Die Streitkräfte der Regierung rekrutieren und verwenden Kinder, einschließlich Kindern unter 15 Jahren, für Kampf- und Hilfsfunktionen.²⁵⁸ Sofern Kinder von anderen Akteuren rekrutiert werden, besteht laut Meldungen die Gefahr, dass sie von den Regierungstruppen aufgrund ihrer vermeintlichen Verbindung zu bewaffneten Gruppen willkürlich festgenommen, inhaftiert und gefoltert oder in sonstiger Weise misshandelt werden.²⁵⁹

a) Für die entsprechenden Risikoprofile siehe Kapitel III.A.1, III.A.2, III.A.8, III.A.9, III.A.10, III.A.11 und III.A.12.

2) Syrian Democratic Forces (SDF) / Volksschutzeinheiten (YPG), Partei der Demokratischen Union (PYD) und Institutionen der Autonomieregion

Berichten zufolge haben die SDF als Teil der von den USA angeführten Anti-ISIS-Koalition nicht alle praktisch möglichen Vorkehrungen getroffen, um Schäden der Zivilbevölkerung während der

²⁵⁵ US Department of State, 2019 Country Reports on Human Rights Practices: Syria, 11 March 2020, www.ecoi.net/en/document/2026345.html. "(...) those released detainees are banned from travelling outside Syria and kept under security surveillance, prompting many to leave the country via irregular means"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 6. Laut SNHR "any citizen released from the Counter-Terrorism Court remains at risk of being rearrested"; SNHR, *At Least 10,767 Persons Still Face Trial in Counter-Terrorism Court, nearly 91,000 Cases Heard by the Court and 3,970 Seizures of Property*, 15 October 2020, <https://bit.ly/3mcGte6>, p. 13.

²⁵⁶ Siehe Kapitel III.A.2.

²⁵⁷ In Bezug auf etwa 60 Gefangene, die Anfang November 2020 freigelassen wurden, stellte HRW fest: "The majority of those released this week were reportedly arrested after the Syrian government retook areas often through brutal and unlawful tactics"; HRW, *Dozens of Prisoners Released in Syria*, 6 November 2020, www.ecoi.net/en/document/2040384.html. SNHR meldete, dass die Freigelassenen im Durchschnitt ein bis zwei Jahre in Haft verbracht hatten. Alle freigelassenen Personen waren in schlechter gesundheitlicher Verfassung, was auf Folter, ärztliche Behandlungsfehler und katastrophale Haftbedingungen zurückzuführen war; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, <https://bit.ly/3gJY3F7>, p. 10. Eine zweite Gruppe von mehr als 35 Gefangenen wurde Berichten zufolge Mitte Dezember 2020 freigelassen; SOHR, *At Russia's Orders: Regime Security Services Release nearly 100 Detainees from Daraa in 40 Days*, 13 December 2020, <http://bit.ly/3p1tv4f>.

²⁵⁸ "Syrian Regime forces have routinely conscripted children, establishing special training camps for them, usually in schools, sports halls, or in the headquarters of the regime's irregular forces and militias that fight alongside its troops, with the children forced to compensate for the losses among their adult ranks. Children regularly join the National Defense Forces, as well as the battalions and brigades of foreign and local militias, after undergoing short training courses on carrying weapons, and sometimes being enlisted directly without training. After being conscripted, children work in various combat and non-combat roles, usually being assigned the tasks of transporting ammunition, cleaning, fortification and guarding within the group they join; in battles and attacks, they participate alongside the adults in the fighting, with most of the conscripted children whose deaths we recorded being among the ranks of Syrian Regime forces, who put them directly into hostilities." Zwischen März 2011 und November 2020 registrierte SNHR den Tod von mindestens 57 Kindersoldaten; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 19; "During the reporting period, there was a government policy or pattern of recruiting and using child soldiers. 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." Weiter heißt es: "Law No.11/2013 criminalized all forms of recruitment and use of children younger than the age of 18 by the Syrian armed forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and pro-regime militias, armed opposition groups, and designated terrorist organizations"; US Department of State, 2020 Trafficking in Persons Report: Syria, 25 June 2020, www.ecoi.net/en/document/2036219.html. "In areas held by the Syrian government and its loyalist militias also, child recruitment never stopped, particularly in the city of Damascus and its countryside"; STJ, "Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon, 5 May 2020, <https://bit.ly/2Z4T35v>. Siehe auch SOHR, *Ongoing Recruitment Operations and Attempts to Woo the Syrian People, Iran Seeks to Cement Its Presence in Syria*, 26 July 2020, <https://bit.ly/2OYPk19>; UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 35.

²⁵⁹ "The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for unlawful acts traffickers compelled them to commit." Weiter heißt es: "The government routinely arrested, detained, raped, tortured, and executed children for alleged association with armed groups and made no effort to offer these children any protection services"; US Department of State, 2020 Trafficking in Persons Report: Syria, 25 June 2020, www.ecoi.net/en/document/2036219.html. Siehe auch Kapitel III.A.1.

Militärkampagnen gegen ISIS zu vermeiden.²⁶⁰ Auch den SDF/YPG wurde vorgeworfen, gegenüber Demonstrierenden, an Kontrollstellen und während der gegen ISIS gerichteten Razzien unverhältnismäßig viel Gewalt angewandt zu haben.²⁶¹ Darüber hinaus werden die SDF/YPG für die militärische Besetzung von Schulen verantwortlich gemacht, die bisweilen zu Angriffen auf diese Schulen durch andere Akteure, einschließlich ISIS, geführt hat.²⁶² Außerdem wurde den YPG und ihren Verbündeten vorgeworfen, von der SNA besetzte Orte willkürlich anzugreifen, einschließlich durch Artilleriebeschuss und den Einsatz von USBV an zivilen Orten wie Märkten, Schulen und Lagern für Binnenvertriebene.²⁶³

Tausende angeblicher ISIS-Mitglieder samt ihrer Familienangehörigen wurden von den SDF/YPG bei militärischen Operationen und Razzien festgenommen.²⁶⁴ Berichten zufolge werden bei diesen Aktionen Personen, einschließlich neunjähriger Jungen²⁶⁵, unter Anwendung zu weit gefasster Kriterien

²⁶⁰ Airwars, *US-led Coalition in Iraq & Syria*, Zugriff am 28. Februar 2021, <https://bit.ly/2RrndNO>; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, <https://bit.ly/2ATQknb>, pp. 39, 42; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, paras 34-38.

²⁶¹ "The SDF faced criticism over its conduct. On 20 July [2020], villagers in Al-Shahail, alBusayrah, Dhiban, Merkada, and other towns in Deir-ez-Zor Governorate criticized the SDF for looting property during the previous week's anti-ISIS campaign"; Carter Center, *Weekly Conflict Summary: 20-26 July 2020*, 31 July 2020, <https://bit.ly/3fnLn4q>, p. 7. Ein Beispiel: "[O]n 10 August [2019], a 3-year-old child was shot in the back at a checkpoint as his father was parking his car in accordance with the instructions of members of the Syrian Democratic Forces. When a crowd came to protest the killing, members of the Syrian Democratic Forces opened fire and one civilian was injured by bullets in the back and leg. In Tabaqah, on 16 August [2019], members of the Syrian Democratic Forces forced their way into the house of a doctor. The doctor was taken away and his spouse was physically assaulted"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 66. Siehe auch SNHR, *Woman Shot Dead by SDF in Mer'anaz Village in Aleppo Suburbs on November 15*, 15 November 2020, <https://bit.ly/2UqxOcm>; SNHR, *SDF Killed a Civilian in Tal Ref'at City in Aleppo, on March 10*, 12 March 2020, <https://bit.ly/3gRMhHq>; The New Arab, *Kurdish Militia Filmed Beating Up Hospital Staff in Eastern Syria*, 2 January 2020, <https://bit.ly/2DGG0A7>; und Kapitel II.B.2.

²⁶² UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, S/2020/576, www.ecoi.net/en/document/2032945.html, para. 19; SOHR, *SDF Stations in Schools, Intensifying Patrols and Imposing Curfew in Eastern Rural Deir ez-Zor*, 17 July 2020, <https://bit.ly/3jqhdRI>; UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 178; SOHR, *SDF Violations: Members Seize School and Turn It into Military Headquarters in Rural Deir ez-Zor*, 15 May 2020, <https://bit.ly/3iRd5JA>; SOHR, *IEDs Go Off in School Planned to be SDF Headquarters in Eastern Deir Ezzor*, 18 April 2020, <https://bit.ly/2CzyhTF>; SOHR, *Several Civilians Injured in ISIS Cell Attack on School Housing SDF Members*, 5 April 2020, <https://bit.ly/3iVucKI>; SOHR, *IED Explodes in a School after a Visit of an SDF Delegation to Discuss Taking It as Headquarters*, 14 February 2020, <https://bit.ly/303PxsZ>. Am 13. Juli 2020 erhielten die SDF vom Generalkommando der SDF u. a. die Anweisung, "to refrain from using schools for military purposes and from placing equipment or weapons near them, except in cases of extreme military necessity, when schools are exposed to aggression from other military parties and need protection"; General Command of the Syrian Democratic Forces, *Military Instructions Issued by the General Command of the Syrian Democratic Forces*, 13 July 2020, <https://bit.ly/38VAvZU>.

²⁶³ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 30; UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 177; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 4. Ein Beispiel: "Syrian Democratic forces, using heavy artillery shell in parallel with missile launcher, shelled al Itthead al Arabi School (...) in the middle of Afrin city in the northern suburbs of Aleppo governorate, injuring eight students, partially destroying its building and damaging its furniture, on February 4, 2020"; SNHR, *SDF Shelled a School in Afrin City in Aleppo, on February 4*, 4 February 2020, <https://bit.ly/3fq2R0y>. Siehe auch z. B. SNHR, *SDF Shelling Damages Hospital in Izaz City, Aleppo Suburbs on November 27*, 29 November 2020, <https://bit.ly/37jZ2Yc>; SNHR, *SDF Shelled a Market in Afrin City in Aleppo, on March 18*, 18 March 2020, <https://bit.ly/2ATwR6d>; SNHR, *SDF Killed a Child in Afrin City in Aleppo, on January 29*, 30 January 2020, <https://bit.ly/3gLRgtc>; SNHR, *SDF Killed Two Civilians in Afrin City in Aleppo, on January 20*, 20 January 2020, <https://bit.ly/2ZlyBP2>; und Kapitel II.B.4.

²⁶⁴ "Scores of people remain in detention facilities and in internally displaced persons camps managed by the Syrian Democratic Forces and other parties to the conflict, held in unsanitary conditions, without access to their families, and lacking adequate medical care"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020): Report of the Secretary-General*, 24 June 2020, S/2020/576, www.ecoi.net/en/document/2032945.html, para. 15. Siehe auch, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 17.

²⁶⁵ UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 174. "We have documented a number of detentions carried out under the pretext that the children were supposedly affiliated with ISIS in areas controlled by the SDF after the withdrawal of ISIS." Am 20. November 2020 meldete SNHR die Verhaftung/Entführung von mehr als 650 Jungen und Mädchen seit Januar 2014; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020,

verhaftet, einschließlich aufgrund ihres (arabischen) ethnischen Hintergrunds, ihrer äußeren Erscheinung und/oder familiären Beziehungen.²⁶⁶ Andere werden wegen einer vermeintlichen Verbindung zur SNA festgenommen oder weil sie tatsächliche oder vermeintliche Kontrahenten der SDF/YPG sind.²⁶⁷ Berichten zufolge sind die Haftbedingungen katastrophal,²⁶⁸ es wird von Folter und Todesfällen in Haft aufgrund von Folter und ärztlicher Behandlungsfehler berichtet.²⁶⁹ Gefangene

<https://bit.ly/3agi2tv>, pp. 26-27. "(...) numerous detainees reported that children were also held in other detention facilities, including the Allaya and Hasakah prisons. The majority of these children had also been accused of affiliation with ISIL or had been recruited by Syrian Democratic Forces/Kurdish People's Protection Units and accused of offences including spying. Adults released from these facilities reported that children were held in the same cells as adults at certain periods. It was not clear whether these children had been charged with any offence"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 78. "Men and boys as young as 12 years of age with perceived links to ISIL militants, likely including Yazidi boys forcibly transferred into Syria in 2014, were separated from women and younger children and transferred to SDF-managed detention sites"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 57. "The Kurdish-led Syrian Democratic Forces (SDF) do not have facilities to segregate prisoners according to their level of radicalism, or interrogate them properly, ensuring that boys as young as 12 are incarcerated with the most hardened ideologues"; *The Times*, *Time Bomb Jail Packed with 5,000 ISIS Fighters*, 30 September 2019, <https://bit.ly/2OjPovA>. Siehe auch SNHR, *SDF Arrested a Child in al Sh-heil City in Deir Ez-Zour Suburbs on December 12*, 12 December 2020, <https://bit.ly/2WeMaxq>; SNHR, *SDF Arrested Civilians, Including a Child, in al Sh-heil City in Deir Ez-Zour Suburbs on October 23*, 25 October 2020, <https://bit.ly/3kxY6ET>; SNHR, *Syrian Democratic Forces Arrested a Child in al Sh-heil City in Deir Ez-Zour on June 16*, 18 June 2020, <https://bit.ly/38SPrrF>; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, <https://shar.es/abnACm>. Laut IICISyria hat AANES "reported that in June 2020, 110 children between 12 and 18 years of age were present in the Houri Rehabilitation Centre [in Hassakeh], on the basis of their association with ISIL." IICISyria liegen eigenen Angaben zufolge Informationen vor, wonach "representatives were not allowed access to the children during interrogations in which confessions were induced, and lawyers were only appointed once charges had been filed by prosecutors"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 78.

²⁶⁶ Laut SNHR erfolgten solche Festnahmen 2019 regelmäßig unter Berufung auf die Behauptung, die Betroffenen seien mit ISIS verbunden, allerdings „fehlten Beweise, um solche Behauptungen zu untermauern“; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, <https://bit.ly/3eaD77i>, p. 18. "Locals feel that the SDF is dealing with those who lived in SIS-controlled areas under the assumption that they are affiliated with the group until proven otherwise. This is largely due to the fact that ISIS thoroughly embedded itself in the local social structure, requiring residents to attend mosques and small businesses to pay taxes. As such, it is difficult today to distinguish between ISIS sympathizers and civilians who were forced to collaborate against their will, or were merely trying to survive. But the guilty-until-proven-innocent approach is deeply problematic. Local residents have expressed alarming concerns about the waves of arbitrary arrests based on people's appearance and without any prior information about them. Some arbitrary detainees might be released after a few days or weeks, based on the ability for people to vouch for them, while others remain imprisoned for longer periods until proven innocent"; ICSR, *Reintegrating ISIS Supporters in Syria: Efforts, Priorities and Challenges*, 2018, <https://bit.ly/327SxX8>, p. 17. Siehe auch Kapitel III.A.4.

²⁶⁷ Im Februar 2021 dokumentierte SNHR fast 3.700 Personen, einschließlich 659 Kindern, die keine Verbindung zu ISIS haben und sich im Anschluss an ihre willkürliche Verhaftung durch die SDF weiterhin in Haft befinden; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, <https://bit.ly/3kfrGer>, p. 4; Syria Direct, *Overcrowded Prisons and Camps in Northeast Syria Raise Fears of COVID-19 Outbreak*, 5 May 2020, <https://bit.ly/3ekSgTv>. Siehe auch Kapitel III.A.4.

²⁶⁸ Audrey Alexander, "The Security Threat COVID-19 Poses to the Northern Syria Detention Camps Holding Islamic State Members", *Combating Terrorism Center at West Point, CTC Sentinel*, June 2020, Vol. 13(6), June 2020, <https://bit.ly/2OxNBTT>, p. 17; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, <https://shar.es/abnACm>; HRW, *Northeast Syria: Boys, Men Held in Inhumane Conditions*, 8 October 2019, <https://bit.ly/2ATQ1VI>. Siehe auch Kapitel II.B.2.

²⁶⁹ "In line with previously documented cases, incidents of torture and ill-treatment were also reported. For example, a member of an Arab tribe had been held by Syrian Democratic Forces military intelligence in incommunicado detention from March 2019 until March 2020, and accused of collaborating with Turkey. (...) The majority of time in detention had been spent in solitary confinement, with minimal food and water, and he had been regularly beaten by Syrian Democratic Forces military intelligence." IICISyria stellte fest: "there are reasonable grounds to believe that members of the Syrian Democratic Forces and related entities may have committed the war crime of cruel treatment and ill-treatment of those deprived of liberty in military intelligence facilities"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 76, 80. "Syrian Democratic Forces (SDF) use torture in the group's detention centers against detainees and abductees as a way to extract confessions, with torture often carried out in a vengeful way and based on ethnic prejudice. (...) Since 2016, we have recorded a noticeable increase in the death toll of torture victims by Syrian Democratic Forces (...) and we recorded SDF handing over a number of the victims' bodies to their families, with the bodies bearing signs of torture"; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, <https://bit.ly/3evBTUb>, p. 39. Zwischen März 2011 und September 2020 dokumentierte SNHR ca. 57 Todesfälle in Haftanstalten der SDF; SNHR, *Death Toll due to Torture*, accessed 28 February 2021, <http://bit.ly/2ZERcv5>. Siehe auch, SNHR, *Civilian from Hasaka Died due to Torture in SDF's Detention Center, February 18*, 21 February 2021, <http://bit.ly/3alZEJS>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 20; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 17; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html.

werden inhaftiert ohne die Möglichkeit einer angemessenen gerichtlichen Überprüfung²⁷⁰, oder aber sie werden einem irregulär errichteten Gericht vorgeführt. Die Verfahren vor diesen Gerichten, einschließlich der lokalen Anti-Terror-Gerichte („Volksgerichte“), entsprechen laut Meldungen nicht den internationalen Standards an ein faires Gerichtsverfahren.²⁷¹ 2014 hat die AANES die Todesstrafe abgeschafft.

Tausende syrischer Frauen und Kinder mit familiären Beziehungen zu ehemaligen ISIS-Kämpfern werden für unbegrenzte Zeit unter erbärmlichen und sich verschlechternden Bedingungen in Vertriebenenlagern festgehalten²⁷², da ihnen eine Verbindung zu ISIS vorgeworfen wird, was Beobachter als eine Form der „kollektiven Bestrafung“ ansehen.²⁷³ Meldungen zufolge werden die Betroffenen diskriminiert und misshandelt, da ihnen eine Verbindung zu ISIS vorgeworfen wird.²⁷⁴ Laut Fionnuala Ní Aoláin, der Sonderberichterstatlerin über die Förderung und den Schutz der Menschenrechte und Grundfreiheiten bei der Bekämpfung des Terrorismus könnten die Bedingungen und die Behandlung von Gefangenen in den Lagern „Folter oder anderer grausamer, unmenschlicher oder erniedrigender Behandlung oder Bestrafung nach internationalem Recht gleichkommen, ohne

²⁷⁰ “The self-administration [AANES] has outlined the legal safeguards for detainees, however the majority of interviewees reported that they had received no information on the charges or evidence against them, and nor had they had access to legal representation or been able to have their deprivation of liberty reviewed by a competent judicial authority”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 75. Siehe auch UN Human Rights Council, Children’s Rights in the Syrian Arab Republic, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 57.

²⁷¹ “The AANES’ nascent justice system is unable to prosecute them [ISIS suspects, and families affiliated with ISIS suspects] in a fair and expeditious manner – as evidenced by the fact that the majority have not been charged with a crime or even brought before a court to determine the legality and necessity of their detention. Their families are being held by the Kurdish authorities in in [sic] locked desert camps in appalling and sometimes deadly conditions (...)”; HRW, Written Testimony by Sara Kayyali for the U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria, 10 June 2020, <https://bit.ly/2EjVScf>, p. 2. SNHR bezeichnete die Gerichtsverfahren vor den Volksgerichten als Scheinverfahren („kangaroo trials“), da die Anforderungen an ein ordnungsgemäßes Verfahren in vielfacher Hinsicht missachtet werden; SNHR, At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women, 2 February 2021, <https://bit.ly/3e60jH4>, p. 17 (und frühere Berichte). “The People’s Courts established by the Kurdish Democratic Union Party in 2012 come perhaps the closest to providing some basic due process and fair trial norms, although even they appear to fall short. Within that system, political detainees are usually funneled through two types of courts: the criminal ‘Platform’ Courts and the counterterrorism People’s Defense Court. In most cases, the Platform Courts issue their decisions in one session. The courts’ decisions are not always appealable, and even when Syrian state laws are referenced, the courts’ decisions are based on ‘social justice’ standards, rather than law. The People’s Defense Court is an extrajudicial court established in 2014 following the issuance of decree 20 by the Autonomous Administration of North and East Syria to deter terrorism.” According to sources, the court does not provide the right to a defense or appeal in order to ‘preserve the secrecy of the investigation and the identity of the prisoner.’ Additionally, judges, who are selected from the military ranks of the Syrian Democratic Forces, need not have a legal background, just basic knowledge of reading and writing”; ICTJ, Syria’s Detained, Abducted, and Forcibly Disappeared, May 2020, <https://bit.ly/2Bzsqx9>, p. 16. In der Sozialcharta, die sowohl zivil- als auch strafrechtliche Vorschriften enthält, fehlen “certain fair trial standards – such as the prohibition on arbitrary detention, the right to judicial review, and the right to appoint a lawyer”; US Department of State, 2019 Country Reports on Human Rights Practices: Syria, 11 March 2020, www.ecoi.net/en/document/2026345.html.

²⁷² “Tens of thousands of women and children affiliated with ISIS are held in locked desert camps in degrading and often life-threatening conditions (...)”; HRW, World Report 2021: Syria, 13 January 2021, www.ecoi.net/en/document/2043510.html. IICISyria stellte fest, dass die SDF “have held these individuals in inhuman conditions” und “in many instances, the ongoing internment of these individuals continues to amount to unlawful deprivation of liberty”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 80. “In Hawl camp, women and children with familial links to ISIL suffered discrimination on the basis of their perceived affiliation with the group, in violation of international humanitarian law”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 28 January 2020, A/HRC/43/57, www.ecoi.net/en/document/2025856.html, para. 61. Siehe auch Kapitel II.F.2.a.

²⁷³ “International law allows imposing punishment for crimes only on people responsible for the crimes, after a fair trial to determine individual guilt. Imposing collective punishment on families by preventing them from leaving the camps violates the laws of war”; HRW, Syria: Dire Conditions for ISIS Suspects’ Families, 23 July 2019, <https://bit.ly/2ZvqWxC>. Fabrizio Carboni, IKRK-Regionaldirektor für den Nahen und Mittleren Osten, bezeichnete die “wholesale stigmatization” von Frauen und Kindern als “a form of collective punishment”; VOA, ICRC: Families of Foreign Fighters in Syria Should Be Repatriated, 7 July 2019, <https://bit.ly/3h2zBgZ>. IICISyria berichtete, dass diese Frauen und Kinder “without access to the necessary legal safeguards” festgehalten werden; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 71.

²⁷⁴ UN Human Rights Council, Report of the Independent International Commission of Inquiry, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 61. Siehe auch HRW, Syria: Dire Conditions for ISIS Suspects’ Families, 23 July 2019, <https://bit.ly/2ZvqWxC>. SNHR meldete, dass weibliche Lagerbewohner Opfer sexueller Gewalt werden, einschließlich sexueller Belästigung und Vergewaltigungsandrohung; SNHR, Ninth Annual Report on Violations Against Females in Syria, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 20.

dass dabei ein effektiver Rechtsbehelf zur Verfügung steht“. ²⁷⁵ Einige Frauen und Mädchen waren mit ISIS-Verbündeten zwangsverheiratet worden. ²⁷⁶

Gruppen, die mit den SDF verbunden sind, wurde die rechtswidrige Beschlagnahme von Eigentum der durch ISIS vertriebenen Personen in der Provinz Raqqa vorgeworfen. ²⁷⁷

Die SDF/YPG und *Asayish* entführen weiterhin Männer mit dem Ziel der zwangsweisen Rekrutierung nach dem sogenannten „Pflicht zur Selbstverteidigung“-Gesetz. ²⁷⁸ Während ein Bericht vom Juni 2019 feststellte, dass Rekruten im Allgemeinen nach der Pflichtausbildung nicht an vorderster Front eingesetzt würden ²⁷⁹, wird in einem Bericht vom Dezember 2020 der regelmäßige Einsatz von Rekruten an den Fronten zu SNA-nahen bewaffneten Gruppen beschrieben. ²⁸⁰ Trotz wiederholter

²⁷⁵ UN News, 'Unknown Number' of Foreign Nationals Have Died in Squalid Syrian Camps, Say Rights Experts, 8 February 2021, <https://shar.es/aokze8>.

²⁷⁶ "Locals in Raqqa and Deir Ezzor report that while some families resisted giving their daughters to ISIS fighters, other families did so willingly – however, it was very rarely the decision of the woman herself. A humanitarian NGO employee living in Deir Ezzor reported that many ISIS fighters compelled their sisters to marry senior ISIS commanders to improve their position within the group"; Carnegie Endowment for International Peace, *An Unnerving Fate for the Families of Syria's Northeast*, 31 January 2020, <https://bit.ly/3ey8dG3>. Siehe auch Kapitel III.A.9.b.

²⁷⁷ STJ, *Raqqa: The Northern Democratic Brigade Arbitrarily Seizes over 80 Houses*, 9 December 2020, <https://bit.ly/3pmJx9p>; Enab Baladi, *Accusations Against "SDF" of Seizing Civilians' Property in Syria's al-Tabqa*, 25 October 2020, <http://bit.ly/3pajkut>. Ein umstrittenes Gesetz, das die Beschlagnahme von „Eigentum abwesender Personen“ vorsah, wurde von der AANES im August 2020 erlassen (Gesetz Nr. 7 von 2020). Nach breiter Kritik wurde das Gesetz außer Kraft gesetzt; Syria Justice and Accountability Centre (SJAC), *Law No. 7 in NE Syria: Protection of Property Rights or a Tool for Appropriation*, 3 September 2020, <http://bit.ly/3p8jrqd>; Syria Report, *Kurdish-Led Administration: A Law to Protect Absentee's Property or Confiscate It?*, 12 August 2020, <http://bit.ly/3mHO58A>.

²⁷⁸ Die AANES hat das Gesetz über die Pflicht zur Selbstverteidigung, das im Juli 2014 erlassen wurde, mehrfach geändert. Eine Änderung vom Juni 2019 sieht vor, dass alle Männer ab 18 Jahren dem Pflichtwehrdienst unterliegen und der Dienst bis zum Alter von 40 Jahren abgeleistet sein muss. Die Dauer des Pflichtwehrdienstes wurde von 9 Monaten auf 12 Monate erhöht. Das Gesetz regelt auch Verfahren für den Aufschub oder die Befreiung vom Wehrdienst, z. B. für Studenten, einzige Söhne oder aus medizinischen Gründen. Die Pflicht zur Selbstverteidigung wird als „*nationale, menschliche und moralische Pflicht*“ beschrieben; RIC, *Translation: Law Concerning Military Service in North and East Syria*, Aktualisierung am 22. Juni 2019, <https://bit.ly/3flnEm2>; SDF Press, *The General Council Approves the Law of Self-Defense Forces*, 22 June 2020, <https://bit.ly/33497X1>. "On June 22, 2019, the General Assembly of the Autonomous Administration for North and East of Syria approved the Self-Defense Law that included 'mandatory military service' in the AA areas. Large regions were included, such as the governorates of al-Hasaka, Raqqa, Deir Ezzor and Aleppo. Locally, this law is referred to as 'mandatory conscription,' and it is implemented by defense sub-committees within civil departments, or 'councils', of the regional defense committees, which are in turn are subordinate to the Defense Office of the Autonomous Administration. The Self-Defense Act covers all males between the ages of eighteen and thirty, those born between (1990-2001), and females have the right to enlist voluntarily. Mandatory military service shall be a complete calendar year (twelve months) to which a reserve month shall be added. (...) Forced conscription enforcement is carried out by the military police approximately every three months. Random checkpoints emerge through the main entrances of cities and towns to forcefully draft young men; this is in addition to home and workplace raids"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, <https://bit.ly/37xJCRq>, p. 36. Männer, die sich nicht freiwillig melden, müssen einen zusätzlichen Monat dienen: Artikel 13 des „Pflicht zur Selbstverteidigung“-Gesetzes sieht in seiner Fassung vom Juni 2019 vor: "[E]very absentee shall be punished by the addition of one month to the end of his service"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, Aktualisierung am 22. Juni 2019, <https://bit.ly/3flnEm2>. Enab Baladi meldete, dass Personen, denen ein Aufschub oder eine Befreiung vom Wehrdienst wirksam bewilligt wurde, zwangsrekrutiert worden sind; Enab Baladi, 12 July 2019, <https://bit.ly/324rMms>. Siehe auch Kurdistan 24, *Syrian Kurdish-Led Authorities Say They Won't Abolish Conscription System*, 4 February 2020, <https://bit.ly/2WhbWBr>; Enab Baladi, *Autonomous Administration's Military Service Recruitment Campaign Targets Young Men Born in 2001*, 20 September 2019, <https://bit.ly/2W8oY36>; SDF Press, *The General Council Approves the Law of Self-Defense Forces*, 22 June 2019, <https://bit.ly/2JBUvdp>.

²⁷⁹ Laut RIC: "Self-defence duty does not typically mean fighting on active frontlines. Conscripts typically complete a course of ideological and military training, before being posted to man checkpoints and roadblocks, and offer second-line and logistical support to the YPG and other voluntary, non-conscripted forces during combat"; RIC, *Translation: Law Concerning Military Service in North and East Syria*, Aktualisierung am 22. Juni 2019, <https://bit.ly/3flnEm2>. Es wurden jedoch Angriffe auf Mitglieder der Selbstverteidigungseinheiten gemeldet; SOHR, *ISIS Resurgence: Four Members of "Self-Defense Forces" Assassinated in Southern Al-Hasakah*, 29 August 2020, <https://bit.ly/2R42cro>; SOHR, *After Armed Attack on Security Post: "Self-Defense Forces" Clash with Unidentified Gunmen in Eastern Rural Deir ez-Zor*, 21 August 2020, <https://bit.ly/3JT4lNh>; SOHR, *Unknown Assaultants Attack Checkpoint of Self-Defense Forces in Eastern Deir Ezzor*, 14 August 2020, <https://bit.ly/3bDoJob>.

²⁸⁰ "Those conscripted are transported from the military police headquarters to self-defense academies, where the conscripts undergo a military and ideological training course for 45 days. After that period, the conscripts are dispatched to brigades and points affiliated with the Self-Defense Forces, especially lines of contact with the Assad regime forces in the western and eastern countryside of Raqqa (al-Shamiya). It is noteworthy that the self-defense conscripts are not assigned to security branches and *Asayish*"; Omran Center for Strategic Studies, *An Assessment of Civil-Military Relations in Syria*, 17 December 2020, <https://bit.ly/37xJCRq>, pp. 36-37.

Zusicherungen, diese Praxis nicht weiter auszuüben²⁸¹, und der anschließenden Entlassung einiger Kinder²⁸² haben vor allem die YPG/YPJ²⁸³ und die *Shabiba al-Thawriya*²⁸⁴ die Rekrutierung von Jungen

- ²⁸¹ Am 29. Juni 2019 unterzeichneten die SDF einen Aktionsplan des Sonderbeauftragten des Generalsekretärs für Kinder und bewaffnete Konflikte, der die Beendigung und Verhinderung der Rekrutierung und Verwendung von Kindern unter 18 Jahren vorsieht. Der Aktionsplan sieht außerdem vor, "to identify and separate boys and girls within the group's ranks and to put in place protection and disciplinary measures related to child recruitment and use"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 23; Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Syrian Democratic Forces Sign Action Plan to End and Prevent the Recruitment and Use of Children*, 1 July 2019, <https://bit.ly/2WBlyEQ>. "Each year's edition of the DoS Country Reports on Human Rights Practices since 2014 have contained similar promises by Kurdish entities partnered with the United States to end the use of child soldiers, and each report notes that their use apparently continued"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 70. Ende August 2020 kündigte die AANES im Nachgang zum Aktionsplan die Einrichtung eines Beschwerdemechanismus an, der Meldungen über Verletzungen der Rechte von Kindern, einschließlich ihrer Rekrutierung, entgegennehme und untersuche: "(...) complaints mechanism (...) allows citizens, families, parents and humanitarian actors to submit their complaints and reports regarding any recruitment of minors, boys and girls, into the ranks of the SDF"; Kurdistan 24, *New Mechanism Allows Northeast Syrians to Report Child Recruitment by Armed Forces*, 30 August 2020, <https://bit.ly/3bxpLCa>; SDF Press, *Public Statement*, 29 August 2020, <https://bit.ly/3jTvs0m>.
- ²⁸² Im August 2020 berichtete IICISyria: "(...) 51 girls from 13 to 17 years of age were removed from the ranks of Women's Protection Units in early 2020 and were housed in a 'rehabilitation centre'. Eighteen boys were also in the process of being formally released at the time of reporting"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 79. Im Dezember 2020 wurde die Freilassung mehrerer Kinder berichtet, einschließlich eines 11-jährigen Kindes. Diese Freilassungen erfolgten laut Berichten, nachdem deren Eltern bei der AANES eine Beschwerde eingereicht hatten. SOHR, *Recruited Earlier in SDF: "Child Protection" Office Hands Over Four Children to Their Families*, 17 February 2021, <https://bit.ly/2Nhs7xv>; Rudaw, *Three SDF Child Soldiers Returned to Families in Rojava*, 28 January 2021, <http://bit.ly/3uDHmg7>; SOHR, *"Child Protection" Office Hands over Two Teenagers to their Families*, 24 December 2020, <http://bit.ly/3rOQHVP>. SDF-Oberbefehlshaber "Kobane said in a July [2020] interview that he regarded the practice [of child recruitment] as unacceptable and that perpetrators would be punished. But there have been no prosecutions so far"; Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, <https://bit.ly/37cXY9y>. Die SDF haben Berichte dementiert, denen zufolge sie weiterhin Kinder rekrutieren; Hawar News Agency, *Defense Affairs Office Refutes Accusations about Recruiting Children*, 13 July 2020, <https://bit.ly/2ZsCxxr>. Siehe auch UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; STJ, *"Child Recruitment" by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, <https://bit.ly/2Z4T35v>.
- ²⁸³ Das US-Außenministerium berichtet: "the issue [of child recruitment] was raised to the SDF command for resolution, and that they assessed 'this issue is limited more to the YPG rather than the SDF or internal security forces as a whole'"; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 70. Siehe auch Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, <https://bit.ly/37cXY9y>.
- ²⁸⁴ Die *Shabiba al-Thawriya* (Revolutionäre Jugend) wurden wie folgt beschrieben: "a youth empowerment movement located in northeast Syria that is known for its ties to the Turkish Kurdistan Workers' Party (PKK) leadership based in the Qandil mountains in Iraqi Kurdistan. The group has centers across northeast Syria and offers educational lectures on Kurdish history and nationalism to youth in the area." Laut Syria Direct ist die Gruppe in Schulen des Nordostens präsent und wählt dort Kinder aus, um sie „sorgfältig einzunorden und zu rekrutieren“. Weiter heißt es: "From the training camp, the children are divided into those who want to fight for the PKK and those who want to stay in northeast Syria and fight for the independence of Rojava with the YPG"; Syria Direct, *SDF Continues to Recruit Child Soldiers, Despite Pledges to Stop the Practice*, 15 September 2020, <https://bit.ly/307jd8Y>. Siehe auch Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds' Push for Global Legitimacy*, 7 December 2020, <https://bit.ly/37cXY9y>; SOHR, *"Al-Shabiba Al-Thawriya" Kidnaps Two Girls from Ras al-Ain (Sere Kaniye) and Amuda*, 22 November 2020, <https://bit.ly/3ldmll0>; SOHR, *With the Help of Asayish Member, "Al-Shabiba Al-Thawriyah" Kidnap a Child in Al-Hasakah, Driving Him to Military Camp*, 9 November 2020, <https://bit.ly/36pDOHV>; SOHR, *"Al-Shabiba Al-Thawriyah" Continues Kidnapping and Recruiting Children, amid Widespread Popular Discontent*, 27 October 2020, <https://bit.ly/3mTcj05>.

und Mädchen im Alter von nur 12 Jahren²⁸⁵ für Kampf- und Hilfsfunktionen fortgesetzt.²⁸⁶ Familienangehörige, die sich der Rekrutierung ihrer Kinder widersetzen, wurden in einigen Fällen bedroht und körperlich misshandelt.²⁸⁷

b) Für die entsprechenden Risikoprofile siehe Kapitel III.A.4, III.A.8, III.A.9, III.A.10 und III.A.11.

3) HTS und bewaffnete oppositionelle Gruppen in Idlib und angrenzenden Gebieten

In Berichten wird HTS und anderen bewaffneten oppositionellen Gruppen vorgeworfen, humanitäres Völkerrecht zu verletzen und schwere Verstöße gegen internationale Menschenrechte zu begehen, die straflos bleiben.²⁸⁸ Zudem wird HTS beschuldigt, Verbrechen gegen die Menschlichkeit im Zusammenhang mit der weitverbreiteten und systematischen Verhaftung, Folter und Ermordung von Zivilpersonen in den von HTS kontrollierten Gebieten begangen zu haben.²⁸⁹

²⁸⁵ Berichten zufolge zählen Waisen und vertriebene Kinder zu den Personen, die von den SDF/YPG rekrutiert werden. *“The Kurdish People’s Protection Units (YPG and YPJ) in northwest Syria continued to recruit, train, and use boys and girls as young as 12 years old; since 2017, international observers reported that YPG and YPJ recruit – at times by force – children from displacement camps in northeast Syria”*; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. Ende Dezember 2020 wusste SNHR von ca. 113 Kindern, die sich in SDF-Rekrutierungslagern aufhielten. Die Familien wurden nicht über den Aufenthaltsort ihrer Kinder informiert. Die Rekrutierung von Kindern wurde aus den Provinzen Aleppo (einschließlich des Stadtteils Ashrafiyah in der Stadt Aleppo und bei Binnenvertriebenen aus Afrin) und Hassakeh gemeldet. 2020 vermeldete SNHR vermehrte Rekrutierung; SNHR, *SDF Recruited a Young Girl in Hasaka Governorate on February 15*, 21 February 2021, <http://bit.ly/2ZFogNc>; SNHR, *SDF Kidnapped a Girl in Qeshla Village in Hasaka Suburbs on December 19*, 27 November 2020, <http://bit.ly/2X50Krx>; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 29. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 79; Syria Direct, *SDF Continues to Recruit Child Soldiers, Despite Pledges to Stop the Practice*, 15 September 2020, <https://bit.ly/307jd8Y>; Enab Baladi, *Kurdish People’s Protection Units Continues to Recruit Female Minors Without Their Parent’s Consent*, 4 September 2020, <https://bit.ly/3bxiUnJ>.

²⁸⁶ According to SHNR, 29 children recruited by the SDF have been killed in combat since the SDF’s establishment; SNHR, *SDF Recruited a Young Girl in Hasaka Governorate on February 15*, 21 February 2021, <http://bit.ly/2ZFogNc>. *“Contrary to its own commitments, the YPG/ SDF, recruited and accepted girls and boys under the age of 18 into their ranks. The Commission received multiple accounts of the SDF recruiting children for combat and support roles in military operations aiming to oust opposing groups, including Jabhat al-Nusra and, later on, against ISIL. Instances have been documented of boys aged 15 below and, albeit infrequently, girls as young as 16 recruited for participation in hostilities in Aleppo, Hassakah and Ayn al-Arab (Kobane) and Raqqah. Numerous accounts collected by the Commission describe how children were actively recruited, often under the guise of the providing access to education, and deployed to battlefields”*; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 40. Siehe auch UNGA, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; STJ, *“Child Recruitment” by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, <https://bit.ly/2Z4T35v>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 65.

²⁸⁷ *“Parents who speak up against the Revolutionary Youth face threats and intimidation, according to several Syrian Kurds interviewed by Al-Monitor. None was willing to be identified by name for fear of retribution”*; Al-Monitor, *Child Recruitment Casts Shadow over Syrian Kurds’ Push for Global Legitimacy*, 7 December 2020, <https://bit.ly/37cXY9y>. Siehe auch SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 29. SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiYju>, p. 13; EuroMed Rights, *Crimes in Limbo: SDF Commits Horrific Crimes Against Syrians under the Cover of the International Coalition*, 30 July 2019, <https://bit.ly/2OpmNHY>.

²⁸⁸ *“By conducting these attacks, armed groups did not direct the attack at a specific military objective, and may have perpetrated the war crime of launching an indiscriminate attack resulting in death or injury to civilians, and also may have committed the war crime of spreading terror among the civilian population. (...) The Commission finds that there are reasonable grounds to believe that members of HTS committed the war crimes of murder and of passing sentences and carrying out executions without previous judgment pronounced by a regularly constituted court as well as the war crime of cruel treatment, ill-treatment and torture. In instituting makeshift courts whose procedures fall far short of fair trial standards, HTS violated due process principles. Moreover, HTS also committed the war crime of pillage”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 88, 96. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 81, 83, 90; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17.

²⁸⁹ *“The Commission has previously documented a systematic practice by the HTS to unlawfully detain, torture and murder civilians living in areas under their control, in acts amounting to war crimes or crimes against humanity as well as recruitment and use of children in their forces”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 89.

Gemeinden, die unter der Kontrolle der Regierung stehen, einschließlich Gebieten, in denen religiöse Minderheiten leben, die als „regierungsnah“ wahrgenommen werden²⁹⁰, sind Berichten zufolge Ziel unterschiedsloser Angriffe mit Mörsern, Raketen und USBV durch HTS und andere bewaffnete oppositionelle Gruppen.²⁹¹

Zivilpersonen in Gebieten, die *de facto* von HTS kontrolliert werden, und insbesondere Personen, die tatsächlich oder vermeintlich eine kritische Einstellung zur Herrschaft von HTS haben²⁹², werden weiterhin Opfer von Erpressungen, Entführungen und rechtswidrigem Freiheitsentzug²⁹³ in den von HTS betriebenen Gefängnissen und inoffiziellen Haftanstalten²⁹⁴, Folter und sonstigen Formen der Misshandlung²⁹⁵, Verstößen gegen das Recht auf ein faires Verfahren in vorschriftswidrig errichteten

²⁹⁰ Siehe Kapitel III.A.3 und III.A.8.

²⁹¹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 30. Siehe Kapitel III.A.3.

²⁹² „HTS continued previous patterns of brutally oppressing local populations for expressing dissent in the areas under their control“; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 92. Siehe auch Kapitel III.A.5.

²⁹³ Laut SNHR waren im August 2020 noch mehr als 2.100 Personen in Gefangenschaft oder wurden durch die HTS verschwinden gelassen; SNHR, *Record of Arbitrary Arrests*, Zugriff am 28. Februar 2021, <http://bit.ly/3nIHZpw>. Im September 2019 schätzte SOHR die Zahl der Personen, die von HTS gefangen gehalten wurden, auf „Tausende“; SOHR, *The Syrian Observatory Reveals the Conditions of Detainees in Prisons of Hayyat Tahrir al-Sham*, 26 September 2019, <https://bit.ly/2VCJo5e>. „The whereabouts and fate of many deprived of their liberty remain unknown“; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 12. „Hay’at Tahrir al Sham has resorted to concealing the fate of the forcibly detained and abducted persons, and does not subject them to any trial except for the pro forma secret trials that are conducted by its sharia officials and security men. We have documented 2,057 individuals who are still detained or forcibly disappeared by Hay’at Tahrir al Sham until March 2020“; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 7. Siehe auch STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>.

²⁹⁴ Laut SNHR können die Gefangenen keinen Kontakt zu einem Rechtsbeistand oder zu ihren Familien aufnehmen; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>, p. 21. Für Informationen zu den Haftanstalten der HTS siehe STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, <https://bit.ly/2NLOAkC>; Rozana Radio [a non-affiliated media outlet broadcasting from Paris], *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ7l>; HRW, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html. Das Zentralgefängnis von Idlib wurde Berichten zufolge mehrfach von Luftangriffen der Regierung getroffen, und im Juni 2020 fanden im Zentralgefängnis Kämpfe zwischen HTS und der von HAD angeführten militärischen Operationszentrale statt; ISW, *Syria Situation Report: June 10 - 23, 2020*, 23 June 2020, <https://bit.ly/3imO7S1>; Al-Monitor, *Syrian Front Lines Heat Up, Especially in Idlib Province*, 4 December 2019, <https://bit.ly/2ZBtWHM>; The Independent, *Syria Airstrikes: Dozens of Inmates Flee Prison During Russia-Backed Assault in Idlib*, 14 March 2019, <https://bit.ly/38k13n6>. IICISyria berichtete, dass HTS Gefangene erschossen hat, die versucht hatten, vor Luftangriffen gegen das Zentralgefängnis von Idlib am 2. Dezember 2019 und die Haftanstalt Qasimiah am 17. Januar 2020 zu fliehen; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 93.

²⁹⁵ Im September 2020 dokumentierte SNHR den Tod von 26 Gefangenen in Haftanstalten der HTS; SNHR, *Death Toll Due to Torture*, Zugriff am 28. Februar 2021, <https://bit.ly/3ijCkmh>. SNHR berichtete, dass weibliche Gefangene eingeschüchtert, mit dem Tod bedroht und brutal geschlagen werden und ihnen Gesundheitsversorgung sowie Nahrung verwehrt werden; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 21. „According to the testimonies we obtained, torture aims to extract confessions from detainees, or intimidate them as part of the punishment imposed on them.“ Die Haftbedingungen wurden als „unmenschlich“ beschrieben; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ7l>. Siehe auch SNHR, *Child from Idlib Dies due to Torture in Hay’at Tahrir al Sham’ Detention Center*, February 3, 5 February 2021, <http://bit.ly/37FER7X>; Syria Direct, *Like Being in Assad’s Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, <https://bit.ly/3b1Au9u>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 20; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, <https://bit.ly/3iojagr>, pp. 30-33; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>.

„Gerichten“²⁹⁶ und außergerichtlichen Hinrichtungen.²⁹⁷ Verurteilte Personen werden Berichten zufolge körperlichen Bestrafungen wie z. B. Prügelstrafen unterzogen und müssen schwere Zwangsarbeit (z. B. Ausheben von Gräben und Gräbern) ableisten.²⁹⁸ IICISyria stellte 2019 fest, dass „willkürliche Massenverhaftungen politischer Dissidenten durch Terroristen von Hay'at Tahrir Al-Sham einen systematischen Angriff auf eine Zivilbevölkerung darstellen“ und insofern „Verbrechen gegen die Menschlichkeit durch Verfolgung aus politischen Gründen“ vorliegen.²⁹⁹

Auch andere bewaffnete Gruppen, einschließlich HAD und TIP, haben sich Berichten zufolge an der Entführung und außergerichtlichen Hinrichtung von Zivilpersonen beteiligt.³⁰⁰

Es wurde berichtet, dass HTS und andere bewaffnete oppositionelle Gruppen auch an Entführungen, Folter und summarischen Hinrichtungen von gefangenen Soldaten und Unterstützern der Regierung³⁰¹, Überläufern und Personen, die mit ISIS oder rivalisierenden bewaffneten Gruppen³⁰² oder anderen Ländern in Verbindung gebracht werden, beteiligt waren.³⁰³

Meldungen zufolge hat HTS auf der Grundlage ihrer strengen Auslegung des Islam und des islamischen Rechts Vorschriften in Bezug auf die Kleidung, das Verhalten und die sozialen Interaktionen von Frauen und Mädchen erlassen. Zwar war der Grad der Durchsetzung dieser Vorschriften im Lauf der Zeit unterschiedlich stark ausgeprägt, doch wurden festgestellte Übertretungen von HTS schwer bestraft.³⁰⁴ Berichte haben zudem bestätigt, dass den Mitgliedern der Minderheiten weiterhin eine strenge

²⁹⁶ „HTS subjected its detainees to formalistic secret trials (...), with the judgements being issued by its Sharia and security officials (...); SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>, p. 21. „None of them received any consultation from a lawyer or legal specialist; of course, they were not informed of any legal procedures that they could resort to during their detention by al-Nusra, and the majority of them were not allowed by Hayat Tahrir al-Sham to meet their relatives or communicate with the outside world during their detention“; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ7I>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 96.

²⁹⁷ „Unauthorized ‘courts’ established by Hay'at Tahrir Al-Sham and various armed groups imposed death sentences that amounted to the war crime of murder and were used to impose such groups’ draconian social strictures, in particular against women and sexual minorities, including men accused of homosexuality“; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 52. „Through self-appointed courts, members of Hay'at Tahrir al-Sham continued to inflict harsh penalties, including death, on those either perceived as critical of those rules or accused of having affiliations with an opposing party to the conflict“; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 20. Zwischen dem 1. November 2019 und dem 1. Juni 2020 „HTS carried out executions of persons in detention, with the Commission documenting at least four such incidents and receiving reports on approximately 10 others. For example, a male teenager was executed by HTS in mid-April [2020]. The victim had been condemned to death after being accused by HTS of apostasy. A few months prior to the execution, he was arrested while entering Syria from Turkey, his phone was searched and messages critical of HTS were reportedly found. Others were executed by HTS after being accused of spying“; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 94. Siehe auch OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, <https://shar.es/aoWKlv>; SOHR, *HTS Executes Two Persons in Idlib for ‘Murdering’ a Fuel Dealer*, 2 July 2020, <https://bit.ly/2O1vBAJ>; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, <https://bit.ly/2NLOAKC>; The New Arab, *HTS Executes Four People in Syria’s Idlib Province as Assad Regime, Rebels Violate Ceasefire*, 12 April 2020, <https://bit.ly/3iobfQb>; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>. Unter den entführten und in einigen Fällen hingerichteten Personen befinden sich Menschen, die unter Zwang aus der Türkei zurückkehren mussten; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiYju>, p. 12; SOHR, *HTS Executes Kurdish Civilian in Idlib after Being Deported from Turkey*, 30 April 2020, <https://bit.ly/3e4zJug>.

²⁹⁸ Laut SNHR wurden inhaftierte Soldaten der Regierung und Alawiten gezwungen, Gräber auszuheben, in denen die hingerichteten Personen anschließend begraben wurden; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, <https://bit.ly/3iojagr>, p. 33. Zur Zwangsarbeit von Gefangenen siehe auch STJ, *HTS Arrests 22 Civilians in Idlib for Different Reasons*, 1 October 2019, <https://bit.ly/2NRxZKt>.

²⁹⁹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 57.

³⁰⁰ STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, <https://bit.ly/2C2AHdb>; SNHR, *Hurras al Din Group Is Responsible for Kidnapping and Forcibly Disappearing Six Activists Working for Relief Organizations in Idlib*, 19 March 2020, <https://bit.ly/3e4PTEa>.

³⁰¹ Siehe Kapitel III.A.3.

³⁰² „Hayat Tahrir al-Sham (HTS) uses assassinations and arrests to target hardliners and members of competing Salafi-jihadist groups“; ISW, *Syria Situation Report: January 30 - February 18, 2021*, 19 February 2021, <https://bit.ly/3bqI5hQ>. Siehe auch SOHR, *HTS Arrests Three of Its Members in Idlib Countryside*, 3 November 2020, <https://bit.ly/3kXOa7Y>; SOHR, *HTS Executes Former ISIS Commander*, 11 June 2020, <https://bit.ly/2BL9SdM>; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, <https://bit.ly/2NLOAKC>. Siehe auch Kapitel II.B.3.

³⁰³ Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ7I>.

³⁰⁴ Siehe Kapitel III.A.8.e.

Einhaltung des islamischen Rechts abverlangt wird, sie diskriminiert werden und gezielte Übergriffe gegen einzelne Personen stattfinden.³⁰⁵ Berichten zufolge sind Übergriffe von HTS in den von HTS faktisch kontrollierten Gebieten auch gegen Personen gerichtet, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen.³⁰⁶

Außerdem werden HTS Plünderungen und die rechtswidrige Beschlagnahme von zivilem Eigentum vertriebener Personen vorgeworfen, einschließlich von Minderheiten und tatsächlichen oder vermeintlichen Anhängern der Regierung.³⁰⁷

HTS und andere bewaffnete oppositionelle Gruppen rekrutieren Kinder und setzen sie ein, auch für Kampfhandlungen.³⁰⁸ Angesichts der Eskalation der Gewalt in der Provinz Idlib 2019 und Anfang 2020 haben HTS und andere bewaffnete oppositionelle Gruppen den Berichten zufolge verstärkt rekrutiert, und zwar auch Kinder aus Lagern für Binnenvertriebene.³⁰⁹ Finanzielle Anreize sind laut Berichten eine wichtige Motivation für Kinder, wenn sie sich diesen bewaffneten Gruppen anschließen, insbesondere dann, wenn männliche erwachsene Familienangehörige verstorben, inhaftiert oder verschwunden sind.³¹⁰

c) Für die entsprechenden Risikoprofile siehe Kapitel III.A.3, III.A.5, III.A.8, III.A.9, III.A.10, III.A.11 und III.A.12.

4) *Bewaffnete Gruppen, die mit der Syrischen Nationalen Armee verbunden sind*

In den Gebieten, die von SNA-nahen bewaffneten Gruppen kontrolliert werden, ist die Situation der Menschenrechte laut Berichten „bedrückend und voller Gewalt und Kriminalität“.³¹¹

³⁰⁵ Siehe Kapitel III.A.8.c.

³⁰⁶ Siehe Kapitel III.A.12.

³⁰⁷ “As of March 2020, the de-facto authorities have assumed control of property from people who are absent from the area. Most of these owners are currently displaced in Government of Syria-controlled areas. This is in addition to the seizure of the property of minorities that began in 2019”; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 18*, 25 July 2020, www.ecoi.net/en/document/2041463.html, p. 13. Siehe auch SOHR, *Eastern Idlib: Popular Discontent Grows, as HTS Members Continue Systematic Theft of Displaced People’s Homes in Town*, 11 February 2021, <https://bit.ly/2ZEmvjc>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 95; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 13; STJ, *Syria: Over 100 Houses and Shops Seized by HTS in Rural Hama*, 18 November 2019, <https://stj-sy.org/en/1256/>. Zur Beschlagnahme von Eigentum, das tatsächlichen oder vermeintlichen Anhängern der Regierung oder Mitgliedern von Minderheiten gehört, siehe auch Kapitel III.A.3 und III.A.8. Berichten zufolge hat auch die Turkestan Islamic Party (TIP) privates und öffentliches Eigentum in Gebieten, die der Regierung entrissen wurden, beschlagnahmt und geplündert; SNHR, *The Collapse of the Main Cooling Tower in Zeyzoun Thermal Tower in Zeyzoun Village in Hama as a Result of Dismantling and Looting of the Station*, 6 May 2020, <https://bit.ly/2ZFgZxK>; STJ, *Syria: Turkistan Islamic Party Seizes and Pillages Public Property in Rural Hama*, 20 April 2020, <https://bit.ly/2VEpQ0d>.

³⁰⁸ SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 25; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 35, 36. Die Rekrutierung von Kindern wurde u. a. bei den folgenden Gruppen festgestellt: HTS, *Ahrar al-Sham, Jund al-Aqsa und Nur al-Din al-Zinki*; UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 36.

³⁰⁹ STJ, *“Child Recruitment” by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, <https://bit.ly/2Z4T35v>; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 37; The New Humanitarian, *Civilians See no Future in Idlib as Syrian Forces Tighten Grip*, 6 January 2020, www.ecoi.net/en/document/2022485.html; SOHR, *Religious “Shura General Council” Launches a Mobilization Campaign to Recruit Children and Young People*, 4 January 2020, <https://bit.ly/36zJEoJ>. Siehe auch Kapitel III.A.10.

³¹⁰ STJ, *“Child Recruitment” by Parties to Conflict in Syria, a Lasting Phenomenon*, 5 May 2020, <https://bit.ly/2Z4T35v>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 35; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 39.

³¹¹ “(...) an alarming pattern in recent months of grave violations in these areas, including in Afrin, Ras al-Ain, and Tel Abyad, where increased killings, kidnappings, unlawful transfers of people, seizures of land and properties and forcible evictions has been documented”; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html. “With the exception of information received from the ‘Syrian interim government’ in relation to two specific instances of extrajudicial executions, the Commission [IICISyria] has yet to receive information concerning non-State armed groups holding their own forces to account in specific cases of alleged violations or abuses committed against Syrians in relation to the conflict since March 2011”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 76.

a) Gebiete der „Operation Schutzschild Euphrat“ und der „Operation Olivenzweig“

Mit der SNA verbundene bewaffnete Gruppen wurden beschuldigt, Kriegsverbrechen und Menschenrechtsverletzungen gegenüber Zivilpersonen begangen zu haben, einschließlich Erpressung, Plünderung, rechtswidriger Beschlagnahme und Zerstörung von Eigentum, Entführung, rechtswidrigem Freiheitsentzug³¹², Verschwindenlassen³¹³, Folter und sonstigen Formen der Misshandlung³¹⁴ sowie Vergewaltigung und sonstigen Formen sexueller Gewalt³¹⁵, wobei oftmals Personen kurdischer Abstammung sowie Menschen, die tatsächlich oder vermeintlich Gegner dieser bewaffneten Gruppen sind, ins Visier genommen wurden.³¹⁶ IICISyria zufolge haben SNA-nahe bewaffnete Gruppen wiederholt Kriegsverbrechen in Form von Plünderung, Geiselnahme, grausamer

³¹² SOHR hat die Existenz von 20 Gefängnissen dokumentiert, die von verschiedenen, der SNA nahestehenden Gruppen in Afrin betrieben werden; SOHR, *SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, <http://bit.ly/3kbhNmQ>. SNA-nahe bewaffnete Gruppen "have established many official detention centers, as well as converting their military headquarters into detention centers (...); SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 24. "(...) we also recorded detentions carried out under an ethnic pretext, with these incidents being concentrated in areas under the Armed Opposition/Syrian National Army's control in Aleppo governorate. Most of these arrests occurred without judicial authorization (...) as well as being carried out without presenting any clear charges against those being detained"; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3e60jH4>, p. 6 (und frühere Berichte). "As their properties were systematically looted and appropriated by Syrian National Army forces, civilians approached senior Syrian National Army members in the Afrin and Ra's al-Ayn regions to lodge complaints. In response, many found themselves threatened, extorted or detained by Syrian National Army members, while others were abducted and forced to pay ransom directly to Syrian National Army senior members for their release. The Commission remains concerned by the prevalent and recurrent use of hostage-taking by Syrian National Army forces"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 52. Berichten zufolge wurden einige festgenommene Personen, einschließlich Frauen, nach ihrer Festnahme durch SNA-nahe bewaffnete Gruppen illegal in die Türkei verbracht; Laut IICISyria: "transfers of Syrians detained by the Syrian National Army to Turkish territory may amount to the war crime of unlawful deportation of protected persons"; ebenda, para. 69. Siehe auch, HRW, *Illegal Transfers of Syrians to Turkey*, 3 February 2021, www.ecoi.net/en/document/2044641.html; SOHR, *Arrested by Ankara-Backed Factions in Ras Al Ain (Sere Kaniye): Turkish Intelligence Transfers Man and His Son to Turkey*, 1 February 2021, <http://bit.ly/3k7BOuk>; SOHR, *Ankara-Backed Factions Clamp Down on Afrin's Kurds, Arresting Two Civilians in Ma'abatli Area*, 28 October 2020, <https://bit.ly/3jlXvPn>; OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html; STJ, *Illegal Transfer of Dozens of Syrian Detainees into Turkey Following Operation Peace Spring*, 10 July 2020, <https://bit.ly/3mV70xl>.

³¹³ Zwischen Januar und Juli 2020 dokumentierte SNHR die Entführung von 185 Personen, einschließlich acht Frauen, durch SNA-nahe bewaffnete Gruppen in Nordsyrien. Davon wurden später 100 Personen als verschwunden registriert; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/3eE2X3C>, p. 16. Siehe auch SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/32i5EgB>, p. 7.

³¹⁴ Berichten zufolge betreiben SNA-nahe Gruppen in den von ihnen kontrollierten Gebieten provisorische Haftanstalten, aus denen Folter und sexueller Missbrauch gemeldet werden. Berichten zufolge sind auch Personen in Haft gestorben. "In detention, civilians – primarily of Kurdish origin – were beaten, tortured, denied food or water, and interrogated about their faith and ethnicity"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 54. Elizabeth Tsurkov, eine Mitarbeiterin im Middle East Program des Foreign Policy Research Institute, berichtet: "While some detainees are brought before judges in Efrin (Afrin) or in Turkey, hundreds of Efrin residents, many of them Kurds, are held extrajudicially, without ever being charged with any crime. Those individuals are held in undeclared prisons. According to testimonies of detainees held at these black sites, torture is routine"; Kurdistan24, *Syrian Kurds Call for Investigation into Kidnapping of Women in Afrin*, 31 May 2020, <https://bit.ly/2U6HwRw>. "Its arrests are mostly conducted by its civil police, military police, and political intelligence, as well as members of National Army factions. (...) Communities have reported several incidents of torture and sexual abuse committed by factions of the National Army (...); ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 10. "While deprived of their liberty, individuals were subjected to torture and ill-treatment, with little access to food, in poor hygienic conditions"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 40. Siehe auch SOHR, *SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, <http://bit.ly/3kbhNmQ>; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 25; SNHR, *Civilian from Aleppo Died Due to Torture in a Syrian National Army Detention Center*, November 10, 11 November 2020, <https://bit.ly/3f1hwjo>; SOHR, *Secret Prison: Al-Sham Corps Detain Tens of People under Turkish Supervision*, 27 August 2020, <https://bit.ly/2YK7iNK>; SOHR, *Civilian from Afrin Dies of Deteriorating Health Situation after Being Tortured in "Al-Hamzat Division" Prison*, 7 July 2020, <https://bit.ly/38Hx1u0>; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, <https://bit.ly/3iojagr>, pp. 41-44; STJ, *Afrin: 17 Men, One Woman Arrested in Four Districts During May 2020*, 14 June 2020, <https://bit.ly/3fKjKn5>; SOHR, *Revealed: Thousands of Civilians Are Held in Official and Secret Prisons in Areas Controlled by the "Interim Government" and "Salvation Government"*, 26 April 2020, <https://bit.ly/2Xs2egE>.

³¹⁵ "During the period under review, cases of sexual violence against women and men at one detention facility in Afrin were documented. On two occasions, in an apparent effort to humiliate, extract confessions and instil fear within male detainees, Syrian National Army Military Police officers forced male detainees to witness the rape of a minor"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 60.

³¹⁶ Siehe Kapitel III.A.6.a und III.A.8.d.

Behandlung, Folter und Vergewaltigung begangen.³¹⁷ Ferner stellte IICISyria fest, dass diese Gruppen „für das Kriegsverbrechen der Zerstörung oder Beschlagnahme feindlichen Eigentums verantwortlich sein“ könnten.³¹⁸ Mehrere Quellen berichten, dass SNA-nahe bewaffnete Gruppen solche Taten ungestraft begehen.³¹⁹

SNA-nahe bewaffnete Gruppen wurden zudem beschuldigt, religiöse und archäologische Stätten geplündert und zerstört zu haben³²⁰ und in einigen Fällen landwirtschaftliche Anbauflächen in SDF-kontrollierten Gebieten nahe der Front absichtlich in Brand gesetzt zu haben.³²¹

Den Meldungen zufolge haben mit der SNA verbundene bewaffnete Gruppen außerdem Vorschriften in Bezug auf die Kleidung, das Verhalten und die sozialen Interaktionen von Frauen erlassen, und ihnen wurde zur Last gelegt, Frauen gezielt ins Visier genommen und belästigt, zwangsverheiratet, vergewaltigt oder sonstigen Formen sexueller Gewalt ausgesetzt und entführt zu haben.³²² In einigen Fällen wurden auch Personen angegriffen, denen vorgeworfen wurde, gegen die von diesen Gruppen vertretene strenge Auslegung des Islam verstoßen zu haben.³²³

Berichten zufolge rekrutieren SNA-nahe bewaffnete Gruppen Minderjährige in den Gebieten, die *de facto* unter ihrer Kontrolle stehen, einschließlich für Einsätze in Libyen.³²⁴

³¹⁷ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 65-66.

³¹⁸ Ebenda, para. 65.

³¹⁹ “A former judge in Afrin confirmed that Syrian National Army fighters had been charged with rape and sexual violence carried out during house raids in the region, however none had been convicted, but rather had been released after a few days”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 61. “During the quarter, the DoS [US Department of State] said it had no evidence that the Syrian Interim Government has consistently arrested, prosecuted, or otherwise held accountable any TSO [Turkish-supported armed opposition groups] members implicated in human rights abuses or violations of the law of armed conflict. To date, the DoS said that the Syrian Interim Government had imprisoned only one 19-year-old fighter for a series of high-profile abuses. (...) human rights groups such as Human Rights Watch, Amnesty International, Syrians for Truth and Justice, the Violations Documentation Center, and the UN Commission on Inquiry, continue to report that TSOs operate with relative impunity and express a lack of confidence in the Syrian Interim Government’s accountability efforts to date”; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 69.

³²⁰ SOHR, *Turkish-Backed Factions Continue Digging near the “Roman Amphitheatre” in Nebi Huri Fortress in Sharran District*, 26 February 2021, <http://bit.ly/3bLZqAO>; SOHR, *Afrin: Turkish-Backed Factions Continue Looting Artifacts and Antiques, amid Ongoing Excavation in Archaeological Hill in Raju*, 6 January 2021, <http://bit.ly/3aHzves>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 63. Siehe auch Kapitel III.A.8.d.

³²¹ Siehe z. B. SOHR, *Eastern Aleppo: Turkish-Backed Factions Commit Arsons, Setting more than 2,000 Olive Trees on Fire*, 26 June 2020, <https://bit.ly/3dHP5oD>; SOHR, *Arsons in SDF-held Areas: Turkish-Backed Factions Continue Setting Civilians’ Farmlands and Crops on Fire*, 21 May 2020, <https://bit.ly/3cRS7pK>.

³²² “88 women and girls whose identities are known were reportedly kidnapped by Turkish-backed armed groups in Afrin, Syria in 2020, a rate of approximately one incident every four days. As of January 1, 2021, 51 remained missing. 35 were reported to have been released. One had allegedly been murdered. (...) 14 cases, or about 15% of the incidents, included direct allegations of torture. (...) Three cases included direct allegations of sexual violence. Two of these cases involved forced marriages, while the remaining case included an allegation of rape in detention. (...) Seven cases targeted women specifically identified as members of religious minority communities”; Missing Afrin Women Project, *2020 Report*, 16 January 2021, <http://bit.ly/3sCmCIK>. Siehe Kapitel III.A.8.d.

³²³ Siehe Kapitel III.A.8.e

³²⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 58; UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 173. Anfang August 2020 meldete SOHR die Protokollierung einer Entsendung von 350 Kindern aus Syrien nach Libyen, von denen 35 getötet wurden; SOHR, *Turkey Sends 10,000 foreign Jihadists and 17,000 Mercenaries to Libya*, 1 August 2020, <https://bit.ly/3goBh4x>. “These fighters [in Libya] were recruited through armed factions affiliated with the Syrian National Army that have been accused of serious human rights abuses in Syria. (...) Thousands of Syrian men, including boys under 18 years, have reportedly been sent to Libya via Turkey in recent months”; OHCHR, *Libya: Violations Related to Mercenary Activities Must Be Investigated*, 17 June 2020, www.ecoi.net/en/document/2031952.html. Laut STJ “[T]he enlisting of children [recruited for deployment to Libya] requires the consent of their families, who receives [sic] money. New identification cards are issued for these children with altered names and dates of birth. Some were registered in the name of their older brothers”; STJ, *Turkey’s Recruitment of Syrian Mercenaries to Fight in Libya: Process and Legal Consequences*, 11 May 2020, <https://bit.ly/3d1v8c4>, p. 17. Siehe auch Al-Monitor, *Report: Child Soldiers Deployed to Libya by Turkish-Backed Syrian National Army*, 8 May 2020, <https://bit.ly/2YAaPND>.

b) Gebiete der „Operation Friedensquelle“

Im Rahmen der Militäroffensive haben türkische Truppen und verbündete bewaffnete Gruppen laut Meldungen zivile Infrastrukturen und Wohngebiete angegriffen, was zu zivilen Opfern geführt hat.³²⁵ Zahlreiche Quellen haben berichtet, dass SNA-nahe bewaffnete Gruppen an der Entführung, Folter und außergerichtlichen Hinrichtung von Zivilpersonen und außer Gefecht gesetzten Soldaten, der Plünderung ziviler Wohnungen und Geschäfte beteiligt gewesen sind.³²⁶ Laut ICISyria waren Zivilpersonen „unzähligen Menschenrechtsverletzungen und Verstößen gegen das humanitäre Völkerrecht ausgesetzt, die von Kämpfern der Syrischen Nationalen Armee begangen wurden und den im Distrikt Afrin dokumentierten Praktiken entsprachen“.³²⁷ Aus Furcht vor Übergriffen, wie sie aus Afrin gemeldet wurden, und verängstigt durch die polarisierende und provozierende Sprache, die von SNA-nahen Gruppen verwendet wird³²⁸, sind viele kurdische und jesidische Anwohner während der militärischen Operation aus dem Gebiet geflohen.³²⁹ ICISyria stellte fest, es lägen „triftige Gründe“ für die Annahme vor, dass bewaffnete, mit der SNA verbundene Gruppen das Kriegsverbrechen des Mordes³³⁰ und „wiederholt“ das Kriegsverbrechen der Plünderung begangen hätten.³³¹

Seit dem Ende der Militäroffensive Ende Oktober 2019 wird berichtet, dass SNA-nahe Gruppen an Erpressung, Plünderung, rechtswidriger Beschlagnahme und Zerstörung zivilen Eigentums³³²,

³²⁵ Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 49-51; SNHR, *20 Days of Operation "Peace Spring": Civilian Casualties Are on the Rise and the Death Toll of Fighting Parties Increases*, 29 October 2019, <https://bit.ly/333jcVO>.

³²⁶ "Repeating a trend from prior incursions, Turkish-backed militias looted property and occupied homes in Turkish designated 'safe-zones' within 20 miles of the Turkish-Syrian border. The majority of properties looted and occupied belonged to Kurdish residents"; SJAC, *The State of Justice: Syria 2020, March 2020*, <https://bit.ly/34NoDsP>, p. 11. Siehe auch STJ, *Following Operation Peace Spring, Thousands of Tons of Grain Seized as "Spoils of War"*, 22 June 2020, <https://bit.ly/2ZJo3sY>; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, pp. 5-6; STJ, *New Evidence Pointing to Ahrar al-Sharqiya's Responsibility for Field Executions in Suluk During "Operation Peace Spring"*, 1 February 2020, <https://bit.ly/3hdo0vA>; HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html; Refugees International, *Displacement and Despair: The Turkish Invasion of Northeast Syria*, 12 November 2019, <https://bit.ly/2XoRCNI>; The Independent, *Turkey's Proxy Army IS 'Looting, Kidnapping and Executing Kurds at Random'*, 11 November 2019, <https://bit.ly/2KdppUW>; Amnesty International, *Syria: Damning Evidence of War Crimes and Other Violations by Turkish Forces and Their Allies*, 18 October 2019, <https://bit.ly/2J2tlqR>; UN News, *Syria War: Executions Condemned as Violence Continues 'on Both Sides' of Border with Turkey*, 15 October 2019, <https://shar.es/aXPWuK>.

³²⁷ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54. Siehe auch Kapitel II.E.4.a.

³²⁸ Siehe Kapitel III.A.8.

³²⁹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54.

³³⁰ Ebenda, paras 58-59.

³³¹ Ebenda.

³³² "Turkish-backed armed opposition groups continued to engage in property destruction and looting within Turkish-held Operation Peace Spring (OPS) territory and near the frontlines of SDF and GoS controlled territory in Al Hassakah Governorate"; Carter Center, *Weekly Conflict Summary: 15-21 June 2020*, 26 June 2020, <https://bit.ly/3gwD9rq>, p. 6. "During the period under review, the Commission corroborated repeated patterns of systematic looting and property appropriation as well as widespread arbitrary deprivation of liberty perpetrated by various Syrian National Army brigades in the Afrin and Ra's al-Ayn regions. After civilian property was looted, Syrian National Army fighters and their families occupied houses after civilians had fled, or ultimately coerced residents, primarily of Kurdish origin, to flee their homes, through threats, extortion, murder, abduction, torture and detention." Weiter heißt es: "Similarly to in [sic] Afrin, the civilian properties of Kurdish owners in the Ra's al-Ayn region who had fled battles during Operation Peace Spring in October 2019 were also appropriated by Syrian National Army forces" (Hervorhebung nur hier); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 47, 49. Siehe z. B. SOHR, *Al-Hamza Division Burns Down Five Houses in Rural Tal Tamr, after Looting Their Contents*, 11 February 2021, <https://bit.ly/3k85GGM>; SOHR, *SOHR Uncovers Turkish-Backed Factions' Involvement in Stealing and Transporting Property and Crops from "Peace Spring" Areas to Turkey*, 4 September 2020, <https://bit.ly/32XnBba>; SOHR, *Turkish-Backed Factions Steal Public and Private Property in Village in "Peace Spring" Areas*, 25 August 2020, <https://bit.ly/3gxKKpPg>; SOHR, *"Sultan Murad" Steals Civilians' Homes in "Peace Spring" Areas*, 23 July 2020, <https://bit.ly/2D4s5ny>; SOHR, *Turkish-Backed Factions Steal Crops and Agricultural Equipment, Asking Christians to Pay Fine for Their Return*, 28 June 2020, <https://bit.ly/2ZhxNtk>; SOHR, *"Peace Spring" Areas: Turkish-Backed Factions Seize Wheat Crop and Loot Villages East of Ras al-Ain*, 19 June 2020, <https://bit.ly/37Mbe3L>; SOHR, *Tal Tamr: Turkish-Backed Factions Loot and Set nearly Ten Houses on Fire After*, 14 May 2020, <https://bit.ly/3cVRk7c>; SOHR, *Widespread Looting: Regime Forces and Turkish-Backed Factions Loot Public and Civilian Properties in Abu Rasin and Tal Tamr*, 2 May 2020, <https://bit.ly/2ApUKly>.

rechtswidriger Besteuerung³³³, Entführung³³⁴, rechtswidrigem Freiheitsentzug³³⁵, Folter und sonstigen Formen der Misshandlung³³⁶ sowie Vergewaltigung und sonstigen Formen sexueller Gewalt³³⁷ beteiligt sind, wobei oftmals Personen kurdischer Abstammung und Angehörige anderer Minderheiten sowie Menschen, die tatsächlich oder vermeintlich Gegner dieser SNA-nahen Gruppen sind, ins Visier genommen werden.³³⁸ Wie in Afrin stellte IICISyria fest, dass SNA-nahe bewaffnete Gruppen wiederholt Kriegsverbrechen in Form von Plünderung, Geiselnahme, grausamer Behandlung, Folter und Vergewaltigung begangen haben.³³⁹ Ferner stellte IICISyria fest, dass diese Gruppen „für das Kriegsverbrechen der Zerstörung oder Beschlagnahme feindlichen Eigentums verantwortlich sein“ könnten.³⁴⁰

SNA-nahe bewaffnete Gruppen wurden zudem beschuldigt, landwirtschaftliche Kulturpflanzen und Anbauflächen in SDF-kontrollierten Gebieten nahe der Front absichtlich in Brand gesetzt zu haben.³⁴¹

Frauen werden von bewaffneten Gruppen bedroht und belästigt und Berichten zufolge zunehmend daran gehindert, am öffentlichen Leben teilzunehmen.³⁴²

Berichten zufolge rekrutieren SNA-nahe bewaffnete Gruppen Minderjährige in den Gebieten, die de facto unter ihrer Kontrolle stehen, einschließlich für Einsätze in Libyen.³⁴³

³³³ Ein Beispiel: “On 22 May [2020], the Turkish-backed opposition’s Hamza Division imposed new agricultural taxes on all farmers under Operation Peace Spring (OPS) areas”; Carter Center, *Weekly Conflict Summary: 18 May - 24 May 2020*, 24 May 2020, <https://bit.ly/2XNU0zK>, p. 5. Siehe auch SOHR, “Peace Spring” a Year on: A New Map of influence...Growing Humanitarian Disaster and Continuous Turkish Violations, 9 October 2020, <https://bit.ly/2GrnVrm>; SOHR, “Peace Spring” Areas: Turkish-Backed Factions Impose Zakat Levy on Farmers, Arresting Violators and Confiscating Their Crops, 15 June 2020, <https://bit.ly/2AEHdqo>; SOHR, “Peace Spring” Areas: Turkish-Backed Factions Impose Zakat Levy on Agricultural Crops, while Committing Arsons on Frontlines with SDF, 2 June 2020, <https://bit.ly/2AV9edd>.

³³⁴ “(...) the factions of the so-called Syrian National Army launched raids and arrests in the villages of Asdiya, Asdiya Sharqiya, Safah, Salam Al-Alik, Tal Khanzer and Dahma, within the ‘Peace Spring’ areas of influence”; SOHR, “Peace Spring” a Year on: A New Map of influence...Growing Humanitarian Disaster and Continuous Turkish Violations, 9 October 2020, <https://bit.ly/2GrnVrm>. Siehe auch SOHR, *Turkish-Backed Factions Release Old Man after Getting Five Millions SYL*, 26 September 2020, <https://bit.ly/3cC920V>; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 69; STJ, *Tall Abyad: Spot for 32 Arrests in First Three Months of 2020*, 22 April 2020, <https://bit.ly/32xa5fF>.

³³⁵ STJ dokumentierte den Einsatz mehrerer provisorischer Haftanstalten, die von der SNA-nahen Levante-Front in der Stadt Tal Abyad (Provinz Raqqa) betrieben werden; STJ, *Tell Abiad: 13 Arrests and Further Violations by the ‘National Army’*, 27 February 2020, <https://bit.ly/3jk7plj>. Zum Transfer von Gefangenen in die Türkei siehe auch Fußnote 311.

³³⁶ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 54; SOHR, *Ras al-Ain: Civilian Dies under Torture in Turkish-Backed Military Police Prisons*, 8 August 2020, <https://bit.ly/31WC1rA>; SOHR, *Tal Abyad: Civilian Dies under Torture in Turkish-Backed Factions’ Prisons*, 1 August 2020, <https://bit.ly/2DtdKAU>; STJ, *Arrests and Tortures [sic] by the National Army in Tell Abiad*, 9 January 2020, <https://bit.ly/3elMn2D>.

³³⁷ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 59, 61.

³³⁸ Siehe Kapitel III.A.6.b und III.A.8.d.

³³⁹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 65-66.

³⁴⁰ Ebenda, para. 65.

³⁴¹ Ein Beispiel: “[O]n 2 June [2020], Turkish-backed armed opposition groups set fire to crops and agricultural lands in Amiriyyeh, Leylan, Madhba’a, Kherbet al Sha’er, and Umm al-Khair in the Ras al Ain district of Al-Hassakah Governorate. The same day, Turkish-backed factions imposed more taxes on farmers within Turkish-held areas. On 3 June [2020], Turkish armed forces reportedly burned agricultural lands in Al-Qamishli along the Syrian-Turkish border in Al-Hassakah Governorate. Since 1 April 2020, Turkish armed forces and Turkish-backed opposition armed groups have engaged in 26 recorded instances of crop burning or agricultural land destruction in the region (...). 22 incidents have been recorded since 22 May 2020”; Carter Center, *Weekly Conflict Summary: 1-7 June 2020*, 12 June 2020, <https://bit.ly/2zXifSS>, p. 5. Siehe auch SOHR, *Al-Hasakeh’s Fire: Nearly 50, 000 Donums Turned into Ashes*, 15 June 2020, <https://bit.ly/3e60oe4>; SOHR, *Arsons: Turkish-Backed Factions Set Hundreds of Donums of Wheat Crop on Fire in Rural Al-Hasakeh and Manbij*, 1 June 2020, <https://bit.ly/2BQpM6o>.

³⁴² “Following the murder of Hevrin Khalaf on 12 October [2019] (...), Kurdish women recalled feeling increasingly insecure. Armed groups threatened and harassed women in positions in the political, military, medical and educational sector or otherwise taking active part in civil society”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 90. Siehe auch Kapitel III.A.8.e.

³⁴³ “(...) STJ registered a rise in child recruitment in the area of Ras al-Ayn / Sari Kani, al-Hasakah province, one month after the offensive Peace Spring was launched against the SDF by Turkey, with the support of the Syrian National Army (...) in October 2019. In the area, at least three cases of child recruitment were documented, carried out between late 2019 and early 2020 by the armed groups of Ahrar al-Sharqiya/ Rebels of the Eastern Area and Sultan Murad Brigade. The children continue to be recruited to the day”; STJ, “Child Recruitment” by Parties to Conflict in Syria, a Lasting Phenomenon, 5 May 2020, <https://bit.ly/2Z4T35v>. SNA-nahe Gruppen haben Berichten zufolge auch Kinder für Selbstmordattentate gegen die SDF eingesetzt; SOHR, *Turkish-Backed Factions Recruit Children in Suicide Attacks Against SDF*, 16 April 2020, <https://bit.ly/32dhCQJ>. Siehe auch Kapitel II.E.4.a.

d) Für die entsprechenden Risikoprofile siehe Kapitel III.A.3, III.A.6, III.A.8, III.A.9, III.A.10, III.A.11 und III.A.12.

5) Islamischer Staat im Irak und in Syrien (ISIS)

In Gebieten, in denen ISIS weiterhin präsent ist, richtet die Gruppe ihre Aktionen in Form von Kleinwaffenbeschuss, USBV-Angriffen, Überfällen aus dem Hinterhalt, Entführungen und Ermordungen vor allem gegen Mitglieder der Regierungstruppen³⁴⁴ und der SDF³⁴⁵ sowie gegen Zivilpersonen, die tatsächlich oder vermeintlich die Regierung oder die SDF/AANES unterstützen.³⁴⁶ Der Verlust der territorialen Kontrolle und der operativen Kapazitäten hat dazu geführt, dass weniger Angriffe auf Mitglieder religiöser und ethnischer Minderheiten stattgefunden haben.³⁴⁷

Während seiner territorialen Expansion und Herrschaft wurde ISIS für schwere Menschenrechtsverletzungen sowie Kriegsverbrechen, Verbrechen gegen die Menschlichkeit und – im Fall der Jesiden – Völkermord verantwortlich gemacht.³⁴⁸ Viele der Menschen, die ISIS verschwinden ließ, bleiben unauffindbar.³⁴⁹

e) Für die entsprechenden Risikoprofile siehe Kapitel III.A.3, III.A.7, III.A.8, III.A.9, III.A.10 und III.A.11.

6) Familie, Stamm, Gemeinschaft

Gewaltakte, Misshandlungen und gefährliche traditionelle Bräuche, die Frauen und Mädchen sowie Personen mit einer nicht den traditionellen Vorstellungen entsprechenden sexuellen Orientierung und/oder geschlechtlichen Identität betreffen, werden üblicherweise von den Familienangehörigen, dem Stamm oder der Gemeinschaft der Betroffenen verübt.

f) Für die entsprechenden Risikoprofile siehe Kapitel III.A.8.f, III.A.9, 10 und 11.

F. Humanitäre Situation

1) Humanitärer Bedarf

Zwar liegen die Hauptursachen für den enormen und sich zuspitzenden humanitären Bedarf Syriens in dem jahrzehntelangen Konflikt und den damit verbundenen Vertreibungen³⁵⁰, insbesondere im

³⁴⁴ Siehe Kapitel II.B.1 und III.A.3.

³⁴⁵ Siehe Kapitel II.B.2.

³⁴⁶ Siehe Kapitel III.A.7.

³⁴⁷ Siehe Kapitel III.A.8.

³⁴⁸ Siehe z. B. fortlaufende Berichte der IICISyria, abrufbar unter www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

³⁴⁹ "While the Kurdish-led Syrian Democratic Council (SDC), announced the creation of a civilian working group to trace and locate those who have been disappeared by ISIS, no significant progress has been made, and the US-led Global Coalition to Defeat ISIS remains largely absent on this issue"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. SNHR zufolge ist ISIS für das Verschwinden von über 8.600 Personen bis August 2020 verantwortlich; SNHR, *Record of Enforced Disappearances*, Zugriff am 31. Dezember 2020, <https://bit.ly/3irRR4w>. Siehe auch SOHR, *Mass Grave: "First Responders Team" Recovers 15 Corpses in Western Al-Raqqah*, 9 February 2021, <https://bit.ly/3ujVShK>; The New Arab, 'Huge' Mass Grave Found in Former IS Capital Raqqah, 23 June 2020, <https://bit.ly/3fNyNw6>; HRW, *Syria: ISIS Dumped Bodies in Gorge*, 4 May 2020, www.ecoi.net/en/document/2029153.html.

³⁵⁰ "The impacts of the economic downturn compound those of displacements, which continue to be a key driver of humanitarian needs"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 2. Siehe auch ACT Alliance, *Syria: Humanitarian Response for People Affected by the Syrian Conflict*, July 2020, <https://bit.ly/3feUkga>, p. 8.

Nordwesten und Nordosten³⁵¹, doch hat sich die humanitäre Lage durch den schweren Wirtschaftseinbruch im ganzen Land rapide verschlechtert.³⁵² Die überwiegende Mehrheit der syrischen Bevölkerung lebt unterhalb der Armutsgrenze³⁵³, und der UN Resident Coordinator and Humanitarian Coordinator in Syrien spricht von einer „Verarmungskrise“.³⁵⁴ Durch die Wirtschaftskrise hat sich die Zahl der Menschen, die das Geld für Lebensmittel kaum noch aufbringen können, signifikant erhöht³⁵⁵, was dazu geführt hat, dass der Executive Director des Welternährungsprogramms (WFP) vor einer

³⁵¹ OCHA stellte im März 2020 fest: *“current crisis is the worst that northwest Syria has experienced since the conflict began”*; UN News, UN ‘Determined to Stand by the People of Syria’ Says Lowcock, as Grave Humanitarian Crisis Intensifies Around Idlib, 3 March 2020, <https://bit.ly/2YrC4ew>. *“The humanitarian situation remains dire as the additional strains related to the COVID-19 pandemic and the economic downturn in Syria continue to impact the 4.1 million people living in northwest Syria”*; OCHA, Syrian Arab Republic: Recent Developments in Northwest Syria, 9 September 2020, www.ecoi.net/en/document/2038029.html, p. 1. Siehe auch, REACH, Humanitarian Situation Overview in Syria (HSOS): Northwest Syria, 29 January 2021, www.ecoi.net/en/document/2044408.html; OCHA, 2020 Humanitarian Response Plan, 30 December 2020, <https://bit.ly/2XcsWZv>, p. 8.

³⁵² *“With the unprecedented depreciation of the national currency, the imposition of further international sanctions, and crises in neighboring countries, the Syrian economy went into freefall for much of 2020. For ordinary Syrians, this translated into an inability to procure food, essential drugs, and other basic necessities”*; HRW, World Report 2021: Syria, 13 January 2021, www.ecoi.net/en/document/2043510.html. *“The Syrian economy continued to exhibit signs of extreme fragility, including a volatile exchange rate and high inflation, deepening the vulnerabilities of populations across the country”*; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 20 August 2020, www.ecoi.net/en/document/2036556.html, p. 1. *“Syrians are now being hit by yet another tsunami of suffering – economic collapse”*; UN Special Envoy for Syria, United Nations Special Envoy for Syria Geir O. Pedersen Briefing to the Security Council, 23 July 2020, <https://bit.ly/3eXW4KN>. Siehe auch Fußnote 358.

³⁵³ *“For many currently living in Syria, the current socio-economic situation represents some of the most challenging humanitarian conditions experienced in the past ten years of crisis. While estimates one year ago suggested at least 80 per cent of the population lived below the poverty line, current conditions indicate that it is likely more families have been pushed toward poverty and destitution. In mid-October [2020], the GoS announced new economic measures, including a restructuring of income tax brackets and increase in the tax-free threshold, and one-time payments to civil servants and military personnel. However, this is unlikely to provide much alleviation for the most vulnerable, particularly those without a formal income”*; OCHA / WHO, COVID-19 Humanitarian Update No. 22, 1 February 2021, <https://bit.ly/2LZLPwS>, p. 3. *“Syria’s spiral into an increasingly deep financial black hole had virtually eradicated the country’s middle class, with 90 percent of the country now living under the poverty line. Buying bread to put on the table has now become a daily ordeal”*; MEI, 2021 Will Be a Defining Year for Syria, 12 January 2021, <http://bit.ly/37NbrVp>. *“Extreme poverty, estimated at 50-60 percent at the end of 2019, may possibly have increased by about 5-10 percent. It would imply that between 1.5 million and 2 million people previously living in poverty (and, in some cases, even living above the poverty line) could now be living in extreme poverty”*; UN Country Team, Framework for the Immediate Socio-Economic Response to COVID-19, 31 August 2020, <https://bit.ly/3jlkstv>, p. 20. Siehe auch FES, COVID-19 and the Syrian Economy: Implications for Social Justice, July 2020, www.ecoi.net/en/document/2032645.html, p. 2. Zur Situation palästinensischer Flüchtlinge siehe auch Kapitel II.F.2.f.

³⁵⁴ Er stellte außerdem fest: *“We are seeing children going to bed hungry now, which we did not see before. (...) The reality now is simply that people can’t afford food”*; Financial Times, Syria’s Children ‘Go to Bed Hungry’ as Prices Soar, 24 May 2020, <https://on.ft.com/2UOQZNx>. *“Conversations conducted over messaging applications and by phone with residents of all of Syria’s 14 governorates indicate that large swaths of the population are going hungry. Locals describe seeing more beggars on the street, prostitution, and people rummaging in the garbage in search of scraps of food”*; CGP, Syria’s Economic Meltdown, June 2020, <https://bit.ly/2HTOwhn>, p. 3. Sir Mark Lowcock, Untergeneralsekretär für humanitäre Angelegenheiten und Nothilfekoordinator, bemerkt: *“Syrians are hungry now en masse in a way which wasn’t true one or two years ago”*; BBC, Assad under Pressure as Economic Crisis Spirals, 15 June 2020, <https://bbc.in/2Cd6w3l>. Siehe auch BBC, Syria Faces Mass Starvation or Mass Exodus Without More Aid, WFP Says, 29 June 2020, <https://bbc.in/3j0NIVF>.

³⁵⁵ *“A record 12.4 million Syrians – nearly 60 percent of the population – are now food insecure (...). In just over one year, an additional 4.5 million Syrians have become food insecure”*; World Food Programme (WFP), Twelve Million Syrians Now in the Grip of Hunger, Worn Down by Conflict and Soaring Food Prices, 17 February 2021, <https://bit.ly/3u7wGuK>. *“Food insecurity and malnutrition are expected to rise significantly (...)”*; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 December 2020, <https://bit.ly/3nx2hIK>, p. 3. *“With the loss of job opportunities due to the impacts of COVID-19, particularly in daily wage labour, combined with rises in food prices, disruptions to food supply chains and deterioration of access to markets during lockdowns, it is likely more families have been pushed into food insecurity. Reports indicate even households with regular income have been adversely affected as the cost of living has spiraled”*; OCHA / WHO, Syrian Arab Republic: COVID-19 Humanitarian Update No. 21, 30 November 2020, <https://bit.ly/2VQPui3>, p. 3. Siehe auch WFP, Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020, 15 December 2020, <https://bit.ly/3p1s8ml>, p. 12; IPS, UN Warns of an Impending Famine with Millions in Danger of Starvation, 27 November 2020, <http://bit.ly/3mruskP>; CARE International et al., Hunger Spreading amid COVID and Economic Collapse, 29 June 2020, <https://bit.ly/2D4SmBR>; und Fußnote 363. Schätzungsweise mehr als 35.000 Hektar landwirtschaftlicher Flächen sind im Oktober 2020 durch Brände in Getreidefeldern vernichtet worden, einschließlich in den Provinzen Latakia, Tartus und Homs im Oktober 2020, und die Vereinten Nationen erwarten *„langfristige Auswirkungen auf die Nahrungsmittelproduktion“*; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3momPeR>, para. 9; Al-Monitor, Assad Pays Rare Visit to Fire-Ravaged Western Syria, 13 October 2020, <https://bit.ly/2HsCjJ8>.

Hungersnot gewarnt hat.³⁵⁶ Im ersten Halbjahr des Jahres 2020 hat sich die Inflation beschleunigt, und das syrische Pfund verlor rasch an Wert.³⁵⁷ Die gesundheitlichen und sozioökonomischen Auswirkungen der COVID-19-Pandemie verschärfen den humanitären Bedarf.³⁵⁸

Im Juni 2020 stellte das Internationale Komitee vom Roten Kreuz (IKRK) fest, es sei davon auszugehen, dass die sozioökonomischen Bedingungen in ganz Syrien aufgrund der „sich dramatisch verschlechternden Wirtschaftslage, einer schwelenden COVID-19-Krise, der unmittelbaren oder mittelbaren Auswirkungen von Sanktionen und der anhaltenden Kämpfe in Teilen des Landes“ weiterhin eine große Herausforderung darstellen werden.³⁵⁹ In ganz Syrien gingen schätzungsweise 200.000 bis 300.000 Arbeitsplätze zwischen März und August 2020 dauerhaft verloren, was u. a. auf die Wirtschaftskrise und die COVID-19-Beschränkungen zurückzuführen ist, und 15 % der kleinen und

³⁵⁶ “If Syria continues to deteriorate and the availability of cash, availability of food and supply chain disruption on a country that’s already devastated by 10 years of war, famine could very well be knocking on that door”; The National, *Stark Warning of Dangers of Syrian Famine from UN Food Programme Chief*, 12 June 2020, <https://bit.ly/2D5HqDS>.

³⁵⁷ “Since the onset of the Lebanese financial crisis in October 2019, the value of the Syrian pound has weakened dramatically. In June 2020, the Syrian pound heavily depreciated on the informal exchange market down 75 percent compared to October 2019 levels, reaching a peak monthly average value of SYP 2,505/USD. The exchange rate has continued to fluctuate in the informal market with a further weakening trend over the past couple of months. In October 2020, the monthly average exchange rate was recorded at SYP 2,339/USD, resulting in unprecedented increases in food prices”; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, <https://bit.ly/3p1s8ml>, p. 11. Im Jahr 2020, “the Syrian pound depreciated in the informal exchange rate market from SYP 2,262/USD in July to SYP 2,795/USD”; WFP, *Regional Market Analysis: Economic Trends Across the RBC Region*, February 2021, www.ecoi.net/en/document/2045594.html, p. 10. Bis zum 26. Februar 2021 sank der Wert des Pfund weiter: “In Damascus, the selling rate is 3,600 SYP and the buying rate is 3,560 SYP against the dollar, while 4,376 SYP for selling and 4,322 SYP for buying against the euro”; SOHR, *Damascus Markets Are in Recession as Syrian Pound Keeps Plummeting, Amid Popular Anger and Regime Authorities’ Indifference*, 26 February 2021, <https://bit.ly/37WQKXj>. See also, Syria Report, *Syrian Pound Passes SYP 3,000 per Dollar as Fear Grips Market*, 10 February 2021, <https://bit.ly/3bzig6LY>; OCHA / WHO, *COVID-19 Humanitarian Update No. 23*, 1 February 2021, <https://bit.ly/37ss6xC>, p. 3; AP, *Syria Floats New Bank Note amid Soaring Inflation*, 24 January 2021, <https://bit.ly/3uaMDAp>. Die Regierung griff hart gegenüber Personen durch, die versuchten, Geschäfte durch die Verwendung des US Dollar anstatt des syrischen Pfund zu machen; The Syrian Observer, *Dozens Arrested on Charges of Dealing with US Dollar*, 9 February 2021, <https://bit.ly/37XUxUk>.

³⁵⁸ “For most of the past year, Syria’s economy has experienced an unprecedented downturn that has had profound impacts on the welfare of a significant proportion of the population. While these economic hardships have not been primarily driven by COVID-19, the pre-existing and underlying fragility of the Syrian economy – in addition to multiple shocks over the past 12 months – has meant that COVID-19 related factors has had a disproportionate negative socio-economic effect. In practical terms, families across Syria have largely faced heavily eroded employment opportunities, skyrocketing prices and shortages of basic goods and services, and widespread deterioration of household coping mechanisms”; OCHA / WHO, *COVID-19 Humanitarian Update No. 23*, 1 February 2021, <https://bit.ly/37ss6xC>, p. 2. “The COVID-19 outbreak is one of many concurrent and interlocking factors that have spurred the deteriorating food security situation and exacerbated the existing humanitarian needs in Syria”; WFP, *Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020*, 15 December 2020, <https://bit.ly/3p1s8ml>, p. 10. “In December 2020, 45 percent of interviewed households reported that they had lost one or more sources of income because of COVID-19 related restrictions over the past month. This was the case even among breadwinners having university degrees (35 percent). (...) In December [2020], more than a third of surveyed households (36 percent) indicated having lost at least half of their monthly salary, suggesting a further undermining of livelihoods in Syria. Moreover, according to displacement status, nearly half of returnee households (48 percent) reported job lay-offs in December, compared to 44 percent of IDPs and 45 percent of residents”; WFP, *Syria mVAM Bulletin 51*, 11 January 2021, <https://bit.ly/3asU911>, p. 4. “COVID-19 has highlighted the deep structural weaknesses of the Syrian economy and destroyed what was left from its capacity to resist to new pressures”; Pulitzer Center, *COVID-19 Exacerbates Syria’s Socioeconomic Collapse*, 8 July 2020, <https://bit.ly/3hJ2hvX>. Siehe auch FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, pp. 5-6. Siehe auch Fußnote 363.

³⁵⁹ ICRC, *Syria: Economic Crisis Compounds Conflict Misery as Millions Face Deeper Poverty, Hunger*, 28 June 2020, <https://bit.ly/38pF7ax>. “The Syrian economy, devastated by nearly a decade of conflict, has entered a period of extreme fragility, marked by exchange rate volatility, high inflation, dwindling remittances, and lock down measures to contain COVID-19. For the year as a whole, the economy is expected to contract by more than 7 per cent this year”; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, <https://bit.ly/2Pvvdvm>, p. 2. Die Verschlechterung der Wirtschaftslage führte im Juni 2020 zu außergewöhnlichen Straßenprotesten in Suweida und anderen von der Regierung kontrollierten Gebieten; siehe Fußnote 66.

mittleren Unternehmen wurden dauerhaft geschlossen.³⁶⁰ Im Juni 2020 gaben 90 % der Haushalte an, dass ihr Einkommen nicht ausreicht, um die Unkosten zu decken.³⁶¹

Im Januar 2021 benötigen schätzungsweise circa 13,4 Millionen Menschen (bei einer Gesamtbevölkerung von 17,5 Millionen) humanitäre Unterstützung oder Schutz, einschließlich sechs Millionen mit akuten Bedarfen.³⁶² Das entspricht einem Anstieg von 20 Prozent hinsichtlich der Zahl von Menschen mit Bedarfen, verglichen mit Zeitpunkt zu Beginn des Jahres 2020.³⁶³

³⁶⁰ OCHA / WHO, *COVID-19 Humanitarian Update No. 22*, 23 December 2020, <https://bit.ly/392uhbc>, p. 3. “The government continued to pay the salaries of public sector employees (who made up about 55 percent of the labor force in 2014), but the private sector and those reliant on day labor were hit hard. (...) Even those employed by the state have been forced for years to supplement their income with second and third jobs, and were affected as well”; CGP, *Syria’s Economic Meltdown*, June 2020, <https://bit.ly/2HTOwhn>, p. 4.

³⁶¹ UN Country Team, *Framework for the Immediate Socio-Economic Response to COVID-19*, 31 August 2020, <https://bit.ly/3jikstv>, p. 20.

³⁶² OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, <https://bit.ly/3shgULZ>. Im Vergleich dazu benötigten im Jahr 2020 11,1 Millionen Menschen humanitäre Unterstützung, einschließlich 4,7 Millionen mit konkreten humanitären Bedarfen. 2020 erhielten durchschnittlich 7,4 Mio. Menschen jeden Monat eine Form von humanitärer Unterstützung; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 27. In 2021, the UN and partners aim to support 10.5 million people with humanitarian assistance; OCHA, *Global Humanitarian Overview: Syria*, accessed 28 February 2021, <https://gho.unocha.org/syria>.

³⁶³ “Ten years into the Syria crisis, humanitarian needs are deepening. Ongoing insecurity and the compounded impact of displacement, combined with worsening socio-economic conditions characterized by sharp currency depreciation, record-level price increases and cuts in subsidized goods have prompted an almost 20 per cent increase in the number of people in need compared to early 2020 – with a disproportionate impact on women and children”; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, <https://bit.ly/3shgULZ>, p. 2. “None of the metrics point to improvement; on the contrary, humanitarian needs are deepening, now driven increasingly by economic decay and the compounding impact of COVID-19; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 53. “Under current conditions economic recovery in Syria in a form that would create jobs, provide adequate incomes, and stimulate food production for local markets will be almost impossible”; German Institute for International and Security Affairs (SWP), *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 22.

Der Zugang zu Lebensmitteln³⁶⁴, Wohnraum³⁶⁵, Gesundheitsversorgung³⁶⁶, Bildungseinrichtungen³⁶⁷, Wasser und sanitären Anlagen³⁶⁸ sowie Brennstoff und Strom³⁶⁹ ist weiterhin schwer beeinträchtigt.

³⁶⁴ 2020 stiegen die Lebensmittelpreise im ganzen Land rasant an. "Compared to last year, the price of the reference food basket has significantly increased across all 14 governorates. Homs recorded the highest increase (up 288 percent), while Deir-ez-Zor recorded the lowest increase (up 173 percent)"; WFP, Syria Country Office: Market Price Watch Bulletin Issue 74, 23 February 2021, <https://bit.ly/3qS87zW>, p. 1. "Syria's fragile economy has suffered multiple shocks over the last 18 months. Depreciation of the Syrian pound has been one of the most visible effects, with food prices jumping 200 per cent and purchasing power dwindling dramatically as result. Average household expenses now exceed income by 20 per cent and millions of people are resorting to desperate measures to survive"; UN News, As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council, 25 February 2021, <http://bit.ly/2NGR99z>. Laut Ramesh Rajasingham, amtierender stellvertretender Generalsekretär für humanitäre Angelegenheiten, führen die Abwertung der syrischen Währung und die steigenden Lebensmittelpreise dazu, dass die Menschen "[are] increasingly unable to feed their families"; UN News, 'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed, 25 November 2020, <http://bit.ly/3r56orn>. Siehe auch Fußnote 354 und Kapitel III.C.6.c. "Close to half of the surveyed households (44 percent) reported poor and borderline food consumption in December 2020, with the highest levels recorded among female-headed households (54 percent). Although the national average rate of inadequate food consumption (poor and borderline combined) remained steady at the same critical level reached in November 2020, it witnessed a 38 percent increase above the level recorded in December 2019." Nicht ausreichende Ernährung war unter Rückkehrern am höchsten (55%), gefolgt von Vertriebenen (47%) lokal Ansässigen (41%). WFP, Syria mVAM Bulletin 51, 11 January 2021, <https://bit.ly/3asU911>. Während des gesamten Konflikts haben Anschläge der Konfliktparteien auf Märkte, landwirtschaftliche Anbauflächen und Getreidesilos zur Unterbrechung der Nahrungsmittelketten geführt; OAV, Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons, 10 July 2020, <https://bit.ly/2OB9eTf>, p. 11. Siehe auch Kapitel II.E.

³⁶⁵ Die Zahl der Menschen, die eine Unterkunft benötigen, stieg um 20 % von 4,7 Mio. im Jahr 2019 auf über 5,7 Mio. im Jahr 2020 und betraf 238 von 272 Distrikten. 14 % der Bevölkerung leben in beschädigten Gebäuden, und schätzungsweise 23 % der Binnenvertriebenen leben in ungeeigneten Unterkünften; OCHA, 2020 HNO, July 2020, p. 25. Siehe auch UNHCR/Shelter Cluster, Syria Hub: Shelter Sector: Q2 2020, 19 July 2020, <https://bit.ly/2WCKX3v>, p. 1. "In conflict-affected Syrian cities, physical destruction along with the exodus of people is extensive. About one-fifth of all residential buildings in the 15 cities [Afrin, Al-Bab, Aleppo, Al-Qusayr, Raqqa, Dera'a, Deir Ez-Zour, Douma, Homs, Idlib, Kobane, Menbij, Qamishli, Tadmor, Yabroud] covered in this study suffered damage"; World Bank, The Mobility of Displaced Syrians, 6 February 2019, www.ecoi.net/en/document/1457751.html, pp. 12, 108. Eine Analyse von Satellitenbilddaten aus dem Jahr 2020 kam zu dem Ergebnis, dass im Süden und Osten der Provinz Idlib "nearly one-third of buildings have been significantly damaged or destroyed. With most of these areas inhabitants having fled before or during the offensive, the destruction of homes and vital civilian infrastructure will make it nearly impossible for families to return in the near future"; Save the Children, Idlib: New Analysis Reveals Scale of Destruction and Displacement: Civilians Forced into Shrinking Space as Conflict Intensifies, 4 March 2020, <https://bit.ly/2CLhj51>. Die Unterbringungssituation ist für Binnenvertriebene im Nordosten und Nordwesten besonders prekär; siehe Kapitel II.F.2.a.

³⁶⁶ In ganz Syrien funktionieren nur 58% der Krankenhäuser und 53% der primären Gesundheitsversorgungszentren vollständig; OCHA, Syrian Arab Republic: 2021 Needs and Response Summary, 22 February 2021, <https://bit.ly/3shgULZ>, p. 4. "Only 6 per cent of public hospitals, and none of the public health centres in the north-east are assessed to be fully functioning"; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria, 25 February 2021, <https://bit.ly/3axUJ2vg>, p. 4. "The combination of the deliberate targeting of medical facilities, hospitals and medical workers by government forces and the incidental damage to such facilities – at one point rendering approximately half of all medical facilities damaged or destroyed – in addition to the flight of health workers, further imperilled Syrian's access to health care"; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40. "In terms of access to healthcare, since April 2020 approximately 15 percent of households reported facing challenges in accessing medical care, mainly due to lack of financial resources. The peak was observed in October 2020 (21 percent of households) and the proportion of households reporting this issue was slightly higher among returnees (18 percent) and IDPs (15 percent) compared to resident households (12 percent). Moreover, in October 2020 almost 45 percent of surveyed households reported not being able to purchase the necessary medicines, mainly because of lack of financial resources (66 percent) and shortage of medicines in pharmacies (13 percent)"; WFP, Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020, 15 December 2020, <https://bit.ly/3p1s8ml>, p. 12. Laut Ramesh Rajasingham, dem amtierenden stellvertretenden Generalsekretär für humanitäre Angelegenheiten: "[H]ealth services are extremely weak across the country and are being stretched to new extremes under the public health impact of COVID-19." Weiter heißt es: "Gaps in assistance and shortages of medical supplies and personnel are prevalent everywhere." Um ein Beispiel zu geben, wies er darauf hin, dass Schwangere in Dera'a ihre Kinder aufgrund des Bettenmangels in Räumen zur Welt bringen, in denen sich andere Patienten befinden; UN News, 'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed, 25 November 2020, <http://bit.ly/3r56orn>. "Although damage to health facilities is one important effect of hostilities, acute shortages of health care staff – largely driven by displacement, death and injury to health workers, and the flight of health workers from Syria – has become a chronic issue that is much harder to remedy, even with sufficient financial resources. Over 50 per cent of the health workforce is estimated to have left the country." In Südsyrien fünf von sechs Krankenhäusern teilweise zerstört, die Krankenhäuser in den Provinzen Dera'a und Quneitra sind auf Generatoren und Solarstrom angewiesen, und in den Krankenhäusern Nawa und Jassem gibt es überhaupt keinen Strom; OCHA, 2020 HNO, July 2020, pp. 7, 17, 26. Siehe auch PHR, Obstruction and Denial: Health System Disparities and COVID-19

in Daraa, Syria, December 2020, <https://bit.ly/3oJWHg8>. COVID-19 ist eine große Belastung für das angeschlagene Gesundheitssystem: “Bed occupancy rates of 100 per cent are being reported in Sweida, Homs and other governorates, but we also know that many people who are sick are reluctant to seek in-patient treatment”; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 December 2020, <https://bit.ly/3nx2h1K>, p. 1. “The global COVID-19 pandemic has (...) further hollowed out and laid bare the shortcomings of the medical systems in Syria (...)”; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, p. 34. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40; SOHR, *SOHR Documents by Names the Death of Nearly 175 Doctors of Coronavirus in 2020*, 3 January 2021, <http://bit.ly/357fN8w>. Zu Anschlägen auf Krankenhäuser und Gesundheitseinrichtungen durch Regierungstruppen und andere Akteure siehe Kapitel II.E. Siehe Kapitel II.F.2.d und III.A.10.

Zerstörung und Beschädigung von Wasserversorgungs- und Abwassersystemen sowie der Verlust qualifizierter technischer Fachkräfte haben dazu geführt, dass sich der Zugang der Gemeinden zu sicherem Wasser verschlechtert hat. Mehr als 8 Mio. Menschen sind auf alternative und oftmals nicht sichere Wasserquellen angewiesen. Wasserversorgung und Abwassersysteme werden außerdem aufgrund von Stromausfällen häufig unterbrochen; OCHA, *2020 HNO*, July 2020, pp. 7, 17, 27. Die Weltbank stellte Mitte 2017 fest: “Overall, nearly two-thirds of the water treatment plants, half of the pumping stations, a third of the water towers, a quarter of the sewage treatment plants, and a sixth of the wells have been destroyed or partially damaged across Syria”; World Bank, *The Toll of War: The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, www.ecoi.net/en/document/1404878.html, p. 29. Die Konfliktparteien haben ihre Angriffe immer wieder auf die Wasserversorgungssysteme gerichtet. Beispielsweise überfielen die SDF am 13. August 2020 eine Wasseraufbereitungsstation in Ostsyrien, und Berichten zufolge zerstörten sie die Anlagen, sodass die Station den Betrieb einstellen musste; SNHR, *SDF Attacks Water Station in Al Sh-heil City, Deir Ez-Zour Suburbs on August 13, 17 August 2020*, <https://bit.ly/3hgPZea>. Laut Meldungen haben SNA-nahe bewaffnete Gruppen wiederholt die Wasserversorgung von mehr als 460.000 Menschen in den SDF-kontrollierten Gebieten Hassakeh City, Tal Tamer und Umgebung unterbrochen, was von mehreren Quellen als „Wasserkrieg“ bezeichnet worden ist. “Turkey has been using water as a weapon against the AANES, reducing the flow of the Euphrates and tapping into groundwater around the border, thereby reducing the amounts available downstream. (...) the water shortage is exasperating the population and creating additional tensions between Arabs and Kurds”; The Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, <https://bit.ly/2OLUukd>. Siehe auch DW, *Syria: Are Water Supplies Being Weaponized by Turkey?*, 24 January 2021, <https://bit.ly/3pznhbU>; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 December 2020, <https://bit.ly/3nx2h1K>, p. 2; SOHR, *For 24th Day: Drinking Water still Cut Off in Al-Hasakah City and Countryside*, 16 December 2020, <http://bit.ly/3mnttHW>; Al-Monitor, *Turkey Starves Syria's Northeast of Water as Corona Death Toll Mounts*, 24 August 2020, <http://almon.co/3e0x>; HRW, *Turkey/Syria: Weaponizing Water in Global Pandemic?*, 31 March 2020, www.ecoi.net/en/document/2027325.html.

“(...) Ghassan al Zamil, the Minister of Electricity, said in a statement (...) on January 4 [2021] that while Syria’s daily electricity need stands at 7,000 megawatts, the current available amount is less than 3,200 megawatts (...). This confirms the Syrian regime’s inability to secure the main needs of the country’s citizens in areas under its control”; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rfIHn3>, p. 8. “Shortages of oil products and lingering damage to electricity infrastructure from over a decade of conflict have badly affected Syria’s power supply. In response, the Syrian government has rationed power, sometimes with cuts of up to 12 hours a day, as is the case in Hama province. Many people in Aleppo, for instance, depend heavily on expensive private generators, which are reportedly becoming more common in the areas around Damascus as well”; Syria Report, *Government Rations Power to Industrial Cities in New Sign of Crisis*, 3 February 2021, <https://bit.ly/3uvvg8Ny>. Mehr als 5,2 Mio. Menschen haben nur unregelmäßig und weniger als 3 Stunden täglich Zugang zu Strom. Dies sind deutlich mehr als im November 2018 (3,8 Mio. Menschen). Die unregelmäßige Stromversorgung erschwert auch die Erbringung angemessener Gesundheitsdienstleistungen; OCHA, *2020 HNO*, pp. 18, 26. “The public power supply dropped by 62.5 per cent between 2010 and 2015”; ESCWA, *Syria at War: Eight Years On*, 23 September 2020, www.ecoi.net/en/document/2038203.html, p. 51. Siehe auch, UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 5. Eine im Nordwesten durchgeführte Studie von REACH ergab, dass Heizmaterial für die Mehrheit der Menschen im Dezember 2020 nicht bezahlbar war. REACH, *Humanitarian Situation Overview in Syria (HSOS): Northwest Syria*, 29 January 2021, www.ecoi.net/en/document/2044408.html, p. 2. In einer gleichartigen Untersuchung, durchgeführt im Juni 2020 im Nordwesten, berichteten 92 % der Personen, dass sich die Mehrzahl der Menschen keinen Brennstoff zum Kochen leisten könne, und 65 % gaben an, keinen Zugang zu Strom zu haben, da der Brennstoff für Generatoren zu teuer sei; REACH, *Northwest Syria: Conditions in Communities of Return*, 17 July 2020, <https://bit.ly/32RnCc9>. Siehe auch, REACH, *Humanitarian Situation Overview in Syria (HSOS): Northeast Syria*, 21 January 2021, <https://bit.ly/2M4kOIJ>, p. 4. Steigende Brennstoffpreise und sinkende Subventionen für Brennstoff haben die Verfügbarkeit und Bezahlbarkeit von Brennstoff, einschließlich für Transportmittel und für Generatoren, weiter eingeschränkt; siehe Kapitel III.C.6.c.

Arbeitsplatzmangel, fehlende Verdienstmöglichkeiten³⁷⁰ und gestiegene Preise schränken die Kaufkraft der Haushalte ein³⁷¹, wodurch Familien veranlasst werden, schädliche Bewältigungsstrategien anzunehmen, z. B. Reduzierung der Anzahl von Mahlzeiten pro Tag³⁷², Kinderarbeit³⁷³ und Aufnahme von Krediten zwecks Nahrungsmittelbeschaffung.³⁷⁴ Auch bei Jugendlichen kann es vorkommen, dass sie auf negative Bewältigungsstrategien zurückgreifen und sich z. B. extremistischen bewaffneten Gruppen anschließen³⁷⁵ oder kriminelle Aktivitäten entfalten. Sie sind auch gefährdet, in missbräuchliche und ausbeuterische Bewältigungsstrategien eingebunden zu werden.³⁷⁶ Darüber hinaus wurde gemeldet, dass die Regierung hart gegen informelle Geldüberweisungskanäle

³⁷⁰ Schätzungsweise 60 % der Bevölkerung hat keinen Zugang zu einer dauerhaften und regulären Beschäftigung. Dies ist ein Anstieg um 85 % verglichen mit der Situation zu Beginn des Konflikts 2011. Viele Menschen sind als Tagelöhner im informellen Sektor beschäftigt; OCHA, 2020 HNO, July 2020, pp. 28, 34. "Recent data also show the impact of COVID-19 on businesses, with 45 per cent temporarily shut down; 25 per cent operating at reduced levels; and 15 per cent permanently closed. (...) In the north-west, where an estimated 45 per cent of households draw their income from day labor, more than 70 per cent of households say their income does not cover their needs – that's an increase of 10 per cent since January [2020]"; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 September 2020, <https://bit.ly/36ahiUR>, p. 3. "Initial estimates suggest that job losses in recent months have increased unemployment from 42 per cent last year to close to 50 per cent today"; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria, 29 July 2020, <https://bit.ly/2Pvvdvm>, p. 2. Siehe auch iMMAP / DFS, COVID-19 Situation Analysis: Update #4, 5 February 2021, <https://bit.ly/3uwfWh4>, pp. 18-19; SOHR, Workers in Northern Syria: Low Wages and Difficult Living Conditions, 4 February 2021, <http://bit.ly/3q6DiX4>; UN Country Team, Framework for the Immediate Socio-Economic Response to COVID-19, 31 August 2020, <https://bit.ly/3jikstv>, p. 19; FES, COVID-19 and the Syrian Economy: Implications for Social Justice, July 2020, www.ecoi.net/en/document/2032645.html, p. 2; Syrian Center for Policy Research, Syria: Justice to Transcend Conflict, May 2020, <https://bit.ly/2ZOF30Y>, p. 9..

³⁷¹ "More than 80 per cent of displaced families across the country now say that their income does not cover their needs. Families in which women are the primary breadwinner are even worse off – they make 30 per cent less, on average, in terms of income than other displaced families"; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 December 2020, <https://bit.ly/3nx2hIK>, p. 2. Siehe auch Kapitel III.C.6.c.

³⁷² "Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock stressed that parents are eating less so they can feed their children, and sending them to work instead of to school. 'Those who have run out of options are simply going hungry'"; UN News, As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council, 25 February 2021, <http://bit.ly/2NGR99z>. "(...) food consumption has deteriorated since June 2020, reaching a worrisome level in September [2020], when almost 54 percent of surveyed households consumed inadequate diets, 18 percent of which consuming poor diets. Although this trend decreased by five percentage points in October [2020], it remains 44 percent above June 2020 levels and almost double the level recorded in October 2019"; WFP, Impact of COVID-19 in the Middle East, North Africa, Central Asia, and Eastern Europe Update #7 December 2020, 15 December 2020, <https://bit.ly/3p1s8ml>, p. 12. "In government held areas, fewer than 42% of children between 6 and 23 months in Syria are consuming an adequately diverse diet. Diets of children are far worse in areas that are underserved (Deir Ez Zour) and with high displacement (Idlib)"; Save the Children, Hidden Hunger in Syria, 21 September 2020, <https://bit.ly/3iim3cl>, p. 16. Siehe auch OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria, 29 July 2020, <https://bit.ly/2Pvvdvm>, p. 2; und Kapitel III.C.6.c.

³⁷³ Siehe Kapitel III.A.10.

³⁷⁴ Im Dezember 2020, "households reported relying on negative food coping mechanisms to source their essential food needs. More than 65 percent of interviewed households reported relying on less preferred or less expensive food, with peaks recorded in Quneitra (81 percent) and As-Sweida (77 percent). Besides, half of the surveyed households nationwide reduced the number of meals eaten per day and 44 percent of respondents restricted the consumption of adults to prioritize their children's food consumption needs. (...) [T]he adoption of food-based coping strategies among vulnerable groups continued to worsen in December 2020"; WFP, Syria mVAM Bulletin 51, 11 January 2021, <https://bit.ly/3asU91l>, p. 3. More than 70 per cent of Syrians say they have taken on new debt over the last year. Many are selling assets and livestock. Parents are eating less so they can feed their children, and they are sending them to work instead of to school. Those who have run out of options are simply going hungry"; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria, 25 February 2021, <https://bit.ly/3axU2vg>, p. 2.. Siehe auch OCHA, Recent Developments in Northwest Syria: Situation Report No. 23, 21 December 2020, <https://bit.ly/2X8Sx5P>, p. 8; The Syria Report, Pound Devaluation Raises Prices of Subsidised Food Items, 8 July 2020, <https://bit.ly/3g1lvMV>. Siehe auch Kapitel III.C.6.c.

³⁷⁵ Zur Rekrutierung von Kindern durch verschiedene Akteure siehe Kapitel II.E.

³⁷⁶ Jungen und Mädchen sind gefährdet, Opfer von Kinderarbeit, Kinderrekrutierung, häuslicher Gewalt sowie Zwangs- und Kinderehen zu werden; siehe Kapitel III.A.9 und III.A.10.

vorgegangen ist, wodurch vielen syrischen Familien eine lebensnotwendige Unterstützung entzogen wurde.³⁷⁷

In den zurückeroberten Gebieten leiden viele Gemeinden weiterhin unter den langfristigen Folgen des Konflikts³⁷⁸, die durch internationale Handelsbeschränkungen und Finanzsanktionen verschärft werden.³⁷⁹ Trotz erheblicher Schäden³⁸⁰ hat ein Wiederaufbau demolierter Häuser und ziviler Infrastrukturen nur begrenzt stattgefunden.³⁸¹ Meldungen zufolge haben viele Zivilpersonen nach

³⁷⁷ "(...) remittances – on which many families heavily rely – are estimated to have reduced up to 50 per cent"; OCHA / WHO, *Syrian Arab Republic: COVID-19 Humanitarian Update No. 21*, 30 November 2020, <https://bit.ly/2VQPui3>, p. 4. "Estimated remittances from Gulf States alone are now \$2 million per day, down from \$4.4 million in 2017, and at least \$7 million in 2010"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 July 2020, <https://bit.ly/2Pvvdvm>, p. 2. "[I]n recent months, the Government of Syria has shuttered the informal currency exchange offices (hawala) through which many Syrians receive remittances from abroad. As a result, remittances now move through state-controlled banks and exchanges, which exchange them for Syrian pounds at a rate far below its value"; COAR, *Cash Crash: Syria's Economic Collapse and the Fragmentation of the State*, 13 July 2020, <https://bit.ly/32DtHyN>, p. 8. Siehe auch Synaps, *Picking Empty Pockets: Syria's Remittance Economy*, 8 July 2020, <https://bit.ly/2OLrd9x>; Pulitzer Center, *COVID-19 Exacerbates Syria's Socioeconomic Collapse*, 8 July 2020, <https://bit.ly/3hJ2hvX>; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 4; The New Arab, *Syria Insight: Suweida's Autonomy Threatened by New Economic Uncertainties*, 21 June 2020, <https://bit.ly/3FTNkqm>.

³⁷⁸ The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, <https://bit.ly/3ucUayy>; Mercy Corps, *The Facts: What You Need to Know about the Syria Crisis*, 30 March 2020, <https://bit.ly/3eAMyh7>. Mehr als die Hälfte der Binnenvertriebenen befindet sich schon seit über fünf Jahren in der Vertreibung, was zu einem erheblichen Ausmaß an psychischen Leiden und humanitärem Bedarf bei der Mehrheit der Bevölkerung geführt hat. Beispielsweise ergab eine sektorübergreifende Untersuchung des Bedarfs Mitte 2019, dass 42 % der Haushalte Anzeichen psychosozialer Leiden bei ihren Kindern gemeldet hatten; OCHA, *2020 HNO*, July 2020, p. 6. "Among Syrians, including local populations, the displaced and refugees, there is a high prevalence of mental health concerns. (...) It is also worth highlighting that before the conflict in Syria there were few health facilities dedicated to patients with mental disorders. It went from few to virtually none"; AOA, *Blast Injury: The Reverberating Health Consequences from the Use of Explosive Weapons*, 10 July 2020, <https://bit.ly/2OB9eTf>, pp. 13-14. Zwischen Januar und März 2020 wurden in Nordwestsyrien 132 Selbstmordversuche und Selbstverletzungen gemeldet, überwiegend von Binnenvertriebenen; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 12 June 2020, www.ecoi.net/en/document/2031499.html, p. 9. Siehe auch SNHR, *The Most Notable Human Rights Violations in Syria in September 2020*, 3 October 2020, <https://bit.ly/34kyDZR>, p. 3; Enab Baladi, *Escaping Their Reality... Syrians Resort to Suicide*, 9 June 2020, <https://bit.ly/2NeKXlj>; Harvard Public Health Review, *The Syrian Mental Health Crisis: Present Findings and Future Directions*, Vol. 21, 2019, <https://bit.ly/2ph6bGD>. Siehe auch WHO, *2 Psychiatrists for Almost 4 Million People*, 13 September 2019, <https://bit.ly/2muOqC3>. Siehe auch Kapitel II.C.

³⁷⁹ Trotz humanitärer Ausnahmebestimmungen "sanctions by the United States and the EU have had a cumulative effect on humanitarian operations, and securing waivers to allow aid-related imports and bank transfers can be onerous"; The New Humanitarian, *Inflation, Shortages Worsen Syrian Poverty on Eve of New US Sanctions*, 9 June 2020, <https://bit.ly/2YiCX67>. "In addition to the economic harm associated with the conflict, a number of countries imposed unilateral coercive measures on the Syrian Arab Republic, increasing the economic devastation inflicted upon regular civilians. While most such sanctions were targeted at specific individuals and institutions, their impact was likely felt across the Syrian economy, including among the most vulnerable"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 42. Siehe auch OHCHR, *US Must Remove Sanctions and Allow Syria to Rebuild: UN Expert*, 29 December 2020, 29 December 2020, <http://bit.ly/2X5KxCD>; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 20; Brookings Institution, *The Caesar Act and a Pathway out of Conflict in Syria*, 19 June 2020, <https://brook.gs/2ZaxX5v>.

³⁸⁰ "The economic toll has been equally staggering. By the end of the eighth year of conflict, damage to physical capital was estimated at \$117.7 billion. (...) The significant destruction of the economic infrastructure, particularly in sectors such as housing, manufacturing, electricity and power generation, also implies a significant transformation in productive capacity". 17,5 % dieses Gesamtschadens betraf die Wohninfrastruktur; ESCWA, *Syria at War: Eight Years On*, 23 September 2020, www.ecoi.net/en/document/2038203.html, pp. 12, 49-50.

³⁸¹ Laut PHR "the Syrian government has done little to rebuild areas formerly under opposition control or to replace the essential health services that were provided by the humanitarian organizations that were forced to withdraw following the government takeover of the area"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 4. "The destruction is very unevenly distributed. The worst damage is concentrated in areas that were contested, sometimes for years, and recaptured by the regime and its allies from the rebels or the IS. This applies in particular to the eastern suburbs of Damascus, to the Yarmouk refugee camp at the southern periphery of the capital, and to East Aleppo, Al-Raqqah, Homs and Hama. (...) Services including healthcare, education, drinking water and electricity are severely restricted, especially in the (formerly) contested areas"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and its Member States*, July 2020, <https://bit.ly/3ba1y4R>, p. 17. "Reconciled areas are further mired by economic depravity. More than one year after reconciliation, residents in Daraa still lack access to basic necessities such as water, electricity, and education. Whether by choice or lack of funds, the Syrian government has largely failed to rehabilitate infrastructure and provide essential services following the withdrawal of international organizations. Civilians have also been hurt by mass dismissals of civil servants

Jahren unter der Kontrolle (einschließlich Belagerungszuständen) von bewaffneten oppositionellen Gruppen und/oder ISIS keinen adäquaten Zugang zur Grundversorgung³⁸² und einen hohen Bedarf an humanitärer Hilfe.³⁸³ Die Kosten des Wiederaufbaus werden auf 250 Mrd. bis 1 Billion US-Dollar geschätzt³⁸⁴, doch wird davon ausgegangen, dass Wiederaufbauaktivitäten in absehbarer Zukunft nur eingeschränkt stattfinden werden.³⁸⁵

who worked under opposition control"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. Siehe auch Enab Baladi, *Al-Baghouz, Islamic State's Last Fortress, still Feels Negative Effects of Islamic State's Destruction*, 22 December 2020, <http://bit.ly/389i5px>; KAS, *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 4. Einigen Quellen zufolge werden Gebiete, die als „loyal“ angesehen werden, von der Regierung beim Wiederaufbau und der humanitären Unterstützung bevorzugt, während Gebiete, die zuvor von bewaffneten oppositionellen Gruppen kontrolliert wurden, vernachlässigt werden. Laut Sara Kayyali von HRW, "[T]he Syrian government has limited the distribution [of humanitarian aid] to people who have proven loyal or areas considered strongholds for the Syrian government"; Syria Direct, *Syria's 2020 in a Nutshell, and what to Expect for 2021?*, 28 December 2020, <https://bit.ly/3sAlzrG>. "The lack of state resources has meant that the government has focused its reconstruction and early recovery efforts in areas that remained under its control throughout the war, neglecting recaptured areas. These areas are still considered to be hostile"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 27. "Damascus decides who supplies international aid, where it goes, and who profits. In this way it can be sure that humanitarian aid is distributed as it would wish – to secure the allegiance of businesspeople and population groups regarded as loyal, and to punish others. The latter applies in particular to residents of former rebel strongholds such as the Damascus suburb of Duma and East Aleppo"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 10. Siehe auch Syria Report, "Halfaya: Municipality to Compensate Damaged Homes, but only for Loyalists", 23 December 2020, <http://bit.ly/37VomVs>; CGP, *Syria's Economic Meltdown*, June 2020, <https://bit.ly/2HTOwhn>, pp. 7-8; und Kapitel III.A.1.d.

³⁸² "As the Syrian government has regained control of opposition-held territories like Daraa, the pattern of violence has shifted to include reprisals, willful neglect, denial of access for humanitarian services, suppression of information, and arbitrary withholding of aid"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 3, siehe auch pp. 4-5. "The main challenge, said Mohammad Thewaini Mehemid, the head of al-Susah City Council, is the lack of housing and jobs. In al-Susah [Deir Ez-Zour Governorate], people like Radi return to find charred farmland and more than 1,200 uninhabitable homes. Just south of al-Susah, in the town of Baghouz, where IS put up its last stand in Syria, another 1,400 homes were destroyed or damaged, according to local tribal leader Salim al-Marsoumi. (...) Major aid agencies say they're working with NGOs and local partners in Deir Ezzor to provide returnees with support (...) But residents and local government officials told TNH they were yet to see this support"; The New Humanitarian, *Leaving Syria's Notorious al-Hol camp, Civilians Find Little to Go Home to*, 14 January 2021, <https://bit.ly/3ucUayv>. "Former opposition-controlled areas suffered greatly from destruction caused by the government and its allies. Upon recapture by the government, public services, including education, in these areas were often ignored with insufficient investment which sometimes led to a deterioration of essential services and infrastructure"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 19. Siehe auch, MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 3.

³⁸³ Die Gebiete, in denen die Regierung zuletzt die Kontrolle wiedererlangt hat, sind u. a. durch die folgenden Probleme gekennzeichnet: "Restrictions on freedom of movement, high levels of destruction of civilian and public infrastructure, explosive hazard contamination, limited access to core essential services, constraints on commercial access, reduced market functionality and protection related issues, including related to housing, land and property rights"; OCHA, *2020 HNO*, July 2020, p. 42, und siehe auch pp. 5, 17, 50. Beispielsweise benötigen in Ost-Ghouta 2 Mio. Menschen humanitäre Hilfe, und "widespread destruction of civilian infrastructure continues to daily impact vulnerable local communities, including due to a lack of services in health, electricity, water and sanitation networks, agriculture and education"; OCHA, *Humanitarian Update Syrian Arab Republic: Issue 9*, 10 March 2020, <https://bit.ly/31CMuK1>, p. 5. "Living conditions remained dire in areas retaken by the Government (...); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 67. Siehe auch OAV, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, <https://bit.ly/2BdyH1X>, p. 7; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 27, 62; World Bank, *The Mobility of Displaced Syrians*, 6 February 2019, www.ecoi.net/en/document/1457751.html, pp. 108-110, 137-145.

³⁸⁴ SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 5; Carnegie MEC, *The Paradox of Syria's Reconstruction*, 4 September 2019, <https://bit.ly/2YxmP3N>. In einer statistischen Analyse der Weltbank vom August 2019 wurde geschätzt, dass das BIP seit 2011 im Durchschnitt jedes Jahr ein Negativwachstum von 12 % aufgewiesen habe, was das Land etwa 300 Mrd. US-Dollar gekostet habe. Die Autoren kamen zu dem Ergebnis: "Under the optimistic scenario of robust political settlement, with exceptionally high investment-to-output of over 60 percent in the first decade, it would still take Syria about one decade to surpass its 2010 GDP and GDP per capita levels. Under the pessimistic scenario (...) it would take Syria at least two decades to meet its pre-conflict GDP level and close to three to surpass its pre-conflict GDP per capita"; World Bank, *Policy Research Working Paper: Growth after War Syria*, August 2019, <https://bit.ly/3dzRaTx>, p. 34. Siehe auch Institute for International Political Studies (ISPI), *Rebuilding Syria: The Middle East's Next Power Game?*, 9 September 2019, <https://bit.ly/3eygQRJ>, pp. 35, 37, 60, 129.

³⁸⁵ "The funds required for comprehensive reconstruction are extremely unlikely to become available, given the attitude of the Syrian leadership, the economic ramifications of the Covid-19 pandemic, and the geopolitical interests of regional and global powers.

Der 2020 Syria Humanitarian Response Plan, der den Rahmen für die Reaktion der humanitären Gemeinschaft auf die massiven humanitären Bedürfnisse und den ausgeprägten Schutzbedarf in Syrien festlegte, benannte einen Bedarf finanzieller Mittel in Höhe von 3,82 Mrd. US-Dollar, einschließlich 384,2 Mio. US-Dollar für Maßnahmen im Zusammenhang mit der COVID-19-Pandemie.³⁸⁶ Zum Zeitpunkt der Erstellung des vorliegenden Dokuments hatte der Plan erst 56,1 % seines Gesamtmittelbedarfs erhalten³⁸⁷, und aufgrund der Finanzierungslücken sind Hilfsprogramme gefährdet.³⁸⁸ Der 2021 Syria Humanitarian Response Plan, der zum Zeitpunkt der Erstellung des vorliegenden Dokuments noch nicht veröffentlicht war, wird voraussichtlich einen Bedarf von 4,2 Milliarden US\$ beinhalten.³⁸⁹

2) Humanitärer Bedarf besonders schutzbedürftiger Gruppen

a) Binnenvertriebene und Rückkehrer

Die humanitären Bedingungen im Nordwesten des Landes, wo die Mehrzahl der Menschen humanitären Bedarf hat³⁹⁰, sind als ein „von Menschen verursachter humanitärer Alptraum“³⁹¹ und als „größte humanitäre Horrorgeschichte des 21. Jahrhunderts“ beschrieben worden.³⁹² Im Januar 2021 hielten sich im Nordwesten ungefähr 2,7 Mio. Binnenvertriebene auf, einschließlich Personen, die durch Luftangriffe, Artilleriebeschuss und Bodenangriffe vertrieben wurden, als die Regierungstruppen zwischen Dezember 2019 und Anfang März 2020 versuchten, Idlib und die benachbarten Gebiete zurückzuerobern.³⁹³ In dem Gebiet leben auch Binnenvertriebene aus anderen Teilen Syriens, einschließlich Personen, die im Rahmen von „Evakuierungsabkommen“ unter Zwang aus ehemals von der Opposition kontrollierten Gebieten vertrieben wurden, u. a. aus Aleppo, Homs, Dera'a und Ost-Ghuta.³⁹⁴ Viele Binnenvertriebene wurden bereits mehrfach vertrieben.³⁹⁵ Die Lager für Binnenvertriebene in Idlib und Umgebung sind überfüllt, und viele Vertriebene sind gezwungen, in provisorischen Behausungen zu leben, z. B. unfertigen oder verlassenen Gebäuden, oder müssen im

Nor are resources likely to be deployed in line with the needs of the population“; SWP, Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States, July 2020, <https://bit.ly/3f3P7Yo>, p. 2. Siehe auch Atlantic Council, 2021 Budget Reveals the Depth of Syria’s Economic Woes, 1 December 2020, <https://bit.ly/2Wdyoep>; Journal of Middle Eastern Politics and Policy, Syria, the Gulf, and Reconstruction – What Possible Future?, 25 April 2020, <https://bit.ly/32XAYcP>. Bei einer Untersuchung der Chancen Syriens auf einen Wiederaufbau der Wirtschaft und eine Ankurbelung der Investitionen stellte ein Analyst fest: „Opportunities for regional engagement will be constrained, and Syria’s post-war economy will likely remain piecemeal and skeletal“; Cairo Review of Global Affairs, Syria’s Prospects for Reconstruction Are Bleak, 2020, <https://bit.ly/3glAGd6>.

³⁸⁶ OCHA Financial Tracking Service (FTS), Syria Humanitarian Response Plan 2020, Zugriff am 28. Februar 2021, <https://bit.ly/38gK3y4>.

³⁸⁷ Ebenda; OCHA, Syrian Arab Republic: Humanitarian Funding Gaps, 29 June 2020, <https://bit.ly/2VRNrL9>, p. 1.

³⁸⁸ Im Nordwesten beispielsweise “[S]ignificant funding gaps have been noted by the WASH, Health, and Protection Clusters, with several programs closing down or at imminent risk of doing so. In particular, millions of people may go without adequate water and sanitation services, several COVID-19 treatment centres and facilities that treat gender-based violence are at risk of closing. Urgent funding is needed to maintain existing programming.“; OCHA, Recent Developments in Northwest Syria: Situation Report No. 24, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 2. Es lassen sich auch mit den derzeit verfügbaren Finanzmitteln nur 2,3 von 3 Mio. Menschen erreichen, die eine Unterstützung im Winter am nötigsten haben; OCHA, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria, 16 December 2020, <https://bit.ly/3nx2hIK>, p. 3. Siehe auch OCHA, Syrian Arab Republic: Humanitarian Funding Gaps, 29 June 2020, <https://bit.ly/2VRNrL9>, p. 1, 4, 17, 19, and 21.

³⁸⁹ OCHA, Recent Developments in Northwest Syria: Situation Report No. 24, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 3.

³⁹⁰ “Of the estimated 4 million people now living in the north-west of the country, 70 per cent require humanitarian assistance“; UNSC, Review of United Nations Humanitarian Cross-Line and Cross-Border Operations, 14 May 2020, S/2020/401, www.ecoi.net/en/document/2030467.html.

³⁹¹ UN News, UN Chief Appeals for End to Syria’s Man-Made Humanitarian Nightmare, 21 February 2020, <https://shar.es/abnzMo>.

³⁹² UN News, As North-West Syria Violence Reaches ‘Horrorifying’ New Level, UN Relief Chief Says Ceasefire Is Only Option, 17 February 2020, <https://shar.es/aHIPC3>.

³⁹³ Einschließlich 1,6 Millionen Binnenvertriebener, die in 1.300 Lagern und informellen Wohnstätten leben; UN News, Syria Floods: Humanitarians Working ‘Round the Clock’ to Provide Urgent Relief, 29 January 2021, <https://shar.es/aokzZP>. Auch im Januar 2021 wurden weiter neue Vertreibungen in Nordwestsyrien gemeldet; OCHA, Recent Developments in Northwest Syria: Situation Report No. 24, 26 January 2021, <https://bit.ly/3ubmCB6>, p. 2.

³⁹⁴ Zur Zwangsverteilung der Zivilbevölkerung im Rahmen von Evakuierungsabkommen siehe auch Kapitel III.A.1.d und Fußnote 502.

³⁹⁵ UN News, As Syrian Conflict Enters 10th Year, ‘Brutal Truth’ Is, there Is Little Protection for Families, 13 March 2020, <https://shar.es/abnzHy>.

Freien bleiben.³⁹⁶ Schlechte Wetterverhältnisse, u. a. Schnee, Minusgrade und starke Regenfälle hatten häufig erneute Vertreibung und den Tod von Kindern zur Folge.³⁹⁷ In Gebieten des Nordwestens, die vom Konflikt betroffen sind, wurden ganze Städte und Dörfer von ihren Bewohnern verlassen.³⁹⁸

Die humanitäre Lage an den landesweiten Standorten, an denen Vertriebene leben³⁹⁹, einschließlich in Al-Hol⁴⁰⁰, Roj und Areesha (Provinz Hassakeh)⁴⁰¹, Ain Issa (Provinz Raqqa), Atmeh (Provinz Idlib) und

³⁹⁶ "More than 1.5 million of the 2.7 million IDPs in NWS currently shelter in around 1,100 'last resort' sites. Many of these sites are overcrowded, and access to shelter, safe water, food, health and psychosocial support is inadequate"; OCHA, *Global Humanitarian Overview: Syria*, accessed 28 February 2021, <https://gho.unocha.org/syria>. "Living conditions for Internally Displaced People (IDP) in northwest Syria are appalling: most are forced to shelter either in abandoned buildings and building sites, or overcrowded IDP camps"; HALO Trust, *Explosive Hazard Contamination in Northwest Syria - Roundtable Meeting Report*, 17 December 2020, <https://bit.ly/2LjBrj2>, p. 3. Siehe auch, SOHR, *Displaced People in Government Buildings in Idlib City: Disastrous Humanitarian Situation, amid Fears of Expulsion by the "Salvation Government"*, 14 February 2021, <https://bit.ly/2Z0Y3Mp>; OCHA, *2020 Humanitarian Response Plan*, 30 December 2020, <https://bit.ly/2XcsWZv>, pp. 8-9; UNHCR/Shelter Cluster, *North-West Syria: Shelter & NFI Emergency Overview (October 2020)*, 27 November 2020, <https://bit.ly/39Xcrbt>, p. 1. North Press Agency, *IDPs from Syria's Idleb Demand Solutions to High Rental Costs*, 20 October 2020, <https://bit.ly/2HENWnd>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 68, 106; IRC, *Hunger Spreading Across Syria Amid COVID-19 and Economic Collapse*, 28 June 2020, <https://bit.ly/2AW5iJl>.

³⁹⁷ SOHR, *Rainstorm and Floods Damage over 700 Tents in Displacement Camps in Idlib and Aleppo*, 31 January 2021, <http://bit.ly/3kbbdVj>; UN News, *Syria Floods: Humanitarians Working 'Round the Clock' to Provide Urgent Relief*, 29 January 2021, <https://shar.es/aokzZP>; BBC, *Syria War: 20,000 Abandon Tents after Floods Inundate Camps*, 25 January 2021, <http://bbc.in/3a6SMEj>; SOHR, *Hundreds of Families Affected by Rainstorm and Bad Weather in Displacement Camps near the Border with Iskenderun Region*, 15 December 2020, <http://bit.ly/3oSRu5D>; Médecins Sans Frontières (MSF), *Northwestern Syria: Millions of Displaced People Brace for Another Harsh Winter*, 9 December 2020, <http://bit.ly/3oYE9sv>; SOHR, *Heavy Rains Kill Five Children and Displace Dozens of Families Living in Makeshift Camps, West of Idlib*, 19 June 2020, <https://bit.ly/3hGwdcG>; UN News, *As Children Freeze to Death in Syria, Aid Officials Call for Major Cross-Border Delivery Boost*, 2 March 2020, <https://shar.es/abnACm>.

³⁹⁸ "At the time of the March 2020 ceasefire agreement between Russia and Turkey, over 300 villages and towns in the region had been completely depopulated"; HRW, "Targeting Life in Idlib"; *Syrian and Russian Strikes on Civilian Infrastructure*, October 2020, www.ecoi.net/en/document/2039286.html, p. 39. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 10.

³⁹⁹ "Many of the actors controlling territory were, and remain, poorly equipped to respond to the needs of displaced persons, with internally displaced persons forced to seek shelter in overcrowded camps and abandoned buildings and at times to sleep out in the open. Camps for displaced persons, such as Rukban next to Tanf, have become notorious for malnutrition and a host of human rights failures, while camps such as the Al-Hawl camp have become internment camps, where tens of thousands are unlawfully deprived of liberty (...). Displacement across the country has been characterized by denial of access to the rights to food, water, health, education and an adequate standard of living"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 66-67. "The living conditions in all refugee [displacement] camps in Syria have continued to deteriorate due to the poor humanitarian conditions and the high cost of living, in addition to the outbreak of the COVID-19 pandemic amid extremely poor conditions that prevent the implementation of any precautionary measures"; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, <https://bit.ly/3nn9MLV>, p. 9. Laut Schätzungen gibt es in Syrien 960 Standorte, an denen Binnenvertriebene leben, einschließlich informeller und provisorischer Siedlungen, wobei sich die Mehrzahl im Nordwesten und Nordosten befindet; OCHA, *2020 Humanitarian Response Plan*, 30 December 2020, <https://bit.ly/2XcsWZv>, p. 38.

⁴⁰⁰ Anfang Februar 2021 lebten beinahe 62.000 Menschen, mehrheitlich Ausländer, im Lager Al-Hol. Bei der überwiegenden Mehrzahl (93 %) handelte es sich um Frauen und Kinder. UN News, *Without 'Constructive International Diplomacy' Syria's Peace Process Will not Move Forward*, 9 February 2021, <https://shar.es/aokzsO>. "Thousands of people held in the camps are exposed to violence, exploitation, abuse and deprivation (...); UN News, *'Unknown Number' of Foreign Nationals Have Died in Squalid Syrian Camps, Say Rights Experts*, 8 February 2021, <https://shar.es/aokze8>. Berichten zufolge sind Hunderte von Personen, zumeist Kinder, im Lager Al-Hol (Provinz Hassakeh) aufgrund der schlechten Lebensbedingungen gestorben, einschließlich an vermeidbaren Erkrankungen wie Lungenentzündung, Dehydrierung und Unterernährung. SOHR meldete, dass zwischen Januar 2019 und Januar 2021 694 Personen starben, einschließlich 521 Kindern; SOHR, *"Al-Hawl Mini-State" in 2020*, 8 January 2021, <http://bit.ly/302DDQ5>. Siehe auch The New Humanitarian, *Leaving Syria's Notorious al-Hol Camp, Civilians Find Little to Go Home To*, 14 January 2021, <https://bit.ly/3ucUayv>; UN News, *Syria: Humanitarians 'Very Concerned' for Thousands still Living in Al Hol Camp*, 16 October 2020, <https://shar.es/abLsov>.

⁴⁰¹ "Worryingly, conditions in the camps across the north-east deteriorated in the reporting period, with medical services reportedly being stripped down to skeletal levels due to COVID-19. Camp authorities and the self-administration [AANES] also reported that the closure of the Ya'rubiyah crossing reduced the sustainability of living conditions due to the inability to provide humanitarian assistance"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 72. Siehe also, REACH, *Camp Profile: Roj*, 12 December 2020, <https://bit.ly/3pAq58H>.

in der provisorischen Siedlung in Rukban (Provinz Homs) an der syrisch-jordanischen Grenze⁴⁰², ist Berichten zufolge noch immer niederschmetternd und verschlechtert sich kontinuierlich.⁴⁰³ Die wiederholte Unterbrechung der Wasserversorgung durch SNA-nahe bewaffnete Gruppen führt dazu, dass sich die Situation in den Lagern Al-Hol und Areesha weiter verschärft.⁴⁰⁴

In vielen Gebieten des Landes hat die Präsenz von Binnenvertriebenen und/oder Rückkehrern in den Aufnahmegemeinden den Druck auf die bereits reduzierten Infrastrukturen, Dienstleistungen und Verdienstmöglichkeiten erhöht, wodurch das Sozialgefüge vor einer Herausforderung steht.⁴⁰⁵ Viele Rückkehrer müssen sich mit einer schlecht funktionierenden Grundversorgung, beschädigten oder zerstörten Häusern und eingeschränkten Verdienstmöglichkeiten arrangieren.⁴⁰⁶ Es wird davon

⁴⁰² Seit September 2019 haben die Vereinten Nationen keinen Zugang zu etwa 12.000 Binnenvertriebenen, die weiterhin unter harten Bedingungen in Rukban nahe der syrisch-jordanischen Grenze leben; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 15. Siehe auch Syria Direct, *No Flour for Days in Al-Rukban: Residents Fear Famine amid Growing Food Shortages in Syria*, 4 February 2021, <https://bit.ly/3baSkW8>; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, <https://bit.ly/36ahiUR>, p. 3; The New Humanitarian, *Jordan Returns Refugees to Desolate Syrian Border Camp, Rights Groups Cry Foul*, 16 September 2020, <https://bit.ly/3oZ0ZBo>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 33. Berichten zufolge sind etliche Kinder an vermeidbaren Ursachen gestorben, weil keine Gesundheitsversorgung zugänglich war; PBS, *Most Aid to Syria's Rukban Camp Has Been Blocked for more than a Year. Here's Why*, 14 March 2020, <https://to.pbs.org/38hG8Bf>.

⁴⁰³ Laut Sonia Khush, Syria Response Director von Save the Children, "millions of people in northern Syria rely on humanitarian aid delivered largely through the United Nations cross-border mechanism. In camps for internally displaced persons, food, water and hygiene needs are still not being met. Many there live in flimsy tents, highly vulnerable to flooding and extreme cold"; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict, International Aid Organization Official Tells Security Council*, 25 February 2021, <http://bit.ly/2NGR99z>. "A third of the 6.7 million internally displaced people in the Syrian Arab Republic lack adequate shelter. Geographically, poor shelter conditions are most prevalent in Idlib, Aleppo and Rif Dimashq Governorates, in Raqqah city and generally in camps in the northeast and north-west"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 5. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 66-67; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 59-60, 63, 68, 106-107; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, paras 6-7.

⁴⁰⁴ OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 September 2020, <https://bit.ly/36ahiUR>, p. 3. Siehe auch Fußnote 367.

⁴⁰⁵ "Communities situated along the Syrian-Turkish border and communities in parts of northern Aleppo in particular have witnessed high numbers of Internally Displaced Person (IDP) arrivals, putting increased pressure on already strained infrastructure and services"; REACH, *Northwest Syria: Multi-Sectoral Rapid Needs Assessment*, March 2020, www.ecoi.net/en/document/2027982.html, p. 1. Siehe auch REACH, *Camps & Sites Needs Assessment Northwest Syria Sub-District Profiles & Comparative Dashboard: January - February 2020*, 21 April 2020, www.ecoi.net/en/document/2028441.html, p. 2. Der Zusammenhalt zwischen den Gruppen, wie z. B. zwischen Binnenvertriebenen und Aufnahmegemeinden, nimmt Berichten zufolge ab: "Ethnic and confessional mobilisation and war crimes have left the social contract between political leadership and population fractured and the coexistence of diverse ethnic and religious groups deeply harmed"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 21. Gewalt und Konflikt haben "broken up larger social structures, dissolved associations and deprived individuals of what had previously been [peoples'] social anchors"; ISPI, *Rebuilding Syria: The Middle East's Next Power Game?*, 9 September 2019, <https://bit.ly/3eygQRJ>, p. 129. Siehe auch CARE International, *Understanding Resilience: Perspectives from Syrians*, February 2020, www.ecoi.net/en/document/2025513.html, pp. 6-7, 51-53.

⁴⁰⁶ Ein Beispiel: "Hujeireh [in Rural Damascus Governorate] still suffers from neglect and lacks basic services. Its bakery is out of service, and the secondary school has not yet been repaired. The cell phone towers are still destroyed and electricity is off for long periods due to rationing"; Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, <http://bit.ly/2NEWwWM>. Halfaya, eine Stadt im nördlichen Teil des Governorate Hama, die im Jahr 2017 von den Regierungskräften zurückerobert wurde, "(...) still suffers from poor public services. Drinking water is sold from large tanks, electricity networks are not running, and the roads need full maintenance"; Syria Report, "Halfaya: Municipality to Compensate Damaged Homes, but only for Loyalists", 23 December 2020, <http://bit.ly/37VomVs>. "Humanitarian needs in the south remained extensive. In Dar'a Governorate, with a population of some 1 million people, 41 per cent are food insecure and over a third of the population are returnees"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 14 October 2020, www.ecoi.net/en/document/2039998.html, para. 13. Siehe auch AOA, *The Broken Land: The Environmental Consequences of Explosive Weapon Use*, 3 July 2020, <https://bit.ly/2BdyH1X>, p. 17; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 62; OCHA, *2020 HNO*, July 2020, pp. 31, 50. Für Rückkehrhindernisse siehe auch Kapitel II.D.3.

ausgegangen, dass größere Rückkehrbewegungen die Gemeinden und die Versorgungsdienste, die von den Gemeinden in Anspruch genommen werden, noch stärker unter Druck setzen werden.⁴⁰⁷

Aufgrund erheblicher Überbelegung, unhygienischer Lebensbedingungen, überlasteter Gesundheitsdienste und einer niedrigen Quote routinemäßiger Impfungen sind Binnenvertriebene, insbesondere in Lagern und informellen Siedlungen, bei Ausbrüchen von Infektionskrankheiten, einschließlich COVID-19, besonders gefährdet, was Anlass zur Besorgnis gibt.⁴⁰⁸

b) Personen ohne Ausweispapiere

Verlust und Zerstörung von Ausweispapieren sowie der Ausfall bzw. das Fehlen von Behörden, die Ausweise ausstellen⁴⁰⁹, beeinträchtigen u. a. die Möglichkeit von Zivilpersonen, Personenstandsfälle – wie Geburten, Eheschließungen und Todesfälle – eintragen zu lassen und Wohn-, Land- und Eigentumsrechte auszuüben⁴¹⁰, und behindern ihren Zugang zu Grundversorgungsdiensten, Arbeitsplätzen, Verdienstmöglichkeiten und humanitären Hilfsleistungen.⁴¹¹ Die Furcht vor einer Festnahme hindert Menschen daran, fehlende Dokumente zu beantragen oder zu ersetzen, insbesondere dann, wenn die Betroffenen Dokumente besitzen, die von nichtstaatlichen Akteuren

⁴⁰⁷ OCHA, 2020 HNO, July 2020, p. 50. "In past months, large-scale civilian movements towards areas close to the front-line have been observed. Civilians returning to their original locations of residence may face a shortage of basic supplies and services, general insecurity, limited assistance, as well as damage to – or destruction of – homes"; OCHA, Syrian Arab Republic: Recent Developments in Northwest Syria, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 12.

⁴⁰⁸ "With over 50 percent of the health infrastructure destroyed, and hundreds of thousands without shelter and unable to practice social distancing, the region [North-West] is increasingly at risk of a devastating outbreak"; HRW, World Report 2021: Syria, 13 January 2021, www.ecoi.net/en/document/2043510.html. "Proper hygienic practices are key to preventing the spread of the virus. However, even the simple act of hand washing can be a luxury for many IDPs. Camp residents have limited access to latrines, with dozens of people often sharing the same one"; Refugees International, A Crisis on Top of a Crisis: Covid-19 Looms over War-Ravaged Idlib, 28 April 2020, <https://bit.ly/3dv41pN>. Siehe auch World Vision International (WVI), COVID-19 Surge in Northwest Syria as Cases Multiply by 14 Times in One Month, 3 October 2020, <https://bit.ly/34vEaM8>; MSF, Ten-Fold Increase in COVID-19 Cases Adds New Challenges in Northwest Syria, 22 September 2020, <https://bit.ly/3cxUZd1>; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 3.

⁴⁰⁹ "Assessments indicate that 75 percent of those surveyed report a lack or loss of civil documentation as an issue in northwest Syria, 16 percent higher than at the national level. Lack of civil documentations has been indicated as a main barrier to access to humanitarian assistance"; OCHA, Recent Developments in Northwest Syria: Situation Report No. 24, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 8. "Among protection concerns, 59 per cent of assessed communities reported they had lost civil documentation. Reasons are numerous, including leaving papers behind when fleeing gunfire, expiration and lack of legal services, and confiscation"; ESCWA, Syria at War: Eight Years On, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 35. In einer sektorübergreifenden Untersuchung des Bedarfs von 1.509 Gemeinden in Syrien im Jahr 2019 berichteten alle Teilnehmer, dass es in ihren Gemeinden Probleme im Zusammenhang mit Ausweisdokumenten gebe. Problematisch waren z. B. der Zugang zu Diensten und Unterkünften und eine zunehmende Einschränkung der Freizügigkeit. In Gemeinden, die von Einschränkungen der Freizügigkeit berichteten, gaben 64 % fehlende Ausweisdokumente als Grund an. Als Gründe für das Fehlen von Ausweisdokumenten gaben die Teilnehmer u. a. an, dass sie die Dokumente bei der Vertreibung verloren hätten, Behördendienste nicht verfügbar oder nicht zugänglich seien oder sie sich neue Dokumente nicht leisten könnten; OCHA, 2020 HNO, July 2020, p. 19. Eine syrische Nachrichtenseite berichtete im Juni 2020 von "Thousands without birth certificates, thousands without personal identities, and others without documents for marriage, divorce, death, or property, some of whom were unable to obtain those documents at all, and others lost them during the years of war and displacement"; Enab Baladi, Thousands of People Without ID Documents in Syria's Idlib, 3 June 2020, <https://bit.ly/2BsZHuy>. Siehe auch WVI, Northwest Syria Gender Analysis: A Comprehensive Gender and Age Analysis for the Northwest Syria Humanitarian Response, 5 May 2020, <https://bit.ly/2NRHIQP> (im Folgenden: WVI, Northwest Syria Gender Analysis, 5 May 2020, www.ecoi.net/en/document/2026268.html), pp. 12, 38, 48. In Gebieten, in denen von der Regierung ausgestellte Dokumente nicht erhältlich sind, verwenden viele Menschen inoffizielle und informelle Dokumente als Ersatz; The New Humanitarian, Stop-Gap Solutions for Syrians Without Papers, 4 August 2020, www.ecoi.net/en/document/2035292.html.

⁴¹⁰ Der Besitz amtlicher Dokumente, insbesondere eines persönlichen Identitätsausweises, ist Voraussetzung, um Zugang zu amtlichen Verfahren zu erhalten, einschließlich für die Beantragung anderer Arten von Dokumenten (z. B. Familienstammbuch, Pass), die Registrierung von Personenstandsfällen wie Geburten, Eheschließungen, Todesfällen und Scheidungen sowie die Geltendmachung von Wohn-, Land- und Eigentumsrechten; UNHCR, Booklet on Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2020, <https://bit.ly/34fbEjc>. Zu speziellen Hindernissen für Frauen, die keine amtlichen Dokumente besitzen, siehe Kapitel II.F.2.c. Zum erhöhten Risiko der Staatenlosigkeit von Kindern ohne Geburtenregistrierung siehe Kapitel III.A.10.

⁴¹¹ OCHA, 2020 HNO, July 2020, pp. 19-20, 24, 31, 33, 35. Siehe auch UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 62-65; STJ et al., A Complaint to Three UN Special Rapporteurs on the Loss of Evidentiary Documents by Syrians, 12 October 2020, <https://bit.ly/35w7vGT>; Enab Baladi, Syrian Regime Cancels Thousands of Eastern Ghouta's Real Estate Contracts Leaving Properties' Fate Unknown, 23 June 2020, <https://bit.ly/38o6DoE>; FES, Reclaiming Home: The Struggle for Socially Just Housing, Land and Property Rights in Syria, Iraq and Libya, September 2019, www.ecoi.net/en/document/2023128.html, pp. 25-29.

ausgegeben wurden.⁴¹² Das Fehlen von Dokumenten beeinträchtigt die Freizügigkeit und führt insbesondere dazu, dass die Betroffenen stärker mit Festnahmen und Verhaftungen rechnen müssen (z. B. an Kontrollstellen)⁴¹³, und stellt darüber hinaus ein Rückkehrhindernis dar.⁴¹⁴

c) Frauen und Mädchen

Der langfristige humanitäre Bedarf für vertriebene Frauen und Kinder steigt.⁴¹⁵ Die Wirtschaftskrise Syriens wirkt sich überproportional auf Frauen im gesamten Land aus, führt wahrscheinlich zu einem Anstieg sexueller und geschlechtsspezifischer Gewalt und wird eine weitere Verarmung von Haushalten, die von Frauen geführt werden, zur Folge haben.⁴¹⁶ Insoweit meldete das Amt der Vereinten Nationen für die Koordinierung humanitärer Angelegenheiten (OCHA) im Juli 2020, dass im Nordwesten die Kämpfe, ein Anstieg der Vertreibungen und COVID-19-Restriktionen zu vermehrten Meldungen sexueller und geschlechtsspezifischer Gewalt geführt haben.⁴¹⁷

Immer mehr Frauen und Mädchen sind zur primären oder ausschließlichen Versorgerin ihrer Familien geworden, da ihre männlichen Familienangehörigen verletzt, behindert, festgenommen,

⁴¹² "In areas recaptured by government forces, Syrian authorities do not recognize civil documentation issued by armed groups"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 63. "(...) many [IDPs] lack legal documents and civil status documents such as ID card, family book, birth certificate, and death certificate. The confiscation of these documents by security and military checkpoints is one of the most important factors of such loss, as well as the high financial cost of obtaining other documents. Moreover, the documents issued by the opposition parties expose the owner to significant risks if used outside their areas of control"; STJ et al., *A Complaint to Three UN Special Rapporteurs on the Loss of Evidentiary Documents by Syrians*, 12 October 2020, <https://bit.ly/35w7vGT>. "Suspicious-looking or opposition-stamped papers are likely to draw the attention of Syria's security agencies, which have a grim track record of arbitrary arrests and the killing of detainees"; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, [/www.ecoi.net/en/document/2035466.html](http://www.ecoi.net/en/document/2035466.html). "(...) civilians who have obtained property ownership documents from opposition real estate records are reluctant to show them in fear of being arrested or held accountable by the regime's government entities"; Enab Baladi, *Syrian Regime Cancels Thousands of Eastern Ghouta's Real Estate Contracts Leaving Properties' Fate Unknown*, 23 June 2020, <https://bit.ly/38o6DoE>. Siehe auch The New Humanitarian, *No Papers, No Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html und Kapitel III.A.1.a.

⁴¹³ Laura Cunial, Spezialistin für Rechtsberatung beim Norwegian Refugee Council (NRC), beschreibt Ausweispapiere als "a tool to function anywhere, but especially in a place like Syria where people's freedom of movement is very dependent on having these types of documents"; The New Humanitarian, *No Papers, no Rights: Understanding Syria's Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html. Siehe auch Kapitel II.B.1.a.

⁴¹⁴ Siehe Kapitel II.D.3.

⁴¹⁵ In ganz Syrien sind die gesundheitlichen Bedürfnisse von Frauen zu einem erheblichen Grad nicht gedeckt; Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 105-107; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html. Zum angestiegenen Niveau akuter und chronischer Mangelernährung bei Kindern, siehe Kapitel II.F.2.d.

⁴¹⁶ Das Niveau der Ernährungssicherung in Syrien bleibt kritisch, wobei Haushalte, die von Frauen geführt werden, die größte Not leiden. "December [2020] data outlined that around 85 percent of the surveyed households mentioned applying at least one foodbased coping strategy, with the highest level recorded among female-headed households (92 percent)"; WFP, *Syria mVAM Bulletin 51*, 11 January 2021, <https://bit.ly/3asU911>, p. 3. "As the economic downturn increasingly impedes the ability of households to meet their basic needs, financially motivated negative coping mechanisms are increasingly being adopted, including child labour, forced prostitution, forced abortions and early and forced marriages"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 7 August 2020, www.ecoi.net/en/document/2035718.html, p. 2. "Female-headed households report an average income 33% lower than the national average, making them exceptionally susceptible to economic shocks"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 4. "Syrian women have higher rates of poverty than men; they face increased risk of gender-based violence; and they shoulder the responsibility of caring for their children and other family members"; UN Women, *Op-Ed: Put Women at the Centre of Syria Crisis Response*, 2 July 2020, <https://bit.ly/31eAdul>. Siehe auch FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, <https://bit.ly/33Bc9E3>, p. 2.

⁴¹⁷ "Significant increases in different types of gender-based violence (GBV) are being reported, particularly incidences of domestic violence such as marital rape, physical and emotional violence and denial of resources, with girls and women with disabilities and pregnant women especially vulnerable"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 3. Furcht vor sexueller Gewalt kann Frauen die Möglichkeit nehmen, Zugang zu humanitärer Hilfe zu erhalten. Beschränkungen der Freizügigkeit und negative Bewältigungsstrategien "are also affecting [women's] access to essential humanitarian aid. The fear of sexual harassment and exploitation that some women and girls face at aid distribution sites in Syria has caused them to feel so unsafe that they are avoiding going at all"; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14.

verschwunden, tot oder Beschränkungen der Freizügigkeit unterworfen sind.⁴¹⁸ Diese Frauen und Mädchen haben laut Meldungen im Rahmen ihrer Berufstätigkeit und der Versorgung ihrer Familien mit besonderen Risiken und Schwierigkeiten zu kämpfen⁴¹⁹, da Frauen sozial und gesetzlich diskriminiert werden sowie gezielter und willkürlicher Gewalt ausgesetzt sind.⁴²⁰

Frauen, denen es in der öffentlichen Wahrnehmung an einem „männlichen Beschützer“ fehlt, sind Berichten zufolge in besonderem Maße von Ausbeutung, geschlechtsspezifischer Gewalt und Armut bedroht.⁴²¹ In Gebieten, die *de facto* von HTS und SNA-nahen bewaffneten Gruppen kontrolliert werden, müssen Frauen in der Öffentlichkeit Berichten zufolge von einem nahestehenden männlichen Verwandten begleitet werden. Frauen ohne einen nahestehenden männlichen Verwandten sind daher erheblichen Einschränkungen ihrer Freizügigkeit ausgesetzt und haben nur begrenzten Zugang zu Dienstleistungen und Beschäftigungsmöglichkeiten.⁴²² Es wird berichtet, dass geschiedene Frauen und

⁴¹⁸ “About 22% of Syrian households are now headed by women; this is up from only 4% prior to the conflict”; CARE, ‘If We Don’t Work, We Don’t Eat’: Syrian Women Face Mounting Food Insecurity a Decade into the Conflict, 25 February 2021, <https://bit.ly/3sxSL4e>, p. 2. “Female-headed households have been rapidly increasing because of the widespread and systematic arrests and disappearances of men and boys, primarily by pro-government forces”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 64. “The disproportionate killing of civilians and [the destruction of] healthcare infrastructure means that millions of Syrian women are faced with a grim reality. The rise in female-headed households means that many are burdened with the grief of widowhood along with a heightened responsibility to act as both breadwinner and primary care giver within their families”; Human Appeal, Risking Death to Give Birth, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 38. Siehe auch OCHA, 2020 HNO, July 2020, p. 34; WVI, Northwest Syria Gender Analysis, 5 May 2020, www.ecoi.net/en/document/2026268.html; COAR, The Business of Empowering Women: Insights for Development Programming in Syria, May 2020, www.ecoi.net/en/document/2030991.html, pp. 3-4, 10; World Bank, The Mobility of Displaced Syrians, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 13; UNFPA, Voices from Syria 2020, 2 April 2020, <https://bit.ly/30AdBUa>, pp. 13, 59; CARE, Supporting Resilience in Syria: Women’s Experience of the Conflict and the ‘New Normal’, February 2020, www.ecoi.net/en/document/2025340.html, pp. 1, 4-5.

⁴¹⁹ “Many Syrians and humanitarian actors say that the stress of the conflict and the changing socio-economic status quo and lack of financial stability is a leading cause of the increase [in] interpersonal violence (IPV) and sexual exploitation. FG participants shared that they believe more conflict in the home is coming because women are now earning money. In addition, key informants said that they have heard, and some have seen, an increase in IPV because of the changing social norms, and women having more financial control, while men are feeling more limited”; WVI, Northwest Syria Gender Analysis, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 29, siehe auch pp. 7, 30-34. “(...) women with missing husbands or fathers often face economic hardship and social exclusion in the absence of a traditional head of household”; SJAC, The State of Justice: Syria 2020, March 2020, <https://bit.ly/34NoDsP>, p. 8. Siehe auch UNFPA, Voices from Syria 2020, 2 April 2020, <https://bit.ly/30AdBUa>, p. 59. Die Abwesenheit oder Arbeitsunfähigkeit männlicher Familienmitglieder hat die folgenden Auswirkungen: “Women and girls are therefore forced into work. Consequently, women and girls face increased risks of GBV such as sexual exploitation and abuse by employers, denial of resources, opportunities or services, such as education or male family members denying them their earnings from employment”; UNFPA, Voices from Syria 2020, 2 April 2020, <https://bit.ly/30AdBUa>, p. 13, siehe auch pp. 26, 31-32, 39. Siehe auch CARE, Supporting Resilience in Syria: Women’s Experience of the Conflict and the ‘New Normal’, February 2020, www.ecoi.net/en/document/2025340.html, pp. 5-9.

⁴²⁰ Siehe Kapitel III.A.9.

⁴²¹ UNFPA, Syria Country Office: COVID-19 Humanitarian Response Flash Update #6, 18 August 2020, <https://bit.ly/3j7j50l>; OCHA, Syrian Arab Republic: Recent Developments in Northwest Syria, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 2. Siehe auch OCHA, 2020 HNO, July 2020, p. 34. Alleinstehende Frauen können Schwierigkeiten haben, Arbeit zu finden, die als „frauenadäquat“ angesehen wird. “Womens’ access to paid employment depends on where in Syria they are, according to research by humanitarian organisations including CARE International, and attitudes vary across the country. Even in Damascus, women still battle entrenched sexism. (...) women are often under pressure to take jobs considered feminine such as sewing or hairdressing”; Financial Times, Shortage of Men Sees More Syrian Women Enter Workforce, 25 January 2019, <https://on.ft.com/31t0wO9>.

⁴²² Siehe Kapitel III.A.9.e

Witwen stigmatisiert und diskriminiert werden⁴²³, und viele von ihnen haben keinen Zugang zu den Dokumenten, die sie benötigen, um ihre Rechte wahrzunehmen.⁴²⁴

d) Kinder

Kinder gehören weiterhin zu den Personen, die am stärksten vom Konflikt betroffen sind.⁴²⁵ Nach den Angaben des UN-Kinderhilfswerkes (UNICEF), wurden seit Beginn des Konflikts mindestens 4,8 Mio. Kinder geboren.⁴²⁶ Fast 5 Mio. Kinder benötigen humanitäre Hilfe⁴²⁷, 2,5 Mio. wurden innerhalb des Landes vertrieben⁴²⁸, 2,45 Mio. gehen nicht mehr zur Schule⁴²⁹ und 500.000 Kinder im Alter von unter fünf Jahren sind chronisch unterernährt, besonders in Syriens Nordosten und

⁴²³ "Divorced and widowed women as well as persons with disabilities often have their food aid stolen." Zudem ergab eine sektorübergreifende Untersuchung des Bedarfs, dass bei geschiedenen Frauen eine besonders hohe Wahrscheinlichkeit besteht, dass sie von humanitären Dienstleistungen ausgeschlossen werden; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, pp. 18, 21. " (...) in Idleb adolescent girls are often not able to attend distribution sites as families view it as shameful, mostly because the distribution sites are seen as a very male dominated environment. (...) Widows and divorced women also raised the issue of sexual exploitation at distribution sites"; CARE, *Rapid Gender Analysis North West Syria (Idleb and Aleppo)*, February 2020, <https://bit.ly/34wqDFO>, p. 27. Für nähere Informationen zur Stigmatisierung und zum Risiko der Ausbeutung von Frauen ohne männliche Unterstützung, siehe Kapitel III.A.9.e.

⁴²⁴ "Widowed/divorced women are susceptible to exploitation linked to the lack of property documentation"; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 45. Frauen, deren Ehemänner verschwunden sind und die kein offizielles Dokument besitzen, in dem das Verschwinden oder der Tod des Ehemanns anerkannt wird, können keine Eigentumsrechte oder Erbschaftsansprüche geltend machen und auch nicht wieder heiraten. "The death of many men and boys has gone undocumented. Without an official death certificate, women have been unable to move forward with the legal aspects of the deaths, which, in turn, has impeded inheritance and custody rights and severely restricted freedom of movement, in particular travel abroad with minor children"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 64. Siehe auch COAR, *Syria Update, 23-29 October 2019*, 29 October 2019, <https://bit.ly/308IPBh>. Grundsätzlich hat das Fehlen von Dokumenten äußerst schwerwiegende Folgen für Frauen; The New Humanitarian, *Who Pays the Price for Syria's Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html.

⁴²⁵ "As 2021 marks the tenth year of the Syrian Crisis, children remain at the centre of the tragedy. They are subject to constant hostilities, and the deadly exposure to the heavy contamination of unexploded ordnance and increasing incidents of improvised explosive devices (IED). Unexploded ordnance (UXO) and IED attack are now the primary cause of child casualties in Syria"; UNICEF, *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, <https://bit.ly/3b3FJW6>. "A generation of Syrians has been born into war. As the Syrian conflict closes in on a decade, at least 3 million Syrian children under the age of six know nothing but conflict. Children continue to suffer horrendously, facing trauma that will impact them for years to come. (...) Aerial attacks and the use of barrel bombs by government forces and indiscriminate shelling and improvised explosive device attacks by armed groups, were found by the UN to be the primary cause of death and injury among Syrian children. Countless children have been killed as a result of the use of cluster munitions, thermobaric bombs, improvised munitions such as barrel bombs, and other explosive weapons"; AOA, *The Impact of Explosive Weapons on Children in Syria*, 17 October 2020, <https://bit.ly/3lVN1Of>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 54-61.

⁴²⁶ UNICEF, *Almost 5 Million Children Born into War in Syria, 1 Million Born as Refugees in Neighbouring Countries*, 15 March 2020, <https://uni.cf/3hakKIs>. Siehe auch Kapitel II.C, II.E und III.A.10.

⁴²⁷ UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, <https://bit.ly/3b3FJW6>, p. 1; DW, *5 Million Syrian Children in Need Due to War*, 13 March 2020, <https://bit.ly/3ggDPRJ>.

⁴²⁸ UNICEF, *Whole of Syria Humanitarian Situation Report: End of Year*, 1 February 2021, <https://bit.ly/3pBaYM7>, pp. 1-2.

⁴²⁹ Schätzungsweise 2,45 Mio. Kinder zwischen 5 und 17 Jahren gehen nicht mehr zur Schule, und bei weiteren 1,6 Mio. besteht die Gefahr eines Schulabbruchs. Sowohl der Zugang zu Bildungsangeboten als auch deren Qualität werden u. a. durch die kumulativen Auswirkungen verschiedener Ursachen beeinträchtigt, wie z. B. weitgehende Zerstörung/Beschädigung von Schulen, Besetzung von Schulen für militärische Zwecke oder zur Unterbringung von Binnenvertriebenen (2 von 5 Schulen wurden geschlossen), Kontaminierung mit Sprengstoff (Schulen in 212 Gemeinden), laufende Anschläge auf Schulen (542 Anschläge in den Jahren 2014-2019), Mangel an qualifiziertem pädagogischem Personal (2018 hatten etwa 180.000 Beschäftigte des Bildungswesens einschließlich Lehrern das Bildungssystem verlassen), Armut und zunehmende Kinderarbeit (die Hälfte der Bevölkerung gibt an, dass Kinderarbeit den Schulbesuch verhindert oder reduziert). OCHA, *2020 HNO*, July 2020, pp. 18, 20, 33; UNICEF, *Syria: Facts and Figures*, June 2020, <https://uni.cf/2OolshQ>, pp. 2, 6. UNICEF war der Ansicht, dass die Zahl derer, die nicht die Schule besuchen "increased in 2020 due to the impact of the COVID-19 pandemic which exacerbated the disruption to education in Syria"; UNICEF, *UNICEF Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, <https://bit.ly/3b3FJW6>, p. 2. "Seventy-nine per cent of teachers in Syria's north-east region reported that their students have dropped out of school in order to work to help their families survive"; UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict*, *International Aid Organization Official Tells Security Council*, 25 February 2021, <http://bit.ly/2NGR99z>. "Analysis recently by Save the Children found that an estimated two thirds of children in northern Syria are now out of school. Apart from COVID-19, teachers say that children are dropping out because of rising poverty"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 16 December 2020, <https://bit.ly/3nx2h1K>, p. 1. Zwei Drittel der Kinder besuchen öffentliche Schulen unter den folgenden Rahmenbedingungen: "a lack of basic teaching and learning materials, unsafe spaces and teachers who are not trained in addressing learning challenges of children affected by psycho-emotional stress or trauma"; No Lost Generation, *The Syria Crisis: No Lost Generation Advocacy Brief*, June 2020, <https://bit.ly/2ZGGChs>, p. 2. Siehe auch UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, paras 177-178. Zu Anschlägen auf Schulen durch Regierungstruppen und andere Akteure siehe Kapitel II.E.

Nordwesten, wo geschätzt jedes dritte Kind unter Wachstumsstörungen leidet.⁴³⁰ Von vielen Kindern wird berichtet, dass sie schwer traumatisiert sind.⁴³¹

e) Menschen mit Verletzungen und Behinderungen

Personen mit Behinderungen und Verletzungen, einschließlich Personen, bei denen die Behinderung oder Verletzung auf den Konflikt zurückzuführen ist⁴³², sind von der geschwächten bzw. nicht vorhandenen Gesundheitsversorgung, einschließlich psychischer Gesundheitsversorgung, besonders betroffen und haben oft ernsthafte Schwierigkeiten, ihre Grundbedürfnisse zu decken.⁴³³ Zudem besteht die Gefahr, dass sie sozial diskriminiert und ausgegrenzt werden.⁴³⁴ Kinder mit Behinderungen haben weniger Chancen, Zugang zum formalen Bildungssystem zu erhalten, als gleichaltrige Kinder

⁴³⁰ "More than half a million children under five in Syria suffer from stunting as a result of chronic malnutrition (...). We fear this number will increase. These problems are visible in many parts of the country but the situation is particularly bad in the north-west and the north-east, where nutrition surveillance data show that up to one in three children in some areas suffer from stunting"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock Briefing to the Security Council on the Humanitarian Situation in Syria*, 25 February 2021, <https://bit.ly/3aXU2vg>, p. 2. In the North-West, "the nutrition situation (...) was far worse in 2020 than in 2019. Cases of severe and moderate acute malnutrition among children aged 6-59 months increased by over 70 percent and 38 percent, respectively, in 2020 compared to the year prior. Similarly, the proxy prevalence of chronic malnutrition (stunting) in December 2020 increased by 2 percent compared to the same period in the year prior, affecting one-third of children aged 6-59 months"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, <https://bit.ly/3ubmCB6>, p. 5. Siehe auch, UN News, *As Pandemic Rages on, Syria's Children Face Graver Reality than at any other Point of Conflict*, International Aid Organization Official Tells Security Council, 25 February 2021, <http://bit.ly/2NGR99z>; The New Humanitarian, *Inside the Childhood Hunger 'Emergency' in Syria's Idlib*, 28 October 2020, <https://bit.ly/321T2S8>; OCHA, *2020 HNO*, July 2020, p. 6; AOA, *Explosive Violence and Its Impact on Malnutrition in Syria*, 4 March 2020, <https://bit.ly/39wCG6c>.

⁴³¹ "27% of households report that children show signs of psychological distress – almost double the figure in 2020 (14%)"; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, <https://bit.ly/3shgULZ>, p. 4. "The mental health of many Syrian children has been, and will continue to be, deeply affected by the conflict's brutality"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 60. "As a result of repeated exposure to violence and insecurity, children exhibit signs of trauma, including psychological and behavioural disorders, as well as chronic fatigue and acute stress"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 3, und siehe auch para. 74. Siehe auch Save the Children, *'Anxiety, Panic Attacks' among Displaced Syrians Highlight Critical Gaps in Mental Health Support*, 24 June 2020, <https://bit.ly/2Bx7A1O>; IRC, *Children in Idlib Suffering from Staggering Levels of Emotional Distress*, Says IRC, 5 March 2020, <https://bit.ly/2NfO0cK>.

⁴³² "More than a third of displaced households are headed by a member with disabilities, significantly affecting the household's ability to secure sufficient economic resources"; iMMAP / DFS, *COVID-19 Situation Analysis: Update #4*, 5 February 2021, <https://bit.ly/3uwfWh4>, p. 19. Eine landesweite Untersuchung von Haushalten, die das Humanitarian Needs Assessment Programme (HNAP, eine gemeinschaftliche Evaluierungsinitiative der Vereinten Nationen) im Juni 2019 durchführte, kam zu dem Ergebnis, dass 3,7 Mio. Menschen, d. h. 27% % der Gesamtbevölkerung über 12 Jahren, eine Behinderung haben. In Damaskus-Umgebung ist der Anteil von Menschen mit Behinderung am höchsten (32 %). In 52 % der Haushalte gab es ein Haushaltsmitglied (im Alter von 12+ Jahren) mit einer Behinderung, und in fast der Hälfte dieser Haushalte (46 %) gab es zwei oder mehr Haushaltsmitglieder mit Behinderung; HNAP, *Disability: Prevalence and Impact*, January 2020, <https://bit.ly/2U4jNCi>, pp. 5, 6, 11, 13. Siehe auch OCHA, *2020 HNO*, July 2020, p. 34.

⁴³³ Laut HNAP sind 62 % der Menschen mit Behinderung nicht erwerbstätig, während dieser Anteil bei Menschen ohne Behinderung 48 % beträgt. 20 % der Frauen mit Behinderung sind verwitwet. Dieser Prozentsatz ist erheblich höher als der von Männern (5 %) und Frauen (4 %) ohne Behinderung. "The majority of households across Syria reported that their current monthly income does not allow them to sufficiently meet their basic needs. Income insufficiency increases with the cumulative presence of persons with disabilities"; HNAP, *Disability: Prevalence and Impact*, January 2020, <https://bit.ly/2U4jNCi>, pp. 10, 18, 20. Siehe auch OCHA, *2020 HNO*, July 2020, p. 34. "While participants in camps and rural settings noted that aid was often available to the most vulnerable (e.g. widows, persons with disabilities), in urban areas this was often not the case"; CARE International, *Understanding Resilience: Perspectives from Syrians*, 26 February 2020, www.ecoi.net/en/document/2025513.html. Siehe auch REACH, *Northeast Syria HSOS Zoom-In, IDPs in Host Communities: May 2020*, 1 July 2020, www.ecoi.net/en/document/2032518.html, p. 2.

⁴³⁴ "The experience of children with disabilities is often one of marginalisation and disempowerment as many are [living] isolated lives and struggle against stigma, discrimination and social exclusion"; OCHA, *2020 HNO*, July 2020, p. 33. "(...) an estimated 1.5 million people suffered a disability as a result of the war and now face social stigma and exclusion"; UNSC, *Persons with Disabilities Face Exclusion, Psychosocial Challenges in Syria*, Senior Humanitarian Affairs Official Tells Security Council, SC/13792, 24 April 2019, <https://bit.ly/31mqsuQ>. Fayez Orabi, ein syrischer Arzt, der von der Türkei aus tätig ist, stellt fest: "many disabled Syrians also are suffering from stigma and exclusion within their communities, in addition to the effects of the war"; VOA, *Disabled Victims Are Syrian War's Most Vulnerable*, 15 March 2019, <https://bit.ly/32aQRdW>. "Many parents will not want their child in the same classroom as a child with disabilities, as they fear that it will harm their child's education. Society may place blame on parents of children with disabilities, and Syrians may believe the disability is a result of the parents' sin. People with disabilities report facing a high level of judgement when they go out in public by themselves"; Nationalities Service Center and Pennsylvania Developmental Disabilities Council, *Caring for the Health of Refugees and Immigrants with Disabilities: Syria*, 2019, <https://bit.ly/31kNETe>.

ohne Behinderungen⁴³⁵, und sie sind stärker gefährdet, zu Hause und in ihren Gemeinschaften missbraucht, vernachlässigt und diskriminiert zu werden.⁴³⁶

f) Palästinensische Flüchtlinge

Da palästinensische Flüchtlinge in Syrien langfristig und wiederholt vertrieben wurden⁴³⁷, Eigentum und wirtschaftliche Perspektiven verloren haben und ihre Wohngebiete massiv zerstört wurden⁴³⁸, zählen sie noch immer zu den Personengruppen mit „einer extrem hohen Vulnerabilität“.⁴³⁹ Die überwiegende Mehrzahl palästinensischer Flüchtlinge, einschließlich vieler Haushalte, die von Frauen geführt werden, lebt in absoluter Armut und ist auf humanitäre Unterstützung angewiesen.⁴⁴⁰ Die erhebliche Finanzierungslücke von UNRWA⁴⁴¹ hat dazu geführt, dass die Nachhaltigkeit der Aktivitäten von UNRWA gefährdet ist und die Notfallmaßnahmen in Syrien beeinträchtigt sind, einschließlich der

⁴³⁵ “16 percent of children between the ages of 12 and 17 have a disability. Of those with a disability, 56 percent are not attending formal education as compared to 23 percent of those without a disability. Non-attendance figures increase to 58 percent for IDPs with a disability versus 33 percent for displaced persons without a disability; 65 for returnees, as compared to 27 percent of those without a disability; and 55 versus 19 percent of those without a disability for resident populations”; HNAP, *Disability: Prevalence and Impact*, January 2020, <https://bit.ly/2U4jNCi>, p. 16. Siehe auch No Lost Generation, *The Syria Crisis: No Lost Generation Advocacy Brief*, June 2020, <https://bit.ly/2ZGGChs>, pp. 2, 5.

⁴³⁶ Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria's Displaced Children and Adolescents*, 25 June 2020, <https://bit.ly/3dJHpCi>, p. 17. Siehe auch Kapitel III.A.10.

⁴³⁷ Siehe Kapitel II.D.1.

⁴³⁸ Laut UNRWA wurden die Häuser von mehr als 180.000 UNRWA-registrierten Palästinensern infolge des Konflikts zerstört oder schwer beschädigt. Die Flüchtlingslager in Yarmouk, Ein El-Tal (Provinz Aleppo) und Dera'a, in denen früher über 30 % der palästinensischen Flüchtlingspopulation in Syrien lebte, sind massiv zerstört worden. Viele UNRWA-Einrichtungen, einschließlich 40 % der Schulen und 29 % der Krankenhäuser, können aufgrund des Ausmaßes der Schäden und Zerstörung nicht genutzt werden; OCHA, *2020 HNO*, July 2020, p. 34; UNRWA, *2020 Syria Regional Crisis Emergency Appeal*, 31 January 2020, <https://bit.ly/2Sf4eFc>, pp. 2, 5, 6, 19. “Another unpublished study based on the views of Palestine Refugees from Syria found that more than 70% of respondents stated that their property in Syria had been destroyed, damaged or rendered uninhabitable”; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 17. Aufgrund der weitverbreiteten Beschädigung und Zerstörung von Unterkünften in Lagern und Siedlungen sind viele Flüchtlinge gezwungen, Wohnungen anzumieten, die oft teuer vermietet werden; MEE, *'Poverty Everywhere': Palestinians in Syria Living in Desperate Conditions*, 20 February 2020, <https://bit.ly/2TUZvdd>.

⁴³⁹ UNRWA, *Syria Regional Crisis Emergency Appeal 2020, 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 3.

⁴⁴⁰ “In Syria, the protracted conflict has left 91 per cent of the 438,000 Palestine refugees estimated to remain in the country in absolute poverty (...). As more than 91 per cent of the Palestine refugees in Syria live below the poverty line, the drastic loss of purchasing power during this economic crisis renewed fears about meeting basic needs in particular food. (...) In this challenging context, the humanitarian assistance provided by UNRWA remains a lifeline for the overwhelming majority of Palestine refugees and reliance on the Agency is expected to increase”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, pp. 7, 11, 12. “(...) an UNRWA survey conducted in 2017/18 found that 74 per cent of Palestine refugees live on less than US\$ 2 per person per day, rising to 91 per cent without cash assistance provided by UNRWA. One in four families are female headed and one in five headed by an elderly person. These groups are largely dependent on humanitarian aid with no means to generate income. Among those employed, almost half do not have a fixed income, and rely on daily paid or casual labour in the informal economy”; UNRWA, *Updated UNRWA Flash Appeal for the Covid-19 Response: March - July 2020*, 8 May 2020, <https://bit.ly/30VPAAsu>, p. 7. Siehe auch, AGPS, *Palestinian Refugees in Northern Syria Displacement Camps Struggling for Survival*, 24 January 2021, <http://bit.ly/3b9rUVW>; AGPS, *AlSayeda Zeinab Camp for Palestinian Refugees Grappling with Dire Conditions*, 4 January 2021, <http://bit.ly/3bTXRAN>.

⁴⁴¹ “UNRWA is confronted with an increased demand for services resulting from a growth in the number of registered Palestine refugees, the extent of their vulnerability and their deepening poverty. UNRWA is funded almost entirely by voluntary contributions and financial support has been outpaced by the growth in needs. As a result, the UNRWA programme budget, which supports the delivery of core essential services, operates with a large shortfall”; UNRWA, *UNRWA Issues Emergency Call for Humanitarian Assistance amid End-of-Year Shortfall; Salaries of 28,000 Staff at Risk, Hopes to Avoid Suspension of Essential Services*, 9 November 2020, <http://bit.ly/3hjYWUX>. Siehe auch AP, *UNRWA Boss Warns of Financial Crisis Impacting Services*, 19 September 2020, <http://bit.ly/3aAHRVk>.

Bargeldversorgung Hilfsbedürftiger.⁴⁴² Durch die Verschlechterung der Wirtschaftslage⁴⁴³ und den Ausbruch der COVID-19-Pandemie ist die Schutzbedürftigkeit palästinensischer Flüchtlinge 2020 gestiegen⁴⁴⁴, und UNRWA warnt davor, „dass Familien zunehmend auf negative Bewältigungsstrategien zurückgreifen werden, einschließlich Kinderehen und Kinderarbeit“.⁴⁴⁵ Zudem wird befürchtet, dass immer mehr Kinder die Schule abbrechen und es innerhalb der Familien zu Streit und Gewaltausbrüchen kommt.⁴⁴⁶ Palästinensische Flüchtlinge haben in Syrien weiterhin nur

⁴⁴² “Due to limited funding, the Agency had to reduce the value of the cash transfer provided to Palestine refugees in Syria, with negative consequences on their ability to provide for their basic needs”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 9. “Due to the Agency’s unprecedented financial crisis, critical health-care services like those extended to the returned Palestine refugees in Yarmouk are now in jeopardy”; UNRWA, *UNRWA Mobile Health Clinic Brings a Sign of Hope to the Devastated Yarmouk Camp*, 11 January 2021, <https://bit.ly/3bh1Jh>. “During the reporting period [first half of 2020], Palestine refugees falling within the most vulnerable categories received US\$ 14 per person per month instead of the planned US\$ 28, while the rest of the population eligible for assistance received an amount of US\$ 11 per person per month instead of US\$ 14”; UNRWA, *Syria Regional Crisis Emergency Appeal Progress Report*, 4 January 2021, <https://bit.ly/2LutDes>, p. 10. “Syria is experiencing the beginnings of an acute economic crisis underpinned by a currency in freefall, which has almost certainly made matters worse for hundreds of thousands of Palestinian refugees still residing in Syria”; MEE, ‘Poverty Everywhere’: Palestinians in Syria Living in Desperate Conditions, 20 February 2020, <https://bit.ly/2TUZvdd>. Die Finanzierung der Nothilfe Maßnahmen von UNRWA in Syrien ist weiterhin gefährdet. Am 31. Dezember 2020, waren erst 66,2 Mio. US\$ von Gebern und Partnern zugesagt oder eingegangen, was 31,1% des Gesamtbedarfs von 212,8 Mio. US\$ entspricht; UNRWA, *Syria: Humanitarian Snapshot, December 2020*, 1 February 2021, <https://bit.ly/39KmBMi>. UNRWA’s finanzieller Bedarf für 2021 beläuft sich auf 318 Mio. US\$, wobei zum Zeitpunkt der Erstellung des Dokuments noch keine Mittel eingegangen waren; UNRWA, *Syria Crisis: Funding Requirements*, accessed 1 March 2021, www.unrwa.org/syria-crisis.

⁴⁴³ “Socio-economic conditions of Palestine refugees in Syria are deteriorating, due to the ongoing economic crisis and depreciation of the Syrian pound, combined with the impacts of the lockdown and other measures imposed to contain the spread of COVID-19”; UNRWA, *UNRWA Flash Appeal for the COVID-19 Response Report*, 19 November 2020, <https://bit.ly/3azd0sv>, p. 9. Siehe auch AGPS, *Palestinian Refugees Suffer Economic Hardship in Syria*, 21 January 2020, <https://bit.ly/2YHamcw>. Palästinensische Flüchtlinge haben in Syrien weiterhin nur eingeschränkten Zugang zu Verdienstmöglichkeiten und Beschäftigungsangeboten: “Most refugees UNRWA serves live under the poverty line and lack the safety net needed to absorb the financial and medical shocks created by the COVID-19 pandemic. They are now facing devastating consequences to their physical, social and economic wellbeing”; UNRWA, *UNRWA Launches New Coronavirus US\$ 93.4 Million Emergency Appeal for Palestine Refugees*, 8 May 2020, <https://bit.ly/2BTeqiq>. Siehe auch Kapitel II.F.1.

⁴⁴⁴ “Lockdowns and other restrictive measures to contain the spread of COVID-19 have further constrained access to livelihoods and employment in particular for those reliant on informal labour. (...) The vulnerability of Palestine refugees in Syria is increasing. In July 2020 UNRWA assessed the socioeconomic impact of COVID-19 on Palestine refugees in Syria, and found that close to 80 per cent had reduced the number of meals or quantity of food consumed, and over 90 per cent were consuming food that was cheaper and/or less nutritious, since March 2020”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 7. “Their [Palestinian refugees] hardship has been exponentially exacerbated through the imposition of sanctions and the rapid spread of COVID-19 in refugee communities. Their resilience is at breaking point”; UNRWA, *UNRWA Commissioner-General Makes Official Visit to Syria, Reviews Palestine Refugee Massive Humanitarian Needs*, 4 November 2020, <https://bit.ly/2U82nU6>. “The vast majority of Palestine refugees live in overcrowded camps or are IDPs and are particularly vulnerable to the impacts of COVID-19”; UNRWA, *UNRWA COVID-19 Appeal August - December 2020*, 2 September 2020, <https://bit.ly/2SCZEKQ>, p. 13. Siehe auch AGPS, *Residents of AlHusaniya Camp for Palestinian Refugees Concerned over 2nd Coronavirus Wave*, 29 December 2020, <http://bit.ly/3uODP3i>; AGPS, *Fears Mount over Increasing Coronavirus Cases in Khan Eshieh Refugee Camp*, 24 December 2020, <http://bit.ly/3q8wNTE>; AGPS, *Situation of Palestinians of Syria Exacerbated by Coronavirus Outbreak, Medicine Dearth*, 29 August 2020, <https://bit.ly/3c0rNej>.

⁴⁴⁵ UNRWA, *COVID-19 Weekly Update 8 - 21 June 2020*, 29 July 2020, <https://bit.ly/316Gfxx>, p. 14. “The adoption of negative coping strategies by Palestine refugees was already a cause for concern in 2020. It is anticipated that the vulnerabilities of Palestine refugee [sic] will further increase due to COVID-19 and the current economic situation. Female heads of households, unaccompanied and separated children, older persons and persons with disabilities are at particular risk of falling into further poverty and exploitation”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 22. “Due to the serious protection gaps, children have been forced to drop out of school and join armed groups to help feed their starving families. Hundreds of families have had women as their sole breadwinners; and in several other cases boys and girls are spotted begging in the street for a few pounds”; AGPS, *91% of Palestinian Refugee Families in Syria Suffer Extreme Poverty*, 19 February 2021, <http://bit.ly/3dHhizz>. Angebote zum Schutz vor geschlechtsspezifischer Gewalt und zum Kinderschutz sind in Syrien nur eingeschränkt verfügbar. Überlebende werden noch immer stigmatisiert, und die Dunkelziffer ist hoch. Außerdem haben palästinensische Flüchtlinge in Syrien weiterhin nur eingeschränkten Zugang zu Rechtsberatungsangeboten; UNRWA, December 2020. Siehe auch Kapitel III.A.9 und III.A.10.

⁴⁴⁶ “Refugees are reporting increased protection threats in Syria since the start of the COVID-19 pandemic. According to UNRWA’s survey on the socio-economic impact of COVID-19 on Palestine refugees in Syria, (...) nearly 50 per cent of Palestine refugee households indicated an increasing level of Gender Based Violence (GBV). In GBV cases reported to UNRWA from quarter one to quarter three 2020, 87 per cent were women and girls with numbers rising in quarter two and quarter three as COVID-19 spread”; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12. “Extreme poverty, child labor, early marriage, and enforced disappearance are among the factors that have led to an increase in school dropouts among the camp residents [in Jaramana in Rural Damascus]”; AGPS, *School Dropouts on the Rise among Palestinians in Syria Displacement Camp*, 6 February 2021, <http://bit.ly/37LFMUw>. Siehe auch AGPS, *School Drop-Out Rates Getting Higher in AlNeirab Camp for Palestinian Refugees*, 23 July 2020, <https://bit.ly/3kajPmK>; und Kapitel III.A.10.

eingeschränkten Zugang zu Verdienstmöglichkeiten und Beschäftigungsangeboten, insbesondere aufgrund der COVID-19-Pandemie und der derzeitigen Wirtschaftslage.⁴⁴⁷

3) Zugang humanitärer Hilfsorganisationen

Trotz Verbesserungen beim Zugang humanitärer Hilfsorganisationen in einigen Gebieten Syriens⁴⁴⁸ ist die Erbringung nachhaltiger Hilfsleistungen durch die unsichere Situation infolge der anhaltenden Kämpfe sowie durch Kontaminierung mit Sprengstoff, administrative Hürden, Beschränkungen im Zusammenhang mit der COVID-19-Pandemie und Ressourcenengpässe erschwert.⁴⁴⁹ Berichten zufolge haben humanitäre Hilfsorganisationen außerdem Schwierigkeiten, Hilfsgüter in Gebiete zu liefern, die von der Regierung kontrolliert werden.⁴⁵⁰ Die Sicherheitsrisiken für Mitarbeiter humanitärer Hilfsorganisationen sind, besonders im Nordwesten des Landes, aufgrund von Kämpfen, Luftangriffen, USBV-Anschlägen, willkürlichen Verhaftungen und Entführungen weiterhin hoch.⁴⁵¹

⁴⁴⁷ "Most refugees UNRWA serves live under the poverty line and lack the safety net needed to absorb the financial and medical shocks created by the COVID-19 pandemic. They are now facing devastating consequences to their physical, social and economic wellbeing"; UNRWA, *UNRWA Launches New Coronavirus US\$ 93.4 Million Emergency Appeal for Palestine Refugees*, 8 May 2020, <https://bit.ly/2BTeqiq>. Siehe auch Kapitel II.F.1.

⁴⁴⁸ Trotz anhaltender Probleme in einigen Gebieten Syriens haben sich der Zugang und die Präsenz humanitärer Hilfsorganisationen 2019 leicht verbessert. Gebiete, die von der Regierung kontrolliert werden, sind normalerweise für humanitäre Akteure zugänglich, mit Ausnahme einiger zurückeroberte Gebiete z. B. in Südsyrien und Ost-Ghoutha, wo administrative Beschränkungen und die weiterhin unsichere Lage den Zugang behindern. Im Nordwesten ist der Zugang jedoch aufgrund der Unsicherheit und der sich verschiebenden Frontlinien weiterhin eingeschränkt. Im Nordosten wird der Zugang humanitärer Hilfsorganisationen vor allem durch Zugangsbeschränkungen entlang Abschnitten der türkischen Grenze und reduzierte Lieferkapazitäten aufgrund der Schließung des Grenzübergangs Al-Yaroubiyah in der Provinz Hassakeh behindert; OCHA, 2020 HNO, July 2020, p. 33.

⁴⁴⁹ Save the Children *et al.*, *Reduced Humanitarian Access Impedes Response to Rising Cases of COVID-19 and the Harsh Effects of Winter in Northern Syria amid Aid Shortages*, 29 January 2021, <https://bit.ly/3aJ25fw>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, paras 32-47; UN News, *'Incredibly Hard' Winter Beckons for Syrians, more Assistance Urgently Needed*, 25 November 2020, <http://bit.ly/3r56orn>; OCHA, 2020 HNO, July 2020, pp. 42-43; ICRC, *Syria: As Economic Crisis Bites, Lack of Humanitarian Access Costs Lives Every Day*, 30 June 2020, <https://bit.ly/2W4KpmO>. "[T]he impact of unilateral sanctions has further weakened the ability of humanitarian actors to deliver assistance, owing to increased prices and the reduction in the availability of crucial items in local markets and overcompliance"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 42. In the North-West, "[D]aily hostilities and artillery shelling along the M4 road in Idleb and surrounding areas have led to the temporary suspension of several protection programs and the deepening of the dire situations in already underserved areas"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 8.

⁴⁵⁰ "In government-controlled areas, communities and enclaves that remained difficult to access, owing to administrative and security approvals, included Shaffuniyah, Mayda'a and Kafr Batna in Eastern Ghoutha, and Bayt Jinn and Mazra'at Bayt Jinn in western Rif Dimashq. In the southern part of the country, insecurity and administrative restrictions continued to prevent sustained access to areas formerly controlled by non-State armed groups, particularly in Dar'a al-Balad neighbourhood in Dar'a city, in Karak al-Sharqi in Dar'a Governorate and in parts of western Dar'a and Qunaytirah"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 34. "As the economy continues to collapse, the regime is manipulating scarce resources for political purposes, rewarding those deemed loyal. Those perceived as disloyal entered the economic crisis in a greater state of food insecurity and poverty". Weiter heißt es: "In regime-held areas, NGOs are forced to deal with regime corruption, wartime conditions, and nervous donors who do not want to be perceived as contributing to reconstruction projects carried out under the Assad regime"; CGP, *Syria's Economic Meltdown*, June 2020, <https://bit.ly/2HTOwhn>, pp. 7-8. NRC und Oxfam berichteten von Schwierigkeiten, für bestimmte Programme oder Projekte in den von der Regierung kontrollierten Gebieten eine Bewilligung der Regierung zu erhalten, und wiesen darauf hin, dass einige marginalisierte Gemeinden schwer erreichbar waren und die Erbringung bestimmter Dienstleistungen erschwert wurde. Sie stellten fest: "it is almost impossible to gain access for activities that are deemed of lesser strategic interest by its national partner, the Syria Trust"; Oxfam / NRC, *Hard Lessons: Delivering Assistance in Government-Held Areas of Syria*, 15 July 2020, www.ecoi.net/en/document/2033934.html, p. 9. "[T]he legal and political framework for humanitarian aid that Damascus has created ensures – in the areas it controls – that the regime has the last word on decisions about where international aid is deployed, by whom, and to whose benefit"; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, p. 5.

⁴⁵¹ "The United Nations has documented at least 14 cases of humanitarian workers killed in northwest Syria in the last 14 months as a result of airstrikes, shelling, car-bombs and other improvised explosive devices. With an average of one humanitarian worker killed every 30 days, this makes northwest Syria one of the most dangerous places in the world for humanitarian workers"; Office of the Deputy Regional Humanitarian Coordinator for the Syria Crisis, *Statement by Mark Cutts, Deputy Regional Humanitarian Coordinator for the Syria Crisis on the Killing of a Humanitarian Worker in Northwest Syria*, 17 February 2021,

Im Juli 2020 verabschiedete der UN-Sicherheitsrat eine Resolution, mit der die grenzüberschreitende humanitäre Hilfe um ein Jahr verlängert wurde, jedoch wurden die Zugänge von zwei auf einen Grenzübergang an der türkisch-syrischen Grenze reduziert.⁴⁵² Diese letzte Entscheidung, in Verbindung mit der zuvor erfolgten Reduzierung von vier auf zwei Grenzübergänge im Januar 2020, beeinträchtigte die humanitäre Hilfe.⁴⁵³

<https://bit.ly/2ZDdqHE>. See also, Humanitarian Data Exchange, *Aid Worker KKA (Killed, Kidnapped or Arrested)*, accessed 28 February 2021, <https://bit.ly/2HbLeWd>; Aid Worker Security, *Security Incident Data: Syria*, Zugriff am 31. Dezember 2020, <https://bit.ly/3keNZoc>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, paras 50-52; The Guardian, *Syria Deadliest Place to Be an Aid Worker, Amid Global 30% Rise in Attacks – Report*, 19 August 2020, <https://bit.ly/3ldWVLD>; Al Jazeera, *British Aid Worker in Syria Held 'Incommunicado' after Abduction*, 8 July 2020, <https://bit.ly/3iNkwBu>; Washington Post, *As Civilians Suffer in Syria's Idlib Province, Death and Displacement Stalk Aid Workers, Too*, 19 February 2020, <https://wapo.st/3edNSFN>. Zu gezielten Angriffen der Konfliktparteien auf Mitarbeiter humanitärer Hilfsorganisationen siehe auch Kapitel III.A.1, 4, 5, 6 und 12.

⁴⁵² The Guardian, *UN Restarts Syria Cross-Border Aid but with Only One Access Point*, 12 July 2020, <https://bit.ly/3gUflxQ>; UN News, *Security Council Extends for One Year, Lifesaving Cross-Border Aid to Syria*, 11 July 2020, <https://bit.ly/2OITD9K>.

⁴⁵³ Im Februar 2021, unterzeichneten 22 NGOs einen gemeinsamen Letter, der feststellte, der Grenzübergang Bab Al-Hawa sei "under immense pressure" und dass die Wegnahme des einzigen Übergangs in den Nordosten "contributed to gaps in provision of aid, funding and access to supplies to populations in the North East, including basic medicines and COVID-19 testing kits. The situation is only set to worsen"; Save the Children et al., *Reduced Humanitarian Access Impedes Response to Rising Cases of COVID-19 and the Harsh Effects of Winter in Northern Syria amid Aid Shortages*, 29 January 2021, <https://bit.ly/3aJ25fw>. "Non-governmental organizations (NGOs) operating cross-border also reported that the impact of the removal of the Bab al-Salam authorization was already apparent [by August 2020], in terms of increased time, cost, complexity and the risks of providing assistance in parts of the north-west"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 8. Siehe auch UNSC, *Limited Cross-Border Access into North-West Syria Placing Strain on Humanitarians to Reach Many in Need, Aid Worker Tells Security Council*, 29 July 2020, SC/14268, <https://bit.ly/30y1acz>; CARE International, *UN Security Council to Further Restrict Humanitarian Access to Northwest Syria*, 12 July 2020, <https://bit.ly/3iV4fdT>. Die Reduzierung der vier Grenzübergänge auf zwei im Januar 2020 hat sich bereits erheblich auf den Zugang humanitärer Hilfsorganisationen ausgewirkt. Besonders stark ist der Gesundheitssektor betroffen; Center for Strategic and International Studies, *The Possible End of Cross-Border Aid in Syria*, 6 July 2020, <https://bit.ly/3gJeQXD>.

III. Beurteilung der Schutzbedürftigkeit von Asylsuchenden aus Syrien

A. Flüchtlingsschutz nach den Kriterien der GFK und die wichtigsten Antragsarten

Angesichts der schwerwiegenden Verstöße gegen humanitäres Völkerrecht und internationale Menschenrechte sowie anhaltender bewaffneter Konflikte in Syrien ist UNHCR der Auffassung, dass die Flucht von Zivilpersonen aus Syrien weiterhin als Flüchtlingsbewegung einzustufen ist und die überwiegende Mehrzahl der syrischen Asylsuchenden internationalen Flüchtlingsschutz benötigt, da die Betroffenen die Voraussetzungen der Flüchtlingsdefinition von Artikel 1 A (2) GFK erfüllen. Palästinenser aus Syrien, die sich außerhalb des Einsatzgebietes von UNRWA befinden, erfüllen wahrscheinlich die Voraussetzungen von Artikel 1 D, sodass sie *ipso facto* Anspruch auf die in der GFK gewährten Rechte hätten⁴⁵⁴.

Für viele aus Syrien geflohene Zivilpersonen besteht der kausale Zusammenhang mit einem Verfolgungsgrund im Sinne der GFK in der direkten oder indirekten, tatsächlichen oder vermeintlichen Verbindung mit einer der Konfliktparteien. Typisch für den Konflikt in Syrien ist der Umstand, dass die verschiedenen Konfliktparteien oftmals größeren Personengruppen, einschließlich Familien, Stämmen, religiösen bzw. ethnischen Gruppen sowie ganzen Städten, Dörfern und Wohngebieten, aufgrund ihrer Zugehörigkeit eine **politische Meinung** unterstellen.⁴⁵⁵ So können die Mitglieder größerer Einheiten, ohne dass sie individuell ausgewählt werden, aufgrund ihrer tatsächlichen oder vermeintlichen Unterstützung einer gegnerischen Kriegspartei zum Ziel von Gegenschlägen verschiedener Akteure werden.⁴⁵⁶ Die Annahme, dass eine Person eine bestimmte politische Meinung hat oder eine bestimmte Konfliktpartei unterstützt, basiert oft nur auf der physischen Anwesenheit dieser Person in einem bestimmten Gebiet (oder auf ihrer Abstammung aus einem bestimmten Gebiet) oder auf ihrem ethnischen oder religiösen Hintergrund. In solchen Fällen ist die Verletzungsgefahr schwerwiegend und real und keineswegs durch den Umstand gemindert, dass die betreffende Person möglicherweise nicht individuell und gezielt angegriffen würde.

UNHCR bleibt bei seiner Einschätzung, dass Syrer und Personen, die früher ihren gewöhnlichen Aufenthalt in Syrien hatten, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**; Untergruppen von Personen mit den Risikoprofilen 3, 8 und 10 können je nach den Umständen des Einzelfalls internationalen Flüchtlingsschutz benötigen.

Je nach den Umständen des Einzelfalls können Familienangehörige und sonstige Personen, die Menschen mit diesen Risikoprofilen nahestehen, aufgrund ihrer Verbindung zu den gefährdeten Personen (siehe insbesondere Risikoprofile 1, 2, 3, 4 und 6) ebenfalls internationalen Flüchtlingsschutz benötigen.

⁴⁵⁴ Für eine Analyse zur Auslegung von Artikel 1 D siehe UNHCR, Note on UNHCR's Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection, May 2013, www.refworld.org/docid/518cb8c84.html.

⁴⁵⁵ "Both pro-government forces and non-State armed groups in the north-western, northern and eastern parts of the Syrian Arab Republic continued to target civilians, including those perceived as being affiliated with opposing forces, including through killings, the arbitrary deprivation of liberty, torture and other ill-treatment and kidnappings"; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020), 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17.

⁴⁵⁶ In Situationen, die durch bewaffneten Konflikt und Gewalt gekennzeichnet sind, können Einzelpersonen und ganze Gruppen oder Populationen der Gefahr ausgesetzt sein, aus den in der GFK genannten Gründen ins Visier genommen und Opfer gezielter Verfolgung zu werden. UNHCR stellt in seinen Richtlinien zu Anträgen auf Anerkennung der Flüchtlingseigenschaft im Zusammenhang mit bewaffneten Konflikten und Gewalt fest: "Situations of armed conflict and violence may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct whereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links"; UNHCR, Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions, 2 December 2016, www.refworld.org/docid/583595ff4.html, para. 33.

Alle Asylbegehren müssen unter Zugrundelegung des jeweiligen Einzelfalls im Rahmen gerechter und wirksamer Verfahren zur Feststellung der Flüchtlingseigenschaft unter Berücksichtigung aktueller und maßgeblicher Informationen zum Herkunftsland geprüft werden.

UNHCR ist der Ansicht, dass die derzeitige Lage in Syrien eine Beendigung der Flüchtlingseigenschaft auf der Grundlage von Artikel 1 C (5) GFK nicht rechtfertigt. Die Rechtsstellung anerkannter Flüchtlinge sollte daher nur dann überprüft werden, wenn es im Einzelfall Anhaltspunkte dafür gibt, dass Gründe für die Vornahme einer der folgenden Maßnahmen vorliegen:

- i. Rücknahme einer zunächst zu Unrecht erfolgten Anerkennung der Flüchtlingseigenschaft
- ii. Aberkennung der Flüchtlingseigenschaft auf Grund von Artikel 1 F GFK

Die hier aufgeführten Risikoprofile sind nicht unbedingt abschließend und können sich überschneiden. Die Reihenfolge der Risikoprofile impliziert keine hierarchische Abstufung. Die Risikoprofile basieren auf Informationen, die UNHCR zum Zeitpunkt der Erstellung dieses Dokuments vorlagen. Ein Antrag sollte nicht automatisch als unbegründet eingestuft werden, wenn keines der hier aufgeführten Risikoprofile gegeben ist.

1) Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind

a) Umgang mit Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind

Die syrische Regierung geht in den von ihr kontrollierten Gebieten weiterhin gewaltsam gegen tatsächlich oder vermeintlich abweichende politische Meinungen vor, um diese zu unterdrücken oder zu bestrafen.⁴⁵⁷ Bei der Einstufung, was als abweichende politische Meinung betrachtet wird, wendet die Regierung sehr weite Kriterien an: Jegliche Art oder Form von Kritik, Widerstand oder

⁴⁵⁷ "Authorities brutally suppressed every sign of re-emerging dissent, including through arbitrary arrests and torture"; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. "Repression and secrecy have long been a hallmark of both Assad regimes: Bashar, since 2000, and his father Hafez before him, from 1971 to 2000. During this long period, the regimes have employed arbitrary detention, torture, summary executions, and enforced disappearance as tools of repression and control"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 1. "Political rights and civil liberties in Syria are severely compromised by one of the world's most repressive regimes and by other belligerent forces in an ongoing civil war. The regime prohibits genuine political opposition and harshly suppresses freedoms of speech and assembly. (...) the government maintains a powerful intelligence and security apparatus to monitor and punish opposition movements that could emerge as serious challengers to Assad's rule. (...) The government engages in heavy surveillance of private and online discussion and harshly punishes dissent in areas it controls"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. Siehe auch SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/2Y5Zu9p>, p. 8.

unzureichender Loyalität gegenüber der Regierung⁴⁵⁸ führen regelmäßig zu schweren Vergeltungsmaßnahmen für die betreffende Person.⁴⁵⁹

Zu den Personen, denen regelmäßig eine regierungsfeindliche Gesinnung unterstellt wird, zählen Zivilpersonen (insbesondere Männer und Jungen im kampffähigen Alter⁴⁶⁰) aus oder in derzeit oder ehemals von der Opposition kontrollierten Gebieten⁴⁶¹; Wehrdienstentzieher und Deserteure⁴⁶²;

⁴⁵⁸ “*Censorship of news sites and social media content in government-controlled areas remained severe and appeared to intensify during the coverage period. (...) Most users are careful to avoid dangerous topics and refrain from visiting blocked websites. Given the government’s surveillance capabilities, there is a risk in accessing even unblocked sites that are associated with the opposition. (...) Sophisticated phishing and malicious-software attacks that target online activists for surveillance began to be reported in 2012. (...) Surveillance is rampant on domestic ISPs [internet service providers], which are closely aligned with government security forces. Cybercafé owners are compelled to monitor and record their customers’ activities*”; Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. Beispielsweise wurde ein Rechtsanwalt in Hama am 19. September 2020 von Regierungstruppen willkürlich festgenommen, nachdem er die schlechten Lebensbedingungen in Hama auf seiner privaten Facebookseite kritisiert hatte; SNHR, *Syrian Regime Forces Arrested a Lawyer in Hama City on September 19*, 20 September 2020, <https://bit.ly/3ky3Cab>. Zu Meldungen über die Überwachung der Online-Aktivitäten von Kritikern, einschließlich durch ein zentralisiertes Überwachungssystem, das von der Syrian Telecom betrieben wird, siehe: “*The Syrian intelligence services, especially the military intelligence, have been collecting without cause information about political opponents, members of the opposition and human rights activists. Numerous reports from Syria indicate that the government of Bashar al-Assad uses the intercepted data in part to identify, arrest and interrogate critics*”; ECCHR, *Surveillance in Syria: European Firms May Be Aiding and Abetting Crimes Against Humanity*, Zugriff am 28. Februar 2021, <https://bit.ly/2xwGdD0>. “*Arbitrary arrests raised fears that authorities could arrest internet users at any time for online activities perceived to threaten the regime’s control, such as posting on a blog, tweeting, commenting on Facebook, sharing a photograph, or uploading a video*”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Snack Syria (pro-government news website), *Dr. Suleiman al-Awad Sent to Court for Criticizing Baath Official*, 25 February 2020, <https://bit.ly/300h67w>; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, <https://bit.ly/3a7FTb5>.

⁴⁵⁹ “*According to the SNHR’s database, the vast majority of detainees were arrested in connection with their participation in activities opposed to the Syrian regime, no matter how innocuous, such as attending demonstrations, being involved in media or humanitarian relief activism, or even as a result of kinship with an activist; this means that the vast majority of detainees are arrested in connection with their political activism (...)*”; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3e60jH4>, p. 16. “*(...) people of all ages and from all walks of life, both civilians and suspected insurgents, have been arrested and detained by the regime’s security agencies. This includes doctors who treated demonstrators, anyone seeking to avoid military service, those who remained in areas where armed groups took control, and displaced persons seeking to return but who were deemed disloyal simply for fleeing the conflict. Also at high risk of arrest are relatives of individuals wanted by the authorities, including boys, who are frequently targeted for arrest and detained on suspicion of working with the opposition*”; ICTJ, *Syria’s Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 11.

⁴⁶⁰ “*Since 2011, widespread arrests of men and boys as young as 15 were conducted by security forces or militia acting on behalf of the Government, during mass arrests, house searches or in hospitals. Boys and, on occasions, girls have been detained either unaccompanied or together with male relatives based on their perceived support of opposition groups at checkpoints in Aleppo, Damascus and Dar’a.*” Weiter heißt es: “*Through its widespread and systematic campaigns of arrests and detention targeting civilians broadly perceived to be supporting opposition groups, Government forces and associated militia detained children and subjected them to torture and ill-treatment, including rape and sexual violence*”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 51, 82.

⁴⁶¹ “*Individuals from territories re-captured by the Assad regime are under constant risk of detention and military conscription raids the regime launches in those areas*”; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, p. 34. “*Detention has been particularly widespread in ‘reconciled’ territories, where long-term residents and recent returnees have been arrested regardless of their compliance with reconciliation processes. This follows a pattern from the last eight years whereby the Syrian government, as well as nonstate actors, have been responsible for enforced disappearances and crimes committed at detention centers, including torture, sexual violence, and extra-judicial killings*”; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/2Y5Zu9p>, p. 8. Siehe auch Kapitel III.A.1.d. SNHR “*recorded arrests of civilians, including children, women, and elderly people by Syrian Regime forces as they were passing through regime checkpoints whilst moving between or traveling to areas outside the Syrian regime’s control*”; SNHR, *The Most Notable Human Rights Violations in Syria in May 2020*, 3 June 2020, <https://bit.ly/2U0QLT9>, p. 6. Laut Sara Kayyali von HRW “*(...) individuals who were in areas previously held by the opposition that were retaken, and who were forcibly conscripted by the Syrian government are very likely to be considered as holding an anti-government opinion. Individuals returning from abroad are also likely to be seen as holding anti-government opinions. Individuals originally from areas now in anti-government control may also be perceived as such*”; E-Mail-Kommunikation mit Sara Kayyali, Syria Researcher, Middle East and North Africa Division, HRW, 9 March 2020, 27 July 2020, and 5 January 2021 (E-Mails bei UNHCR archiviert). Siehe auch Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, <https://bit.ly/3IA4bkE>; und die Lage in Al-Tal, beschrieben in UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and ‘Settling One’s Status’*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (einschließlich darin enthaltener Quellenangaben). Siehe auch Kapitel III.A.1.d.

⁴⁶² Der Umstand, dass Männer im wehrpflichtigen Alter sich dem Wehrdienst entzogen haben oder desertiert sein könnten, würde wahrscheinlich die Wahrnehmung verstärken, dass sie eine gegen die Regierung gerichtete Haltung haben und das Risiko verstärken, verhaftet, zwangsrekrutiert und schwer misshandelt werden. Aus diesem Grund meiden syrische Männer im kampffähigen Alter – einschließlich Jungen im Teenageralter – Kontrollstellen der Regierung, da sie befürchten, festgenommen zu werden, dass man sie verschwinden lässt oder dass sie getötet zu werden. Siehe auch Kapitel III.A.2.

oppositionelle Mitglieder lokaler Räte⁴⁶³; Aktivisten aus der Zivilgesellschaft und politische Aktivisten⁴⁶⁴; Demonstrierende⁴⁶⁵; Journalisten und Bürgerjournalisten aus der Zivilbevölkerung⁴⁶⁶; Mitarbeiter

⁴⁶³ "(...) other security campaigns have targeted workers who had participated and served in civil affairs in institutions that used to be active during the factions' control of the region"; SOHR, *Eastern Ghouta: Chronic Crises... Lack of Basic Services... Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, <https://bit.ly/37CtwVj>. Siehe auch SOHR, *Civilian from Al-Rastan North of Homs Dies under Torture in Regime Prisons*, 14 November 2020, <https://bit.ly/35w2CP1>; SOHR, "Military Security" Arrests Five Young People for Unknown Reasons in Daraa, 27 June 2020, <https://bit.ly/3ibHH8b>; SNHR, *Syrian Regime Arrested Engineer in Dael City in Daraa Suburbs on June 25*, 26 June 2020, <https://bit.ly/32b9znE>; STJ, *Syria: Thousands Forced to Flee Qunaitra and Daraa 'Silently'*, 27 August 2019, <https://bit.ly/2VdqMIZ>; Syria Direct, *A Year After "Reconciliation": Arrests and Disappearances Abound in Southern Syria*, 18 July 2019, <https://bit.ly/2GiADW1>; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 30, 31. Die Mitglieder lokaler Räte zählten auch zu den Personen, die die Regierung regelmäßig als „unversöhnbar“ einstuft; siehe auch Kapitel III.A.1.d.

⁴⁶⁴ "In areas the regime brought back under its control, it has either displaced or arrested those who were activists before"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 11. "Amnesty International has documented the arbitrary detention and enforced disappearance of scores of people targeted for their peaceful activism"; Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. "Independent civil society groups and media outlets are harshly suppressed (...). The regime generally denies registration to nongovernmental organizations with reformist or human rights missions, and regularly conducts raids and searches to detain civic and political activists"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "Women have also been threatened by the State security apparatus to prevent them from taking part in other civil society initiatives"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 69. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 22. Aktivisten zählten ebenfalls zu den Personen, die die Regierung regelmäßig als „unversöhnbar“ einstuft; siehe Kapitel III.A.1.d.

⁴⁶⁵ "(...) we recorded arrests and prosecutions against citizens, including activists, in connection with their participation in earlier anti-Syrian regime protests and activities in Suwayda governorate, with most of these arrests taking place while they were passing through regime checkpoints in Suwayda city"; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, <https://bit.ly/3nn9MLV>, p. 5. Beispielsweise meldete SNHR am 22. Juli 2020 die Verhaftung eines Dichters aus der Stadt Salamiyya (Provinz Hama) im Zusammenhang mit seiner Teilnahme an regierungskritischen Protesten in Suweida; SNHR, *At least 157 Cases of Arbitrary Arrests/ Detention Documented in Syria in July 2020, Including 13 Children and Two Women*, 3 August 2020, <https://bit.ly/2YdDij8>, p. 15. Berichten zufolge befinden sich viele Teilnehmer der regierungskritischen Proteste von 2011 noch immer in Haft, und es besteht weiterhin die Gefahr, dass Teilnehmer der damaligen Proteste willkürlich festgenommen werden. In den von der Regierung kontrollierten Gebieten waren neue Proteste oder sonstige öffentliche Kundgebungen regierungskritischer Ansichten relativ selten und überschaubar und wurden gewaltsam unterdrückt, siehe z. B. SOHR, *Kanaker unter Siege: Concerns Grow for the Lives of Hundreds of Residents over Looming Regime Security Campaign*, 26 September 2020, <https://bit.ly/3cASert>; SOHR, *Rif Dimashq: Unknown Individuals Set Tires on Fire and Block Side Streets in Saqba, Protesting Deteriorating Living Conditions*, 19 June 2020, <https://bit.ly/3fK9hrj>; SNHR, *Syrian Regime Forces Forcibly Disappear 10 Popular Uprising Activists in Suwayda and Use Repression to Confront Their Rightful Demands*, 18 June 2020, <https://bit.ly/2CtHo8D>; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; DEIR EZZOR 24 (oppositionsnahes Online-Nachrichtenportal), *Arrest Campaign Follows Protests in Deir ez-Zor*, 14 February 2020, <https://bit.ly/3gPsut9>.

⁴⁶⁶ "Journalists and media workers, and their activities, were targeted, threatened, harassed, arrested and murdered by Government elements (...); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 36. "In regime-held areas, however, SOHR activists say that Al-Assad's regime has been clamping down on and arresting Syrian as well as foreign journalists who criticize the regime, oppose its policy or go into issues of corruption. Regime forces and their proxy militias have killed 541 Syrian journalists and eight foreign journalists. (...) Moreover, nearly 552 journalists have been arrested and forcibly disappeared in regime prisons"; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, <https://bit.ly/3ll2VB7>. "Since antigovernment protests broke out in 2011, the authorities have detained large numbers of internet users, including well-known bloggers and citizen journalists. While it is difficult to obtain information on recent arrests, some 28 professional and citizen journalists and media assistants, including bloggers and online activists, were imprisoned as of 2020, according to Reporters Without Borders. (...) Once in custody, citizen journalists, bloggers, and other detainees frequently endure beatings and torture at the hands of government authorities. Home raids and the seizure of property by authorities continued throughout the coverage period, as did harassment and torture of online activists held in Syrian prisons"; Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. "News and information are closely monitored and covering corruption or the economic crisis exposes journalists, even those regarded as government supporters, to reprisals. Critics have continued to be detained arbitrarily in 2020"; Reporters Sans Frontières (RSF), *RSF Briefs Human Rights Council about Violations of Journalists' Rights in Syria*, 4 September 2020, www.ecoi.net/en/document/2038109.html. Siehe auch SNHR, *Syrian Regime Forces Arrested a Reporter in Aleppo City on January 9*, 17 January 2021, <http://bit.ly/3si5Y0S>; RSF, *Journalist Arrested in City Controlled by Syrian Government*, 4 June 2020, www.ecoi.net/en/document/2030924.html; SNHR, *The Death of a Media Activist Due to Torture in Syrian Regime Detention Center*, April 13, 14 April 2020, <https://bit.ly/3dpxth0>; Syria Direct, *Assad Regime, HTS, and ISIS Attempt to Silence Female Journalists in Idlib*, 30 March 2020, <https://bit.ly/38k1nIW>. Journalisten, die für oppositionsnahes Medien

humanitärer Hilfsorganisationen und Freiwillige der Zivilverteidigung⁴⁶⁷; Ärzte und sonstige medizinische Fachkräfte⁴⁶⁸; Verteidiger der Menschenrechte⁴⁶⁹ sowie Lehrer, Hochschullehrkräfte und -wissenschaftler.⁴⁷⁰

arbeiten, sind Berichten zufolge auch wegen ihrer Arbeit festgenommen worden, wenn sie als regierungskritisch empfunden wurde. Dies schloss auch Kritik an den sich verschlechternden Lebensbedingungen in Regionen ein, die von der Regierung beherrscht wurden; SNHR, *Media Worker Halah al Jarf, Arrested by the Syrian Regime about 20 Days Ago for Expressing Her Opinion, Is still Being Detained*, 13 February 2021, <http://bit.ly/3qN5E9R>; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 5; Zaman Al Wasl, *Arrests in Latakia Signal Discontent among pro-Assad Communities*, 4 February 2021, <http://bit.ly/3q8xE6Z>; SOHR, *Syrian Regime Continues to Arrest Loyal Media and Activists, amid Calls for the Return of Refugees*, 2 February 2021, <http://bit.ly/2NOOfry1>; SOHR, *Pro-Regime Media Activists Criticize Corruption of Syrian Regime*, 22 January 2021, <http://bit.ly/3dB3dn2>.

⁴⁶⁷ "(...) former NGO/CBO [Community-Based Organization] staff members in the south face far more accentuated risks by virtue of their former affiliation and participation in now outlawed organizations; this is especially true for upper management as opposed to lower level employees"; COAR, *What Remains?: A Postmortem Analysis of the Cross-Border Response in Dar'a*, 27 February 2020, <https://bit.ly/31UqpXe>. "(...) the Commission received accounts of enforced disappearances throughout Dar'a Governorate, with the majority of victims being humanitarian workers deemed to have 'betrayed the country' for documenting attacks by the Government"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 69. Zu gezielten Angriffen der Regierungstruppen auf Rettungssarbeiter, einschließlich Angehörigen der Weißhelme (Syrischer Zivilschutz), siehe z. B. SOHR, *Two Ex-Members of "Civil Defence" among Ten Persons Arrested in Eastern Ghouta*, 8 May 2020, <https://bit.ly/37Q5CFr>; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 11. Humanitäre Helfer zählten ebenfalls zu den Personen, die die Regierung regelmäßig als „unversöhnbar“ einstuft; siehe Kapitel III.A.1.d.

⁴⁶⁸ Laut SNHR verfolgt die Regierung eine Strategie der „methodischen Schikane und Verfolgung von Beschäftigten und Freiwilligen des medizinischen Sektors“. Seit 2011 dokumentierte SNHR die willkürliche Festnahme und das Verschwindenlassen von mehr als 3.320 medizinischen Fachkräften, einschließlich 282 Frauen. Des Weiteren dokumentierte SNHR, dass 84 medizinische Fachkräfte an den Folgen von Folter gestorben waren; SNHR, *857 Medical Personnel Killed and 3,353 Others Arrested and Disappeared since March 2011, nearly 85% by the Syrian Regime*, 17 September 2020, <https://bit.ly/3mATZt6>, pp. 2, 7, 13. "Medical personnel are often arrested and sentenced to years in prison for carrying out their professional and ethical duties – equipping hospitals, treating patients, and conducting first-aid training in besieged areas. Arrested medical personnel have been tried in military field courts, secret courts that do not announce a ruling or allow defendants to have an attorney." Laut PHR sind seit 2011 mindestens 167 Gesundheitsfachkräfte von Regierungstruppen hingerichtet oder zu Tode gefoltert worden; PHR, *Physicians for Human Rights' Findings of Attacks on Health Care in Syria*, as at February 2020, <https://bit.ly/32sl2NT>. Siehe auch SOHR, *Security Services Arrest Doctor and Several Young People in Eastern Ghouta*, 16 December 2020, <http://bit.ly/2WndGc5>; SOHR, *Doctor from Al-Qusayr Dies Due to Deliberate Medical Neglect in Adra Prison*, 6 December 2020, <https://bit.ly/3ovDCyk>; SNHR, *At least 146 Cases of Arbitrary Arrests/ Detention Documented in Syria in August 2020, including Four Children*, 2 September 2020, <https://bit.ly/3jLSpT3>, pp. 5, 9; SOHR, *Skirmishes Erupt Between Ex-Fighters and the 4th Division, while Regime Intelligence Arrests Ten Persons*, 26 June 2020, <https://bit.ly/2YEW7pJ>; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, <https://bit.ly/3afJ3JU>, p. 3; Carter Center, *Weekly Conflict Summary: 9 -15 March 2020*, 15 March 2020, <https://bit.ly/2XM1tyV>, p. 3; Syria Call, *The Assad Militias Arrest Former Medical Activists in "Zamalka," East of Damascus*, 23 February 2020, <https://bit.ly/2HWEig0>. Zu Berichten über Festnahmen von Ärzten, die Bedenken hinsichtlich des Umgangs der Regierung mit der COVID-19-Pandemie geäußert hatten, siehe PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 21. Siehe auch Alsouria.Net (oppositionsnaher Website), *Assad Forces Arrest Daraa Medical Workers for Diagnosing Coronavirus Cases*, 18 December 2020, <http://bit.ly/3ncXVza>.

⁴⁶⁹ "Under laws that criminalize membership and activity in illegal organizations as determined by the regime, security forces detained hundreds of persons linked to local human rights groups and prodemocracy student groups. (...) There were numerous reports the regime harassed domestic human rights activists by subjecting them to regular surveillance and travel bans, property seizure, detention, torture, forcible disappearance, and extrajudicial killings"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Frontline Defenders, #Syria, Zugriff am 28. Februar 2021, <https://bit.ly/3oDTajh>; Cairo Institute for Human Rights Studies et al., *Syria: Fears of a COVID-19 Pandemic in Detention Centers*, 26 March 2020, <https://bit.ly/35MW8tH>; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html.

⁴⁷⁰ "(...) among those arrested during this period have been lawyers and teachers who were detained by Syrian Regime forces in raids on their homes and workplaces"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, <https://bit.ly/2HTosD1>, p. 5. "Academic freedom is heavily restricted. University professors in government-held areas have been dismissed or imprisoned for expressing dissent, and some have been killed for supporting regime opponents"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "Over the years, teachers have been also abducted, detained and dismissed from their positions in Dar'a and Suwaydah governorates for perceived affiliation with armed groups. As Government forces re-took areas previously under the control of armed groups in 2018, numerous teachers fled fearing reprisals"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 45. Siehe auch US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

Berichten zufolge setzen die Sicherheitsbehörden⁴⁷¹ der Regierung Informanten ein, um vermeintliche Regierungsgegner zu identifizieren.⁴⁷² Außerdem wird gemeldet, dass Menschen in den von der Regierung kontrollierten Gebieten aufgrund falscher Anschuldigungen verhaftet werden, weil Personen, die sich rächen wollen oder der Regierung ihre Loyalität beweisen möchten, sie gegenüber den Sicherheitsbehörden beschuldigen, in oppositionelle Aktivitäten verwickelt zu sein.⁴⁷³

⁴⁷¹ “The estimated number of members in the Syrian security apparatuses is around 100,000 agents and officers. (...) Syria is one of the countries that has highest share of secret police per capita, precisely, 1 secret police officer for every 129 citizens.” Weiter heißt es: “After 2011, regime security forces relied increasingly on internal and external informant networks by recruiting informants in all areas and across social classes. This allowed them to monitoring returnees in areas over which the regime regained control”; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, pp. 34, 92.

⁴⁷² US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. “Endowed with extensive extralegal power, the dreaded mukhabarat surveil [sic], and suppress, possible threats from external enemies, the domestic opposition, the army, the bureaucracy, and each other. (...) They control large parts of society via networks of informers and the dispensing of semi-illicit privileges”; Thomas Pierret, “Syrian Arab Republic”, in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, pp. 12-13.

⁴⁷³ “Others were detained by security forces because they are relatives of wanted people who fled the country, or after being reported by informers on false accusations”; Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. “Regime informers are another source of uncertainty. Writing a taqir (a ‘report’, meaning reporting people to the security agencies) has been a feature of life in Baathist Syria for decades, and it persists among refugees in Lebanon. Many do it for personal gain or to settle scores. (...) Others write reports to avoid being targeted themselves. Even regime officials admit that detentions occur as a result of unfounded denunciations”; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 16. “The use of ‘security reports’ allegedly submitted by civilians as the basis of detention by the security apparatus was a concerning trend. People in eastern Ghutah, as well as other areas under Government control, reported living in constant fear of arrest due to denouncements through reports by other members of the community. Interviewees reported that denouncements were often used to settle unsubstantiated and unrelated interpersonal grievances”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 70.

Personen mit diesem Profil werden regelmäßig Opfer von willkürlicher Verhaftung⁴⁷⁴ und Verschwindenlassen⁴⁷⁵, Inhaftierung unter lebensbedrohlichen Umständen⁴⁷⁶, systematischer und weitverbreiteter Folter und sonstigen Formen der Misshandlung⁴⁷⁷ einschließlich sexueller Gewalt⁴⁷⁸, Strafverfolgung nach der zu weit gefassten Antiterrorgesetzgebung von 2012 unter Verletzung des

- ⁴⁷⁴ “Most of those languishing in Syria’s prisons are not armed rebels and violent criminals. They are political prisoners. They include peaceful demonstrators, political opponents, human rights activists, doctors who have treated demonstrators, objectors who sought to avoid compulsory military service, returning displaced persons deemed disloyal by the very act of having fled the conflict, and family members – including women and children – of wanted individuals”; Center on International Cooperation / New York University, *Do or Die: COVID-19 and Imprisonment in Syria*, June 2020, <https://bit.ly/2luTu4J>, p. 1. “(...) laws in Syria mean that huge numbers of detainees are nonviolent and have been detained merely because they were seen as being opposed to the Syrian government (or being married or otherwise related to someone who is) – or for protesting, assembling, or providing care to others. In Syria, even the most mundane and ordinary activities can lead to arrest under ambiguous and broadly interpreted laws that criminalize any conduct of an inherently political nature”; ICTJ, *As Pandemic Looms, Action Is Needed to Protect Syria’s Vulnerable Prison Population*, 22 April 2020, <https://bit.ly/3fDjX0r>. Siehe auch HRW, *Syria’s Detainees Left Even More Vulnerable to Coronavirus*, 16 March 2020, <https://bit.ly/3bnbgY>. Laut Meldungen erfolgen willkürliche Festnahmen meist an festen und mobilen Kontrollstellen der Regierung, bei Razzien und Hausdurchsuchungen, an Grenzübergängen sowie in Behörden (z. B. Passbehörde, Meldeamt) und öffentlichen Krankenhäusern: “While security personnel at checkpoints frequently run residents’ names through their databases of wanted individuals, these checks are carried out elsewhere as well. Any time residents go to a government office or even a hospital, for instance, their name is referenced against wanted lists, leading many to refuse to visit such institutions altogether.” Weiter heißt es: “[D]octors cannot provide any form of treatment to patients without first informing regime intelligence forces, who may decide to investigate. As such, many of those with long-standing injuries sustained in the 2018 regime operation to retake the region [East Ghouta] or those wanted by intelligence forces often go without essential treatment”; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 13. Zu den gemeldeten Festnahmen in Behörden der Regierung siehe z. B. SNHR, *At least 157 Cases of Arbitrary Arrests/ Detention Documented in Syria in July 2020, Including 13 Children and Two Women*, 3 August 2020, <https://bit.ly/2YdDlI8>, p. 16; SNHR, *125 Civilians Documented Killed in Syria in May 2020, Including Eight who Died Due to Torture, and One Massacre*, 1 June 2020, <https://bit.ly/2Yeb2W1>, p. 12; SNHR, *The Death of a College Student Due to Torture in Syrian Regime Detention Center*, Febr 19, 20 February 2020, <https://bit.ly/2NwMWBf>. Siehe auch Kapitel II.B.1.a.
- ⁴⁷⁵ “Syrian regime forces have used enforced disappearance in a widespread manner against all groups of society, particularly against activists involved in the popular uprising, media workers, human rights activists, and political dissidents, as well as against individual and multiple members of these individuals’ families (...). Enforced disappearance is employed as a tool to terrorize the people, crush and silence dissent, dispose of dissidents, and take revenge against them for their participation in the popular uprising, their support for freedom and human rights, their influence in society, and their opposition to the authorities”; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>, p. 13. Siehe auch Kapitel II.E.1.
- ⁴⁷⁶ “Prison conditions for political or national security prisoners, especially accused opposition members, reportedly continued to be much worse than those for common criminals. According to local NGOs, authorities deliberately placed political prisoners in crowded cells with convicted and alleged felons and subjected them to verbal and physical threats and abuse. Political prisoners also reported they often slept on the ground due to lack of beds and faced frequent searches. According to reports from families, particularly the Families for Freedom collective, authorities refused many political prisoners’ access to family and counsel”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Kapitel II.E.1.
- ⁴⁷⁷ “(...) torture in the regime’s detention centers is practiced as a tool of vengeance against detainees opposing the Syrian regime (...). In many cases, these torture acts have assumed a sectarian and regional character”; SNHR, *SNHR Submits a Report to the UN Human Rights Committee on the Most Notable Violations Committed by the Syrian Regime During the Past Four Years*, 27 August 2020, <https://bit.ly/3b9fKe6>, p. 5. “Torture is used as a tool to intimidate, impose power, crush opponents and to terrorize and destroy society and force citizens into submission, silence and surrender (...)”; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 9. “Human rights activists, the COI [IICISyria], and local NGOs, however, reported thousands of credible cases of regime authorities engaging in frequent torture, abuse, and inhuman treatment **to punish perceived opponents**, including during interrogations”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Kapitel II.E.1.
- ⁴⁷⁸ “Government forces and associated militias perpetrated rape and sexual abuse against women and girls, and occasionally men, during ground operations aimed at arresting opposition activists and house raids to arrest protestors and perceived opposition supporters and at checkpoints. In detention, women and girls were subjected to invasive and humiliating searches and raped, sometimes gang raped, whereas male detainees were most commonly raped with objects and frequently subjected to genital mutilation and sexualized torture”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 50. Laut SNHR haben Regierungstruppen sexuelle Gewalt zu den folgenden Zwecken eingesetzt: “as an effective tool in order to extract confessions in connection with crimes not committed by the female detainee, or to obtain information or as a form of punishment, as well as to spread fear and humiliation among both female and male detainees. (...) By inflicting sexual violence in a planned, systematic and widespread manner, the Syrian regime aims to force the population to flee their areas, and to break the people’s will in order to force them to abandon their demands for freedom and democracy, and force them into submission; in a society that is generally conservative, such as Syria’s, this is a particularly cruel form of revenge, with the aim of destroying the social fabric”; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, pp. 14-15. “Sexual and gender-based crimes in Syrian detention facilities – including also castration or forced nudity – were and are a part of the widespread and systematic attack on the civilian population. (...) The aim is to weaken the political opposition and those directly affected, but also their families and Syrian society as a whole”; ECCHR, *Survivors: Sexual Violence by Syrian Intelligence Services Are Crimes Against Humanity*, 20 June 2020, <https://bit.ly/3hkrkVE>. Siehe auch Kapitel II.E.1.

Rechts auf ein faires Verfahren vor Antiterror- und militärischen Feldgerichten⁴⁷⁹ sowie summarischer und außergerichtlicher Hinrichtung.⁴⁸⁰ IICISyria hat seit 2011 dokumentiert,

„... wie die syrische Regierung die Verbrechen der Ausrottung, des Mordes, der Vergewaltigung und sonstiger Formen sexueller Gewalt, der Folter und der Freiheitsentziehung im Zusammenhang mit den umfassenden und systematischen Festnahmen von Dissidenten sowie Personen, die als Sympathisanten bewaffneter Gruppen wahrgenommen wurden, begangen hat“.⁴⁸¹

Das Einfrieren von Vermögen und die Beschlagnahme von Eigentum von Personen, die als Gegner der Regierung angesehen werden⁴⁸², ist ebenfalls gemeldet worden und wurde in manchen Fällen auch gegenüber den Familienangehörigen und Bekannten⁴⁸³ der Betroffenen praktiziert.⁴⁸⁴ Laut IICISyria

⁴⁷⁹ "(...) the vast majority of detainees involved in the popular uprising for democracy in Syria, including political and human rights activists, media workers, and relief activists, and similar prisoners of conscience, have been accused by the security branches of several charges based on testimonies taken from detainees by the regime under coercion, intimidation and torture. The most prominent of these charges are: provoking sectarian strife, threatening the system of governance, weakening national sentiment, collusion with external agents and the enemy, supporting and financing terrorism, and weakening the nation's morale, all of which are broad and wide-ranging charges (...)" ; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3e60jH4>, pp. 14-15. "The government has used the [2012 Counter-Terrorism] law to target anyone perceived to stand in opposition to it, such as peaceful demonstrators, political opponents, and human rights activists. Many have been detained on the merest suspicion of disloyalty. Activities such as demonstrating and filming protests were characterized as providing 'verbal support' to terrorist groups, while providing medical and humanitarian relief was considered as providing them with 'material support'"; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 11. "Sentences for persons accused of antigovernment activity tended to be harsh, if they reached trial, with violent and nonviolent offenders receiving similar punishments. (...) NGOs continued to report the regime used the counterterrorism law to arrest and convict nonviolent activists on charges of aiding terrorists in trials that violated basic due process rights. 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, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch The Tahrir Institute for Middle East Policy (TIMEP), *TIMEP Brief: Law No. 19 of 2012: Counter-Terrorism Law*, 1 July 2019, <https://bit.ly/2n9Nzre>.

⁴⁸⁰ Siehe Kapitel II.E.1.

⁴⁸¹ IICISyria, *Detention in the Syrian Arab Republic*, 8 March 2018, <https://bit.ly/2QjeqK0>, para. 12.

⁴⁸² Diese Handlungen werden laut Berichten auf das Antiterrorgesetz von 2012 (Gesetz Nr. 19 von 2012) und das Gesetzesdekret Nr. 63 von 2012 gestützt, die das Finanzministerium ermächtigen Vermögen und Eigentum von Personen, die unter das Antiterrorgesetz von 2012 fallen, zu beschlagnahmen oder einzufrieren; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 80. "The [Counter-Terrorism] court is politically biased and directed at retribution towards opponents of the regime, generalising them as 'terrorists,' which allows it to confiscate their properties. (...) Article 12 of Anti-Terrorism Law No. 19 of 2012 explicitly states that in all crimes stipulated in the law, the court shall rule to confiscate movable and immovable property. In this way, the law generalised these crimes – the penalty issued against those convicted in alleged terrorism cases would be the confiscation of their properties. And before the verdict is issued, court authorities freeze the accused party's assets. Consequently, if an acquittal ruling is issued, then the freeze is meant to be cancelled. (...) After Law No. 19 was released, confiscations expanded to an unprecedented scope, prompting the Ministry of Finance to create a Directorate for Confiscated Assets." Für weitere Informationen zum Verfahren der Beschlagnahme von Eigentum nach Gesetz Nr. 19 von 2012, siehe Syria Report, *Explained: What Happens to Assets Confiscated from Syrians Convicted of "Terrorism"?*, 25 November 2020, <http://bit.ly/37Vm2Oc>.

⁴⁸³ Siehe Kapitel III.A.1.b.

⁴⁸⁴ "The Counterterrorism Court has issued orders to seize the property of medical workers, journalists, and members of the Syrian Civil Defense"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 11. "(...) the Assad regime has built up an intricate legal framework that allows it to expropriate anyone it considers a threat or an inconvenience: those accused of 'terrorism,' a catchall term used for any political opposition or civic action; political detainees and their family members; and the internally displaced and refugees. (...) Anyone charged before the notorious anti-terror court or military or field courts, even if tried in absentia or not convicted, is liable to have their properties confiscated by the state as well as being stripped of their civil rights. The security apparatus also places a security 'mark' against the names of these individuals, signalling that they may not exercise their civil rights and preventing them from carrying out any property transactions in future without security approval, and allowing the authorities to expropriate them. The security mark is also applied to those who were arrested and interrogated by security branches, even if not charged with any crime"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, pp. 2, 5-6. "The Ministry of Finance has seized the properties of hundreds of activists who participated in or supported the political uprising under the pretext of their having 'supported terrorism', transferring ownership of these properties to the government, with many of these properties then seized by individuals and militias within the Syrian regime, especially within the security services"; SNHR, *Widespread Looting by Syrian and Iranian Regime Forces in and Around Idlib Threatens the Return of the Displaced People and Sows Religious Hatred*, 31 March 2020,

sind zwischen 2016 und 2018 gegen ca. 70.000 Syrer Entscheidungen des Finanzministeriums ergangen, die das Einfrieren ihres Vermögens anordneten, und diese Praxis wird laut Berichten fortgesetzt.⁴⁸⁵

Der Erlass zeitlich begrenzter Amnestien seit 2011⁴⁸⁶ hat Berichten zufolge nur eine eingeschränkte Wirkung in Bezug auf die Freilassung tatsächlicher und vermeintlicher Regierungsgegner, von denen viele aufgrund des Antiterrorgesetzes inhaftiert sind.⁴⁸⁷

b) Umgang mit Familienangehörigen

Die tatsächliche oder vermeintliche regierungskritische Haltung einer Person wird häufig auch Menschen in ihrem Umfeld zugeschrieben, einschließlich Familienmitgliedern. Für Familienangehörige besteht die Gefahr, dass sie zwecks Vergeltung und/oder mit dem Ziel, tatsächliche oder vermeintliche Regierungskritiker zum Schweigen zu bringen, bedroht, schikaniert, willkürlich verhaftet, gefoltert, zwangsverschleppt und zum Verschwinden gebracht werden.⁴⁸⁸ Was Regierungskritiker betrifft, die in

<https://bit.ly/2K6BIYb>, p. 8. "Property confiscations in Syria have also specifically targeted political activists, journalists, and intellectuals (partly using broadly formulated counter-terrorism legislation)"; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, <https://bit.ly/3a7FTb5>, p. 23. Siehe auch US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Ein Beispiel: "The Farmers' Office of Hama's Baath Party branch decided in June [2020] to confiscate thousands of hectares of pistachio fields in rural Hama and Idlib, referring to owners of the properties as 'terrorists.' The office publicly released lists of the names of those whose lands were being confiscated, most of whom were farmers who had been forcibly displaced to Idlib. The lists were posted on the Hama Baath Party's notice board. It is not yet clear on what basis officials were describing former owners of the confiscated fields as 'terrorists,' though usage of the term allows judiciary police to carry out precautionary seizures of properties in accordance with Legislative Decree No. 63 for 2012"; Syria Report, *Northern Hama's Pistachio Farmers Restricted from Their Lands During Latest Harvest*, 26 August 2020, <http://bit.ly/3uGCZWo>. Laut SNHR wurden, im Anschluss an die Beschlagnahme von Farmland, öffentliche Versteigerungen angekündigt, die landwirtschaftliche Flächen in hunderten von zurückeroberten Dörfern und Städten abdeckten (über 130 in der Provinz Hama und 88 in der Provinz Idlib); SNHR, *Public Auctions of Forcibly Displaced People's Lands Are Another Syrian Regime Method to Seize Its Opponents' Property in a Widespread and Deliberate Manner*, 14 February 2021, <https://bit.ly/3q0eEr2>, p. 11. Siehe auch, SACD, *Hama Confiscations of Property Confirm Syrian Regime's Intent to Cement Displacement*, 16 November 2020, <http://bit.ly/2lOnIQm>.

⁴⁸⁵ "(...) the Commission notes that previously in the conflict, as well as during the past two years, thousands of properties belonging to private persons have been seized and their assets frozen, including under the State's counter-terrorism legislation"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 32. Siehe auch SNHR, *Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, <https://bit.ly/3fKU5tX>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 80.

⁴⁸⁶ Siehe Kapitel II.E.1.

⁴⁸⁷ "(...) these decrees have mostly not applied to prisoners of conscience, political detainees, aid workers or public figures, including humanitarian workers"; SNHR, *Civil Society Organizations Deal Anxiously the Lebanese Government's Policy Towards Syrian Refugees and So-Called Safe Return*, 23 July 2020, <https://bit.ly/2P2QUIT>. "The amnesty [of March 2020] is likely to exclude detainees held under 'anti-terror' laws. Moreover, there is little precedent for the release of detainees on a large scale, despite the existence of numerous legal pathways to do so"; COAR, *Beyond the Health Sector: COVID-19's Impact on Syria's Economy and Detainees*, 30 March 2020, <https://bit.ly/34lSoZW>. Laut einer Analyse von SNHR "(...) the Syrian regime [is] restricting [the amnesty laws] 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.**" (Hervorhebung nur hier). Ferner stellte SNHR fest, dass die meisten Häftlinge von den Sicherheitsdiensten gefangen gehalten werden, die die Amnestiedekrete nicht umsetzen; SNHR, *It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues*, 24 March 2020, <https://bit.ly/2z6lAy8>, pp. 1, 2, 3. "Despite the many decrees issued since 2011, only **a limited number of opinion and political detainees** had benefited from them. (...) The decrees make sure that the traditional list of charges issued by the terrorism court and other courts specialized in trying political and opinion detainees are not included" (Hervorhebung nur hier); Syrian Center for Media and Freedom of Expression (SCM), *Assad Issues a New Pardon Decree, that Keeps Most Prisoners of Conscience and Political Detainees Absent in His Prisons*, March 2020, <https://bit.ly/3aguKEY>. Siehe auch US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 71. Siehe auch Fußnote 478.

⁴⁸⁸ Laut SNHR "at least 20,842 of the individuals arrested by the Syrian regime since March 2011, including 13 children and 27 women, are still detained or forcibly disappeared in regime detention centers over their kinship with participants in the popular uprising against the Syrian regime, as of December 21, 2020. These constitute approximately 15% of the total documented number of those detained or forcibly disappeared by Syrian Regime forces." Festnahmen von Familienangehörigen wurden von

den von der Opposition kontrollierten Gebieten oder im Ausland leben, besteht für ihre Familienangehörigen und manchmal ihre Bekannten Berichten zufolge die Gefahr, dass sie den vorgenannten Maßnahmen zwecks Vergeltung oder mit der Absicht ausgesetzt werden, die gesuchten Personen dazu zu bringen, ihre Aktivitäten einzustellen oder nach Syrien zurückzukehren.⁴⁸⁹ Zudem sind die Familienangehörigen politischer Gefangener gefährdet, Opfer von Erpressungs- und

SNHR in allen syrischen Provinzen dokumentiert, wobei die höchsten Zahlen in den Provinzen Aleppo, Homs und Damaskus gemeldet wurden. Laut SNHR richtete sich die Hälfte dieser Festnahmen gegen Familienangehörige ziviler Aktivisten, und 44 % richteten sich gegen Familienangehörige von Deserteuren der Regierungstruppen; SNHR, *SNHR Condemns Syrian Regime's Arrest of Activist Abdul Rahman al Saleh's Relatives Solely for Expressing His Opinion on Al Jazeera's 'Opposite Direction' Programme*, 24 December 2020, <https://bit.ly/3q07OT0>, pp. 4, 6. Von erzwungenem Verschwinden wurde in Bezug auf die folgenden Personengruppen Gebrauch gemacht: "(...) particularly against activists involved in the popular uprising, media workers, human rights activists, and political dissidents, **as well as against individual and multiple members of these individuals' families, such as parents, spouses, siblings or children** (...)" (Hervorhebung nur hier); SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>, p. 13. "Typically, female relatives of perceived male dissidents or suspected members of armed groups are targeted [for arrest and detention]. Women and girls related to defectors, protestors, and medical care and food providers to the opposition are also the subject of arrests. (...) These arrests take place at demonstrations, during home raids, checkpoints, administrative offices, and on the streets"; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 31. "Officials reportedly targeted and tortured children because of their familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups. (...) According to reliable witnesses, authorities continued to hold a number of children to compel parents and other relatives associated with opposition fighters to surrender to authorities"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 12; Lawyers & Doctors for Human Rights (LDHR), *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, <https://bit.ly/36rFyP9>, p. 5. Beispielsweise wurden Familienangehörige von Personen, die am politischen Prozess beteiligt sind, Berichten zufolge allein aufgrund ihrer familiären Verbindungen zu Personen, die der Regierung kritisch gegenüberstehen oder als regierungskritisch wahrgenommen werden, festgenommen, bedroht und verhört: "The Government has also used the arrest and detention of family members to exert pressure during negotiations or to suppress political participation. Relatives of members of the Constitution Committee were detained and interrogated. In the lead up to the convening of the forum at the end of October [2019], security services implied that the treatment of relatives in the Syrian Arab Republic was contingent upon conduct during discussions"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 69.

⁴⁸⁹ SNHR berichtete, dass die Regierungstruppen Familienangehörige von Regierungsgegnern, einschließlich Frauen, Kindern und älteren Menschen, üblicherweise bei Razzien in ihren Wohnungen festnehmen. Laut Berichten erfolgen Festnahmen manchmal an Kontrollstellen, wenn sich aufgrund des Namens oder sonstiger persönlicher Angaben der kontrollierten Person eine Verbindung zu einer gesuchten Person herstellen lässt. Laut SNHR "such arrests are not conducted to extract information but simply to retaliate and put additional pressure on the wanted individuals to force them to surrender." SNHR berichtete, dass schutzbedürftige Familienangehörige gezielt für eine Festnahme herausgegriffen wurden, „um größtmögliches Leid zuzufügen“. Laut SNHR werden die Familienangehörigen in den meisten Fällen selbst dann nicht aus der Haft entlassen, wenn sich die Person, nach der gefahndet wurde, den Behörden stellt, und viele werden verschwinden gelassen. In einigen Fällen dokumentierte SNHR, dass Familienangehörige für den Gefangenenaustausch verwendet wurden; SNHR, *SNHR Condemns Syrian Regime's Arrest of Activist Abdul Rahman al Saleh's Relatives Solely for Expressing His Opinion on Al Jazeera's 'Opposite Direction' Programme*, 24 December 2020, <https://bit.ly/3q07OT0>, pp. 3-4, 6. "While attempting to silence, sanction, or retaliate against dissidents living abroad, regime authorities often target relatives still living in the country. These threats can start with 'friendly talks over tea' and escalate into interrogations, imprisonment, and even torture or assassination. In Syria's context of high repression, just a short visit from regime agents will send a strong signal that authorities are taking note of what the activist is doing outside the country and that they are willing to use relatives as 'hostages.' A Syrian journalist in an exiled media organization reported that his brother and a colleague were arrested 'to get me back into the country.' Two years later, the families were informed that both had died in prison. (...) Respondents from Egypt, Syria, and Iran all feared for their relatives back home"; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, <https://bit.ly/3a7FTb5>, pp. 21, 22. Siehe auch Amnesty International, *Syria: Vulnerable Prisoners Should Be Released to Prevent Spread of COVID-19*, 31 March 2020, www.ecoi.net/en/document/2027385.html. Zur Verwendung von Frauen beim Gefangenenaustausch siehe auch Kapitel III.A.9.

Einschüchterungsversuchen zu werden⁴⁹⁰, und in einigen Fällen kommt es zum rechtswidrigen Einfrieren von Vermögen und der Beschlagnahme von Eigentum zwecks „kollektiver Bestrafung“.⁴⁹¹

- c) **Besondere Bedenken in Bezug auf Personen in nicht von der Regierung kontrollierten Gebieten, die tatsächliche oder vermeintliche Gegner der Regierung sind**

In der von der Opposition kontrollierten Enklave Idlib sind Zivilpersonen weiterhin zahlreichen Strafmaßnahmen ausgesetzt, z. B. in Form von Artilleriebeschuss, Luftangriffen und Bodenoffensiven⁴⁹² sowie der absichtlichen Vorenthaltung humanitärer Unterstützung⁴⁹³ aufgrund der vermeintlichen regierungsfeindlichen Haltung und/oder Unterstützung bewaffneter oppositioneller Gruppen.⁴⁹⁴ Die systematischen Bombardierungen und Angriffe, die sich auf Zivilpersonen und zivile Ziele wie Krankenhäuser, Schulen und Märkte in den von bewaffneten oppositionellen Gruppen kontrollierten Gegenden richten, sind von den Vereinten Nationen und anderen Beobachtern als Taktik der „verbrannten Erde“⁴⁹⁵ und als „kollektive Bestrafung“ der Zivilbevölkerung in diesen Gebieten bezeichnet worden⁴⁹⁶, mit dem Ziel, die Zivilbevölkerung zur Umsiedlung zu nötigen⁴⁹⁷, die Unterstützung der bewaffneten Opposition in der Bevölkerung zu unterminieren und letztlich die

⁴⁹⁰ Familienangehörige sind regelmäßig gezwungen, hohe Geldbeträge an Verbindungspersonen und Staatsbeamte zu zahlen, um Informationen über den Aufenthaltsort verschwundener Personen zu erhalten oder deren Freilassung zu bewirken. *“The lack of official acknowledgment of detentions in combination with incommunicado detention creates an environment where torture and other forms of ill-treatment can occur unchecked. (...) Such secrecy facilitates abuse against not only the detained but also their family members, who are forced to seek meetings with prison authorities behind closed doors and without any outside independent or judicial oversight when seeking answers about their relatives. In such situations, family members, too, may be subjected to harassment, threats, acts of violence (including sexual violence), and threats of detention. The desperation to find their loved ones has also made families vulnerable to financial crimes, such as blackmail and extortion”*; ICTJ, *Syria’s Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 18. Siehe auch AGPS, *Family Appeals for Information over Palestinian Refugee in Syria*, 23 February 2021, <http://bit.ly/37UMsj8>; SOHR, *After Paying Large Sums of Money: Nearly 70 Detainees from Daraa Released by Regime Authorities*, 9 February 2021, <https://bit.ly/2NQclnt>; SNHR, *At least 213 Cases of Arbitrary Arrest/ Detention Documented in Syria in January 2021, Including 24 Children and Five Women*, 2 February 2021, <https://bit.ly/3e60jH4>, p. 4; STJ, *“My Mother still Hopes He’s Alive”: Dozens of Syrian Families Told Their Detained Loved Ones Are Dead*, 1 February 2021, <https://bit.ly/3sTHcEH>, p. 5.

⁴⁹¹ HRW, *Syria: Suspects’ Families Assets Seized*, 16 July 2019, <https://bit.ly/2Y5MyAB>. *“In some cases, decisions by the counter-terrorism court to seize property have been amended to include wives and children, including minor, 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”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, www.ecoi.net/en/document/2003613.html, para. 81. Siehe auch HRW, *Syria: Suspects’ Families Assets Seized*, 16 July 2019, <https://bit.ly/2Y5MyAB>. Siehe auch Kapitel III.A.1.a.

⁴⁹² Siehe Kapitel II.B.3.

⁴⁹³ *“Residents of contested regions or territory held by nonstate actors are subject to additional abuses [by the government], including intense and indiscriminate combat, sieges and interruptions of humanitarian aid, and mass displacement”* (Hervorhebung nur hier); Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. Siehe auch HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html.

⁴⁹⁴ *“The regime perceives residents of Idlib in general, and those who flee its forces in particular, as disloyal”*; PRI, *Analysis: The Walls Are Closing in on Idlib. We Cannot Ignore the Humanitarian Crisis*, 20 February 2020, <https://bit.ly/2JYrELe>. *“Those trapped within Idlib have few places to go, as the border to Turkey is closed. With nowhere to flee, the population is at grave risk of mass killings by pro-Assad forces who perceive them as sympathetic to the rebels”* (Hervorhebung nur hier); United States Holocaust Memorial Museum, *Syria*, letzte Aktualisierung im Juli 2019, <https://bit.ly/2yPLLZE>.

⁴⁹⁵ VOA, *Medical Workers Increasingly at Risk in Syria’s Idlib*, 21 September 2019, <https://bit.ly/2pl33t5>; DW, *Interview with Middle East Expert Andre Bank: Syria: “Iran is not Fighting in Idlib”*, 7 August 2019, <https://bit.ly/33PC2wE>; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Syria*, 30 July 2019, <https://bit.ly/2MsABim>, p. 3.

⁴⁹⁶ *“They [direct attacks against civilians and civilian objects] are also part of a well-established pattern of Syrian government forces targeting civilians, medical facilities, schools, homes and other civilian infrastructure in areas controlled by opposition forces. These prohibited acts have been systematically carried out by the government in Idlib, Aleppo and other governorates in Syria, including Damascus Countryside, Daraa and Homs, in furtherance of the state’s policy to punish civilians in opposition-held areas”*; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 13. Siehe auch PHR, *Destroying Hospitals to Win the War*, 21 May 2019, <https://bit.ly/3a7d0Mq>; Global Public Policy Institute (GPPI), *Nowhere to Hide: The Logic of Chemical Weapons Use in Syria*, February 2019, www.ecoi.net/en/document/1458718.html, p. 3.

⁴⁹⁷ Ein Beispiel: *“[T]he widespread and indiscriminate bombardment carried out by pro-government forces on Ma’arrat al-Nu’man and Ariha (Idlib governorate) as well as Atarib and Darat Azza (western Aleppo) beginning in the second half of December and mid-February [2020], foreseeably led to mass displacement, as civilians had no choice but to flee, and may amount to the crimes against humanity of forcible transfer, murder and other inhumane acts”*; UN Human Rights Council, *Rampant Human Rights Violations and War Crimes as War-Torn Idlib Faces the Pandemic UN Syria Commission of Inquiry Report*, 7 July 2020, <https://bit.ly/329IORv>. Siehe auch FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 20, 21.

bewaffnete Opposition zum Aufgeben zu zwingen.⁴⁹⁸ Dem Syrian Network for Human Rights (SNHR) zufolge ist die vorsätzliche und weitverbreitete Zerstörung der von der Opposition kontrollierten Gebiete und die Vertreibung der Zivilbevölkerung „ein Selbstzweck, ... um jedem, der einen politischen Wandel anstrebt, die schlimmstmöglichen Strafen zuteilwerden zu lassen“.⁴⁹⁹ IICISyria stellte fest, dass die Regierungstruppen während der Militäroffensiven in Idlib 2019 und 2020 „möglicherweise Verbrechen gegen die Menschlichkeit in Form von zwangsweiser Überführung, Mord und sonstigen unmenschlichen Handlungen begangen“ haben.⁵⁰⁰

Aufgrund des Vorrückens der Regierungstruppen flohen große Teile der Zivilbevölkerung aus Furcht vor Gewalt und Festnahmen durch die Regierung.⁵⁰¹ Beobachter haben berichtet, dass Zivilpersonen, die sich dafür entschieden hatten, in den zurückeroberten Gebieten in Idlib und Umgebung zu bleiben, oder nach der Rückeroberung zurückgekehrt sind, von den Regierungstruppen festgenommen, gefoltert und getötet wurden.⁵⁰²

⁴⁹⁸ “Amnesty International’s documentation indicates that the mass displacement was the direct outcome of unlawful practices (...) by Syrian and allied Russian government forces. Furthermore, these same forces failed to prevent displacement by carrying out indiscriminate attacks that terrorized the population”; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, pp. 23-24. “Syrian-Russian forces have indiscriminately bombed areas to force civilians to flee en masse (...)”; HRW, *Syria: Government Forces Apparently Abuse Civilians*, 16 March 2020, www.ecoi.net/en/document/2026509.html. “These attacks appeared intended to terrorize civilians in an apparent effort to depopulate parts of Idlib and accelerate its capture”; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, <https://bit.ly/37U4aIM>. “The humanitarian catastrophe [in Idlib] is the regime’s strategy. (...) The regime has had a civilian-centric military strategy, aimed at de-populating entire areas through the overwhelming use of air power, barrel bombs, chemical weapons, essentially anything that kills and maims. Along with the Russians, Syrian forces have targeted health facilities, schools, water pumps, basically anything that made life viable for civilians, so that they would move away, leaving rebel fighters to defend essentially ruins (...). In short, the humanitarian catastrophe is exactly what the Assad regime wants. It shifts the burden of dealing with the population that Assad sees as disloyal onto rebel groups, international organisations and neighbouring countries” (Hervorhebung nur hier); International Institute for Strategic Studies (IISS), *The Battle for Idlib: Q&A with Emile Hokayem*, 5 March 2020, <https://bit.ly/2Xx95FO>. “The regime has made regular use of sieges and aerial bombardment. These collective-punishment tactics serve dual purposes, analysts say: they raise the costs of resistance to civilians so that they will pressure rebels to acquiesce, and they prevent local committees from offering a viable alternative to the regime’s governance”; Council on Foreign Relations, *Syria’s Civil War: The Descent into Horror*, 19 February 2020, <http://on.cfr.org/3an5Xmj>. “(...) repeated attacks [against civilian infrastructure in Idlib] further rendered the area completely uninhabitable, eroding the military and fragile political control of Hay’at Tahrir al-Sham.” Weiter heißt es: “there are reasonable grounds to believe that pro-government forces intended to terrorize civilians, in an effort to depopulate the zone and accelerate its capture”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 30, 31.

⁴⁹⁹ SNHR, *Destroying Ma’aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime’s Tactics in the Recent Military Campaign since Early December 2019 until March 2020*, 29 May 2020, <https://bit.ly/3fkU5tX>, p. 15.

⁵⁰⁰ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 82.

⁵⁰¹ “Many said they fled because of repeated attacks in populated areas, or feared ill-treatment if Syrian forces were to retake the area”; HRW, “Targeting Life in Idlib”: *Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020, www.ecoi.net/en/document/2039286.html, p. 5, siehe auch p. 39. “Many of the province’s residents fear the return of Assad’s authoritarian rule and its associated repression. Regime opponents have been arrested and even tortured to death in previously rebel-held areas which have signed ‘reconciliation agreements’ with the regime. Russia announced on Monday that it had opened three ‘humanitarian corridors’ to allow Idlib civilians to flee to regime-held areas but activists reported that no one had used them”; The New Arab, *Russian Aircraft Violate Ceasefire in Syria’s Idlib as Turkey Reinforces Observation Posts*, 15 January 2020, <https://bit.ly/3clvWsm>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 66. Zur Vertreibung in Idlib siehe Kapitel II.D.1.

⁵⁰² “Following the re-taking of specific areas, government ground forces (...) retaliated against civilians who chose not to leave the towns of Idlib and Aleppo governorates, shooting at them and despoiling the bodies of the dead. In February [2020], disturbing video footage surfaced of government forces firing at older women in west Aleppo as civilians were packing their belongings to leave the area”; HRW, *World Report 2021: Syria*, 13 January 2021, www.ecoi.net/en/document/2043510.html. “(...) following Government forces’ re-taking of areas previously controlled by armed groups and terrorist organisations elsewhere in Syria, the Commission has documented their extensive use of arbitrary detention, torture and enforced disappearance, as well as unlawful property confiscation”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 89, siehe auch para. 99. “Civilians have also been fearful of returning to towns and villages that have been retaken or are at risk of being retaken by the government. There is a well-documented record of

d) **Besondere Bedenken in Bezug auf Personen in zurückeroberten Gebieten, die tatsächliche oder vermeintliche Gegner der Regierung sind**

„Versöhnungsverfahren“

Nachdem die Regierung Gebiete außerhalb ihrer Kontrolle zurückerobert hatte, mussten Mitglieder bewaffneter oppositioneller Gruppen und bestimmte Kategorien von Zivilpersonen entweder gezwungenermaßen das Gebiet verlassen⁵⁰³ oder an einem „Versöhnungsverfahren“ teilnehmen, um bleiben zu dürfen.⁵⁰⁴ Zwar waren die „Versöhnungsabkommen“ in jedem Gebiet unterschiedlich geregelt⁵⁰⁵, doch sahen sie üblicherweise vor, dass die Sicherheits- und Verwaltungsbehörden der Regierung in das betreffende Gebiet zurückkehren, die Waffen niedergelegt werden und den von der Regierung gesuchten Personen Straffreiheit gewährt sowie eine sechsmonatige Schonfrist in Bezug auf die Einziehung zum Wehrdienst angewandt wird.⁵⁰⁶ Gemäß diesen Abkommen mussten sich Kämpfer und sonstige Personen, die als Widersacher der Regierung wahrgenommen wurden und in dem zurückeroberten Gebiet bleiben wollten, einer Überprüfung durch die Sicherheitsbehörden unterziehen (arabisch: „*taswiyat al-wada*“; deutsch: den eigenen Status klären).⁵⁰⁷ Sofern sich

Syrian government forces arbitrarily arresting, torturing and forcibly disappearing civilians from opposition-held territories. During the latest escalation, too, there were credible reports of Syrian government forces unlawfully killing civilians and mutilating their bodies in towns they have retaken”; Amnesty International, *Unlawful Attacks and Mass Displacement in North-West Syria*, 10 May 2020, www.ecoi.net/en/document/2029602.html, p. 6. “We also documented arrests which took place in areas that the Syrian regime forces had recently taken control of in the suburbs of Aleppo and Idlib governorates, targeting civilians who had remained in their homes and refused to be displaced”; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, <https://bit.ly/3afJ3JU>, p. 5. Siehe auch SOHR, *Inhumane Retaliatory and Vengeful Practices of Regime Soldiers Expose Their “State of Mind” and Sick Behaviors*, 12 March 2020, <https://bit.ly/2Bb4jF1>.

⁵⁰³ “Pursuant to such ‘evacuation’ or ‘reconciliation’ agreements between 2016 and 2018, nearly 100,000 individuals were forcibly displaced, essentially from Aleppo, eastern Ghouta, rural northern Homs and Yarmouk camp in Damascus to Idlib – which became perceived as their last place of refuge”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 7, siehe auch paras 9-10. “At least 200,000 people were forcibly transferred, with the real figure estimated to be even higher”; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 4. IICISyria hat diese organisierten Evakuierungen von Kämpfern und Zivilpersonen aus ehemals von der Opposition kontrollierten Gebieten als „Zwangvertreibungen“ und somit als Kriegsverbrechen gemäß humanitärem Völkerrecht qualifiziert. Darüber hinaus stellte IICISyria fest, dass die Evakuierung von Zivilpersonen, die als Sympathisanten der Opposition wahrgenommen werden, „im Rahmen der Strategie der Regierung, diese Personen zu bestrafen“ erfolgt; IICISyria, *Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate*, 29 May 2018, <https://bit.ly/2NJ1mg6>, para. 12. Siehe auch, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47.

⁵⁰⁴ “Under the [reconciliation] agreements, opposition fighters and local residents were required to either evacuate to opposition-held Idlib, or accept government control and submit to a vetting process by state security agencies”; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, pp. 9-10. “Since 2016, the Syrian regime has been negotiating local surrender accords (which it terms ‘reconciliation agreements’) across the country. Those deals have allowed it to reestablish its authority over the majority of opposition-held areas and forcibly displace those who continue to resist Assad’s rule to the last remaining rebel-held pocket in northwestern Syria”; Carnegie MEC, *Reintegrating Syrian Militias: Mechanisms, Actors, and Shortfalls*, 12 December 2018, <https://bit.ly/2WrkC7e>.

⁵⁰⁵ Der Inhalt der „Versöhnungsabkommen“ und insbesondere das Ausmaß der verbleibenden Autonomie, die sich ehemalige bewaffnete oppositionelle Gruppen sichern konnten, hing Berichten zufolge u. a. davon ab, welche Akteure beteiligt waren, z. B. ob die „Versöhnungsabkommen“ unter der Schirmherrschaft eines dritten Staats ausgehandelt wurden, und unter welchen Umständen die Abkommen geschlossen wurden (aufgrund von Verhandlungen vor einer Militäroffensive oder infolge einer militärischen Kapitulation). Für die Bestimmungen der Versöhnungsabkommen für Busra ash Sham (Provinz Dera’a), Ost-Ghouta und Nord-Homs siehe ISW, *Russia’s Dead-End Diplomacy*, November 2019, <https://bit.ly/356TfCR>, p. 23; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 28, 32.

⁵⁰⁶ Siehe Kapitel III.A.2.

⁵⁰⁷ „*Taswiyat al-wada*“ wurde beschrieben als “the government’s term for a *quid pro quo* process that involves being amnestied for political crimes (defined by the government as both armed violence and peaceful expressions of dissent), in return for registering with authorities and forswearing any involvement in the opposition”; The New Humanitarian, *Trapped Between Rebels and Air Raids, Civilians in Eastern Ghouta Face Chaos*, 30 March 2018, www.refworld.org/docid/5b7400fa.html. Den Meldungen zufolge variierte der Inhalt der Versöhnungsabkommen je nach dem Profil derjenigen, die sich dem Versöhnungsverfahren unterziehen mussten: “Settlement comes after an extensive investigation by more than one security branch, including scrutinising any actions that the person in question took while living under opposition control. The settlement process is compulsory for all men, although it sometimes includes women as well”; Syria Report, *Northern Daraa Countryside: Destruction Hinders Return*, 6 January 2021, <http://bit.ly/37UFxGS>. “Individuals who had previously demonstrated their disloyalty to Syrian authorities in ways such as attending demonstrations, evading military service, defecting, or joining a rebel group were given an opportunity to ‘reconcile their status’”; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, <https://bit.ly/3lnM2qu>, p. 13. “Some sources reported that all individuals, males and

Personen für eine „Versöhnung“ entschieden und qualifiziert hatten⁵⁰⁸, beinhaltete die Überprüfung eine Untersuchung der früheren oppositionellen Aktivitäten der betreffenden Person, z. B. Beteiligung an Protesten gegen die Regierung, humanitäre Aktivitäten, Beteiligung an Kämpfen bewaffneter oppositioneller Gruppen oder sonstige Aktivitäten, die die Regierung als „Terrorismus“ einstuft.⁵⁰⁹ Zudem mussten sich die Betroffenen verpflichten, derartige Aktivitäten künftig zu unterlassen.⁵¹⁰ IICISyria stellte fest, dass die Bedingungen der „Versöhnung“ Eingriffe in die „fundamentalen Menschenrechte einschließlich des Rechts auf friedliche Versammlung“ darstellen.⁵¹¹ Außerdem waren die Betroffenen gezwungen, Informationen über Familienangehörige und Aktivisten preiszugeben, die unter Zwang in andere Landesteile vertrieben worden waren.⁵¹² Berichten zufolge wird jedoch nicht allen Versöhnungsanträgen stattgegeben. Personen, deren Antrag abgelehnt wurde, laufen Gefahr, willkürlich inhaftiert zu werden.⁵¹³ Wer seinen Status erfolgreich geklärt hat, erhält Berichten zufolge

females, between the age of 18 and 55 should fill the required forms, while others stated that the applications are limited to those who were affiliated with anti-regime groups or their international supporters, such as civil society, armed groups, media or the political opposition”; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>. In Nord-Homs waren Armeeeoffiziere und staatliche Beschäftigte, die in von der Regierung kontrollierte Gebiete versetzt worden waren, nicht verpflichtet, sich einem „Versöhnungsverfahren“ zu unterziehen; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 35.

⁵⁰⁸ Einige Versöhnungsabkommen enthielten Bestimmungen, nach denen Personen mit bestimmten Profilen nicht in dem betreffenden Gebiet bleiben durften, da sie als „unversöhnbar“ angesehen wurden: “Often, no reconciliation possibility was offered to health-care personnel or activists”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 47. “One method for restoring government control in opposition areas forced ‘irreconcilable’ elements of the population to flee to northwest Syria (a fate that was often met by more civil society actors than hard-boiled fighters)”; COAR, *Syria Update: 26 October 2020*, 26 October 2020, <https://bit.ly/3p916u3>. Ein Beispiel: “In Northern Homs, the government gave local negotiators a list of around 1,000 people it deemed to be ‘irreconcilable’, effectively suggesting that they had a choice between forced displacement and prison without the opportunity to reconcile their affairs with the state”; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 12. Siehe auch UN Human Rights Council, *The Siege and Recapture of Eastern Ghouta*, 20 June 2018, A/HRC/38/CRP.3, www.ecoi.net/en/document/1438560.html, para. 70.

⁵⁰⁹ Das Überprüfungsverfahren wurde unterschiedlich beschrieben: In einigen Fällen beinhaltete es eine Anhörung, und in anderen Fällen bestand es aus sogenannten Versöhnungsformularen, in denen detaillierte Fragen zu beantworten waren. “The formal process known as ‘resolving status’ typically involves interrogation about previous opposition activities (such as participating in protests, relief work in rebel-held areas or fighting with rebels), many of which fall under the regime’s expansive definition of ‘terrorism’, and a pledge to abstain from these in the future. Thereafter, the individual receives a clearance paper and the security agencies supposedly remove him/her from their lists of wanted persons”; ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2. “The individuals required to undergo the surrender process are instructed to go to the designated offices to fill and sign a number of documents, which usually takes between 10 and 45 minutes. (...) The collected surrender forms are sent to the security branch in charge of the area to crosscheck the data against the files they have on the respective individuals. (...) The second layer of verification is usually carried out by the respective branch through networks of local informants based in former rebel areas. (...) A third layer might be done through crosschecking information with other branches, but that rarely happens in practice due to the rivalry and competition between the different security agencies”; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 21-22.

⁵¹⁰ SJAC stellte fest, dass „Versöhnungsabkommen“ “fail to meet minimum standards of fairness expected in an amnesty. The documents do not explicitly state the crimes and circumstances for which a signatory will not be prosecuted, nor do they provide provisions that would be binding on the government. Instead, participants are forced to sign away their basic rights, including freedom of speech and right to peaceful assembly”; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. “(...) all civilians were required to sign an oath of loyalty (...)”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68. Siehe auch ISW, *Russia’s Dead-End Diplomacy*, November 2019, <https://bit.ly/356TfCR>, p. 23; HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, <https://bit.ly/3lnM2qu>, p. 13; ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2.

⁵¹¹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 68.

⁵¹² Ebenda; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 22; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>.

⁵¹³ Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>. “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”; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 23. Siehe auch 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 2019, <https://bit.ly/35Ow406>; 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, <https://bit.ly/322CW7Z>.

einen „Statusbereinigungsausweis“, der vor Festnahmen schützen und das Passieren von Kontrollstellen ermöglichen soll.⁵¹⁴ Die „Klärung des Status“ garantiert jedoch nicht, dass die betreffende Person tatsächlich vor willkürlichen Festnahmen geschützt ist⁵¹⁵, und Meldungen zufolge wurden Personen verhaftet, obwohl sie einen „Statusbereinigungsausweis“ besaßen⁵¹⁶ oder weil die Behörden die Statusbereinigung später widerrufen haben.⁵¹⁷

Personen, die aus Gebieten außerhalb der Kontrolle der Regierung in Gebiete zurückkehren möchten, die von der Regierung zurückerobert wurden, müssen sich Berichten zufolge ebenfalls einer Überprüfung unterziehen, die derjenigen vergleichbar ist, der Personen unterliegen, die in ihren

⁵¹⁴ *“The form was to indicate that one’s name had been removed from an official state list of wanted people and allow the bearer to move through checkpoints without being harassed or arrested”*; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, <https://bit.ly/3lnM2qu>, p. 13. Eine Mustervorlage des Dokuments findet sich hier: <https://bit.ly/3euAyO5>.

⁵¹⁵ Im Januar 2021, verzeichnete SNHR: *“[The] arrest of individuals who had concluded settlements of their security status with the regime (...); these arrests have been concentrated in Damascus Suburbs governorate, with most occurring during campaigns of mass raids and arrests and at checkpoints”*; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 5 (and earlier reports). *“In Southern Syria, particularly in Quneitra and Daraa provinces, the Russia-guaranteed settlement/reconciliation agreement signed with the Syrian government in August 2018 did not deter the Syrian security services from detaining the provinces’ residents, many of whom subsequently died. At least 34 detainees were declared dead between January and October 2020. Of these, 19 were former armed opposition groups fighters who signed a settlement agreement. Other 15 were civilians, and mostly signatories to the agreement (...)”*; STJ, *“My Mother still Hopes He’s Alive”*: *Dozens of Syrian Families Told Their Detained Loved Ones Are Dead*, 1 February 2021, <https://bit.ly/3sTHcEH>, p. 16. *“Since the beginning of 2020, we have documented an increasing rate of hunt-and-arrest operations carried out by the Syrian Regime forces against individuals who had settled their security situation in areas that have signed settlement and ‘reconciliation’ agreements with the regime after it retook these areas; these arrests have been concentrated in the governorates of Aleppo, Damascus Suburbs and Daraa, with some targeting former workers in humanitarian organization, medical personnel and relief workers”*; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiYju>, p. 11. *“In areas recently retaken from the anti-government groups, Syrian security forces have arrested hundreds of activists, former opposition leaders, and their family members, although they had all signed reconciliation agreements with the authorities guaranteeing that they would not be arrested”*; HRW, *Germany: Syria Torture Trial Opens*, 23 April 2020, <https://bit.ly/2NrBtQ>. *“Detention has been particularly widespread in ‘reconciled’ territories, where long-term residents and recent returnees have been arrested regardless of their compliance with reconciliation processes”*; SJAC, *The State of Justice Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 8. Siehe auch „Umgang mit Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind“.

⁵¹⁶ *“Young men may be apprehended at a checkpoint because their ‘reconciliation card’ may not be accepted, they are wanted by the government for opposition involvement, or they have not completed the compulsory military service”*; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 6. *“(...) amnesty is not a guaranteed [sic] to those who present themselves for the reconciliation process. The government has arbitrarily detained and disappeared thousands of former fighters and opposition activists in reconciled areas. In Daraa, a local documentation center estimates that around 650-1000 people were arrested by progovernment forces in the 12 months following the July 2018 reconciliation agreement. Some of those arrested had obtained clearance papers through the reconciliation process prior to their arrest”*; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. Siehe auch SOHR, *Regime Security Services Arrest Civilian Holds Settled-Status Card in Daraa Countryside*, 28 October 2020, <https://bit.ly/3oCmsyO>; SOHR, *“Military Intelligence” Arrests Civilian in Daraa City for Unknown Reasons*, 5 July 2020, <https://bit.ly/3703kVB>; Syria Direct, *Daraa Residents Face Arrest, Disappearance at Local Government Offices*, 27 September 2019, <https://bit.ly/3hQSnJk>.

⁵¹⁷ Laut SOHR wurden „Versöhnungsabkommen“ von den Behörden auch widerrufen. Beispielsweise erhielten im Oktober 2019 etwa 3.000 Männer aus Ost-Ghouta, die nach der Rückeroberung der Gebiete 2018 ein „Versöhnungsabkommen“ mit den Behörden geschlossen hatten, eine Mitteilung des lokalen Mukhtar über die „Ablehnung“ ihrer Versöhnung. Sie wurden aufgefordert, sich innerhalb von 10 Tagen nach Erhalt der Mitteilung bei den Sicherheitsdiensten zu melden. Für den Fall, dass sie der Aufforderung nicht nachkämen, wurde ihnen die Verhaftung angedroht. SOHR meldete im Anschluss Festnahmewellen in Ost-Ghouta; SOHR, *Regime’s Intelligence Raids Zamalka and Hazza in the Eastern Ghouta and Arrest 16 people Whose “Settlements” Were Rejected*, 15 November 2019, <https://bit.ly/3evSub9>. Eine ähnliche Entwicklung wurde im Juni 2019 und erneut im Februar 2020 aus dem Gebiet Wadi Barada (Damaskus-Umgebung) gemeldet. Lokalen Quellen zufolge hing der Widerruf der Abkommen zum einen damit zusammen, dass die betreffenden Personen gegen das Abkommen verstoßen hatten, und zum anderen damit, dass ehemalige Mitglieder der Opposition beschuldigt und vor Gericht angeklagt wurden; SOHR, *Regime Forces Revoke “Settled-Status” of 300 Young Men in Wadi Barada amid Fears of Imminent Arrests*, 19 February 2020, <https://bit.ly/3fWixF0>; SOHR, *The Regime Forces Refuse to Struck Settlement Deals with about 250 Persons from Wadi Barada in Rif Dimashq about 2 Years after They Imposed Their Control over the Area*, 24 June 2019, <https://bit.ly/2NpY5nt>. Siehe auch SOHR, *The Regime’s Security Services Refuse to Struck Settlement Deals with 150 Persons in Harasta for Killing Officers and Members of the Regime Forces*, 9 December 2019, <https://bit.ly/3hZc5mc>; SOHR, *After Rejecting Their Settlements, Regime’s Security Services Arrest about 40 People from Douma and Mesraba in the Eastern Ghouta*, 2 December 2019, <https://bit.ly/2B5dGGC>.

Gebieten geblieben sind, und können einer Vielzahl von Menschenrechtsverletzungen ausgesetzt sein, einschließlich, jedoch nicht beschränkt auf willkürliche Verhaftung und Zwangsrekrutierung.⁵¹⁸

⁵¹⁸ “Regime security forces are requesting all individuals to attain security permits prior to returning. Many returnees were reportedly arrested because they did not possess the new documents requested”; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, p. 69. Beispielsweise wurden Personen nach ihrer Evakuierung aus dem Camp Rukban in Südsyrien “have been interned and processed through security screening at so-called ‘collective shelters’ in Homs governorate”; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 41st Session of the UN Human Rights Council*, 2 July 2019, <https://bit.ly/2nmKynr>. Eine Gruppe von 329 Personen verließ Rukban im September 2019 mit Unterstützung der Vereinten Nationen und des Syrisch-Arabischen Roten Halbmonds. Sie wurden in „Aufnahmezentren“ in Homs verbracht, und IICISyria “received reports that at least 100 individuals who were evacuated from Rukban had been detained by government forces after arrival in Homs. The decision to leave appears to be motivated by the deteriorating camp conditions, further amplified by a harsh winter and scarcity of resources. Others who remain in Rukban cited fears of forced conscription or arbitrary arrest. Ongoing violations throughout government-held areas, including arbitrary detention and forced conscription, impede the right of civilians to voluntary return, in safety and dignity, to their original or another destination of their choice”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 86-87. “SJAC found that many of the returnees were first sent to shelter centers, then to security branches (including the Military Police Branch in the Qaboun quarter of Damascus), and then either to the Syrian Counter-Terrorism Court or to Sednaya prison. Some civilians were sent to the Adra Central Prison outside of Damascus to serve a sentence of one-to-two years. SJAC obtained information detailing that 133 civilians from Rukban have been arrested since returning to government-controlled territory. Some returnees were also sent to complete their compulsory military service”; SJAC, *Residents of Rukban Camp Face Siege, Limited Aid, and Dangers in Reconciled Areas*, 11 July 2020, <https://bit.ly/31h0ml7>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 34; PBS, *Most Aid to Syria’s Rukban Camp Has Been Blocked for more than a Year. Here’s Why*, 14 March 2020, <https://to.pbs.org/38hG8Bf>; HRW, *World Report 2020: Syria*, 14 January 2020, www.ecoi.net/en/document/2022683.html. Zur Überprüfung von Personen, die aus dem Ausland nach Syrien zurückkehren möchten, siehe Kapitel III.A.1.e.

Umgang mit Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind

In Gebieten, die von der Regierung zurückerobert wurden, einschließlich der Provinzen Aleppo⁵¹⁹, Dera'a und Quneitra⁵²⁰, Deir Ez-Zour⁵²¹, Damaskus⁵²², Damaskus-Umgebung⁵²³ und Homs⁵²⁴, sind die

⁵¹⁹ "(...) Syrian regime forces in November [2020] continued to persecute and arrest Syrian citizens in connection with their political dissent and expression of opinions (...). We have recorded multiple arrests and acts of persecution of citizens in connection with reserve conscription, as well as individuals who have concluded settlements of their security status with the Syrian regime. These arrests have been concentrated in Aleppo, Dera'a and Damascus suburbs governorates" (Hervorhebung nur hier); SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, <https://bit.ly/3mZNCzv>, p. 4. Siehe auch SOHR, *Regime Police Arrest Young Man in Aleppo*, 19 November 2020, <http://bit.ly/2O7C7t4>; SNHR, *Syrian Regime Forces Arrested Several Civilians in Aleppo City on August 28*, 30 August 2020, <https://bit.ly/39WpmdW>; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, <https://bit.ly/3dJrzt1>, p. 5; SNHR, *Syrian Regime Arrested Civilians in Aleppo City, on January 25*, 25 January 2020, <https://bit.ly/2V0hYWs>.

⁵²⁰ Siehe z. B. SOHR, *Large-Scale Campaign of Arrests: Regime Security Services Arrest Several Settled-Status Members in Northern Daraa Countryside*, 28 February 2021, <http://bit.ly/2O46GQq>; SNHR, *Syrian Regime Forces Arrested a Civilian in Dael City in Daraa Suburbs on February 25*, 26 February 2021, <https://bit.ly/3kDfYiE>; SNHR, *Syrian Regime Forces Arrested a Civilian in Da'el City in Daraa Suburbs on January 8*, 9 January 2021, <http://bit.ly/3pVgw4o>; SNHR, *Syrian Regime Forces Arrested Two Civilians in Jdayya Village in Daraa Suburbs on December 19*, 24 December 2020, <http://bit.ly/3b0TdSr>; SNHR, *Syrian Regime Arrested a Civilian in Dael City in Daraa Suburbs on December 16*, 16 December 2020, <http://bit.ly/3szhC7l>; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, <https://bit.ly/3mZNCzv>, p. 4; SOHR, *Military Security Service Arrests Two Young Men from Eastern Daraa, Taking Them to Al-Suwaidaa*, 2 December 2020, <https://bit.ly/33Wdlv>; SNHR, *Syrian Regime Arrests a Wounded Civilian as He's Being Treated in Daraa City Hospital on November 30*, 1 December 2020, <http://bit.ly/3dUb5QP>; SOHR, *Residents Stage Sit-In, Protesting Indiscriminate Arrests*, 26 October 2020, <https://bit.ly/3n2Qlb9>; SOHR, *"Air-Force Intelligence" Service Arrests Woman in Daraa City*, 18 October 2020, <https://bit.ly/2VTLUn5>; SOHR, *Military Security Storms al-Manshiyeh Neighbourhood in Daraa City, Arresting Two Young Men*, 30 September 2020, <https://bit.ly/3n0K1RF>. Siehe auch, STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>.

⁵²¹ Siehe z. B. SNHR, *Syrian Regime Forces Arrested a Civilian in Deir Ez-Zour City on January 21*, 24 January 2021, <http://bit.ly/37FKLpL>; SNHR, *Syrian Regime Arrested Civilians in al Tebni Town in Deir Ez-Zour on November 26*, 29 November 2020, <https://bit.ly/33UBg3S>; SNHR, *Syrian Regime Arrested a Civilian in Deir Ez-Zour City on November 8*, 20 November 2020, <https://bit.ly/3gs8Jbf>; SNHR, *Syrian Regime Arrested Civilians in al Mayadeen City in Deir Ez-Zour on June 24*, 29 June 2020, <https://bit.ly/38LsFC3>; SNHR, *Syrian Regime Forces Arrested a Civilian in Deir Ez-Zour City on June 20*, 29 June 2020, <https://bit.ly/304JG6f>; SNHR, *The Death of a Civilian Due to Torture in Syrian Regime Forces' Detention Center*, June 5, 7 June 2020, <https://bit.ly/3efcvC0>; SNHR, *Syrian Regime Forces Arrested Civilians in Hatla Village in Deir Ez-Zour Suburbs, on April 21*, 24 April 2020, <https://bit.ly/37Q6NFe>; SNHR, *Syrian Regime Arrested Tens of Civilians in Deir Ez-Zour City During Five Days*, 24 February 2020, <https://bit.ly/310Zxoj>; SNHR, *Syrian Regime Forces Arrested a Number of Civilians in Sbaikhan City in Deir Ez-Zour Suburbs, on January 9*, 10 January 2020, <https://bit.ly/2V5zclD>.

⁵²² Zu gemeldeten Festnahmen von Personen aus zuvor von der Opposition kontrollierten Gebieten, die an Kontrollstellen in Damaskus festgenommen wurden, siehe z. B. SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on October 24*, 28 October 2020, <https://bit.ly/3m1gUfu>; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on October 26*, 26 October 2020, <https://bit.ly/37IsGqc>; SOHR, *Security Services in Damascus Arrest Woman for Unknown Reasons*, 6 September 2020, <https://bit.ly/2K6iTiA>; SNHR, *Syrian Regime Forces Arrested a Woman in Damascus City on August 29*, 4 September 2020, <https://bit.ly/3i4qkWD>; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on September 2*, 3 September 2020, <https://bit.ly/36XO4bG>; SNHR, *Syrian Regime Forces Arrested a Civilian in Damascus City on August 26*, 28 August 2020, <https://bit.ly/3qllaV2>; SOHR, *Security Services in Damascus Arrest Two Persons from Daraa for Unknown Reasons*, 26 July 2020, <https://bit.ly/3gtTgqV>; SNHR, *Syrian Regime Arrested a Civilian in Damascus City on June 18*, 27 June 2020, <https://bit.ly/2VU3oQf>; SNHR, *Syrian Regime Arrested a Civilian in Damascus City on June 16*, 17 June 2020, <https://bit.ly/2VXPmNC>. Zur willkürlichen Festnahme palästinensischer Flüchtlinge aus Gebieten, die zuvor von der Opposition kontrolliert wurden, in Stadtteilen von Süd-Damaskus siehe Kapitel III.A.12.

⁵²³ "Regime's tight security grip is continuously felt in the towns and cities of eastern Ghouta through the ongoing inspection at checkpoints of everybody, men and women, traveling in or out of eastern Ghouta"; SOHR, *Eastern Ghouta: Chronic Crises...Lack of Basic Services...Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, <https://bit.ly/37CtwVj>. "Enab Baladi's correspondent in Eastern Ghouta has monitored, since the beginning of this year [2020], that the Syrian regime forces have intensified their security campaigns to include tens of young men, mostly in the cities of Douma, Arabin and Ayn Tarma. Besides, the state security forces have swept homes, shops, and warehouses, and set up temporary 'flying' checkpoints within the neighborhood to be able to search all passers-by"; Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta... Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, <https://bit.ly/3h5ltEx>. "In Eastern Ghouta, GoS conducted multiple arrest operations against civilians living in the former opposition enclave. Tens of people were arrested in Duma, Ein Terma, Zamalka, Jisreen, Hezzeh, and Arbin towns, including 9 former health workers who had worked when Eastern Ghouta was controlled by Jaish al Islam and Faylaq al Rahman"; Carter Center, *Weekly Conflict Summary: 9 -15 March 2020*, 15 March 2020, <https://bit.ly/2XM1tyV>, p. 3. Siehe z. B. SOHR, *Syrian Regime Forces Arrested a Civilian in Sahnaya Town in Damascus Suburbs on February 16*, 21 February 2021, <http://bit.ly/2ZXgjmF>; SOHR, *Air-Force Intelligence Arrests Two Women and Young Man from Douma City*, 15 February 2021, <http://bit.ly/3dO2r6q>; SOHR, *Man and His Son among Four Civilians Arrested by Regime Security Services in Western Rif Dimashq*, 25 January 2021, <https://bit.ly/3dSSx3n>; SOHR, *Security Services Arrest Three Settled-Status Persons in Rif Dimashq, while the Russians Meet with Residents*, 24 January 2021,

früheren Praktiken der Menschenrechtsverletzungen wieder aufgetaucht⁵²⁵, und Meldungen zufolge setzt die Regierung eine Vielzahl von Maßnahmen ein, „um zu bestrafen und Gehorsam zu erzwingen“.⁵²⁶

Echte oder vermeintliche Gegner⁵²⁷ werden von der Regierung ins Visier genommen und willkürlich verhaftet, in Isolationshaft genommen, zwangsrekrutiert, gefoltert und in sonstiger Weise misshandelt.⁵²⁸ Einigen Meldungen zufolge werden Gebiete, die zuvor von der Opposition kontrolliert wurden, absichtlich von der Grundversorgung und humanitären Hilfsleistungen abgeschnitten, um die Bevölkerung für ihre vermeintliche Illoyalität kollektiv zu bestrafen.⁵²⁹

Unter Verstoß gegen Bestimmungen in Versöhnungsabkommen, die eine Rückkehr der staatlichen Beschäftigten an ihren ehemaligen Arbeitsplatz vorsehen, sind Berichten zufolge Hunderte von Lehrern, medizinischen Fachkräften und Beamten in ehemals von der Opposition kontrollierten Gebieten entlassen oder vom Dienst suspendiert worden, weil man sie für ihre vermeintliche Illoyalität

<http://bit.ly/2NwIxC1>; SOHR, *Security Services Launch New Campaign in Rif Dimashq, after Arresting Man and His Wife*, 17 January 2021, <http://bit.ly/3sDggjip>; SNHR, *Syrian Regime Arrested a Child in Jdaidet Artouz Town in Damascus Suburbs on December 29*, 2 January 2021, <http://bit.ly/3qWS2Jj>; SOHR, *Security Services Arrest Number of Young People in Eastern Ghouta and Southern Damascus*, 25 November 2020, <https://bit.ly/3qDeaZs>; Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, <https://bit.ly/3lA4bkE>; SNHR, *Syrian Regime Arrested Civilians Including a Child in the Vicinity of Kanaker Village in Damascus Suburbs on Sept. 28*, 3 October 2020, <https://bit.ly/2JFsnEM>; Siehe auch UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and "Settling One's Status"*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (einschließlich darin enthaltener Quellenangaben).

⁵²⁴ "Since the withdrawal of the Russian army in late 2018, however, the regime has again cracked down brutally on the opposition. People are arbitrarily arrested and simply disappear"; KAS, *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 4. Siehe auch SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, <http://bit.ly/2ZX4flh>; SOHR, *Six People Killed or Arrested while Attempting to Flee Al-Rukban Camp*, 8 July 2020, <https://bit.ly/3qE6o1n>; SOHR, *Arrest of Member in "Tiger Forces" Militia Triggers Security Tension*, 25 June 2020, <https://bit.ly/386ux7U>; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>; SOHR, *Regime Security Forces Raid a Town Northern Rural Homs and Arrest 12 Civilians*, 8 January 2020, <https://bit.ly/2VPUxQc>.

⁵²⁵ In zurückeroberten Gebieten "(...) widespread arrests, disappearances, and killings have perpetrated what locals describe as a 'pervasive' sense of fear across government-held areas"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. "In formerly besieged towns and villages where 'reconciliation' agreements have been imposed, ubiquitous checkpoints created fear among the civilian population and restricted freedom of movement and access to basic services. (...) Civilians in areas retaken by the Government suffered from a general absence of the rule of law. Arbitrary arrests, enforced disappearances and detentions continued to be commonplace throughout areas such as Dar'a, Duma and eastern Ghutah. During the period under review, large numbers of adult men were also detained purportedly for conscription"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, p. 2, para. 68.

⁵²⁶ "Arbitrary arrests and cumbersome administrative procedures, in addition to the combination of complex changes to property legislation and myriad movement restrictions, have been used to punish and ensure obedience"; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, <https://bit.ly/37U4aIM>. "(...) across reconciled areas, widespread reports of abuses and violations have emerged, suggesting that Damascus intends to use the framework of reconstruction and reconciliation to punish opponents and stifle dissent"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 9.

⁵²⁷ Syrien-Expertin Emma Beals erklärt, dass Personen aus Gebieten, die zuvor von der Opposition kontrolliert wurden, "are treated with suspicion or discriminated against as a result"; The New Arab, *Denmark's Dangerous Plan to Deport Syrian Refugees to Assad-Controlled Damascus*, 30 June 2020, <https://bit.ly/2YNIU2v>.

⁵²⁸ Siehe Kapitel III.A.1.a.

⁵²⁹ Ein Beispiel: "[I]n Homs city, the regime is continuing to deprive former opposition-held quarters, including Bayyada, Waer, and Karam al-Zeitoun, of basic infrastructure, development funding, and services"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>. "There is no clear intention to reconcile and former areas of resistance or rebellion continue to be punished by the regime, including through the withholding of medical services"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 9. "(...) reports in 2019 have provided new evidence of the government's efforts to co-opt reconstruction efforts to serve its political objectives, by diverting international funds and restricting access to humanitarian actors. Such actions by the state indicate that reconciled areas may suffer political and economic collective punishment for years to come"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. "Even basic state services and humanitarian aid are reportedly extended or withheld based on recipients' demonstrated political loyalty to the Assad regime"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. Siehe auch PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 4; SOHR, *Eastern Ghouta: Chronic Crises...Lack of Basic Services...Syrian Regime Blamed for Deliberately Marginalizing the Region*, 3 December 2020, <https://bit.ly/37CtwVj>; SOHR, *Regime Checkpoints Prevent Construction Materials from Entering Areas in Wadi Barada in Rural Damascus*, 11 January 2020, <https://bit.ly/36ObhdQ>; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJo>, p. 17.

bestrafen wollte.⁵³⁰ In zurückeroberten Gebieten wurde gemeldet, dass Personen von den Sicherheitsdiensten der Regierung überwacht und willkürlich verhaftet wurden, wenn festgestellt wurde, dass sie mit Angehörigen im Ausland oder in Gebieten kommunizierten, die von bewaffneten oppositionellen Gruppen kontrolliert wurden.⁵³¹ Zahlreiche Berichte beschreiben die allgegenwärtigen Plünderungen und Zerstörungen von Wohnhäusern, Geschäften und landwirtschaftlichen Feldern der Personen, die nach dem Ende der Militäroffensiven von den Regierungstruppen vertrieben wurden.⁵³² In einigen ehemals von der Opposition kontrollierten Gebieten ist die Freizügigkeit Berichten zufolge weiterhin stark eingeschränkt, sowohl innerhalb der Gebiete als auch in Bezug auf die Ein- und

⁵³⁰ "Individual health care workers were technically allowed to return to work after undergoing these individual reconciliation agreements and being 'cleared' by the security forces. In practice, **many were reportedly denied clearance**. Despite the clear need for health care workers, many of those granted authorization reported difficulty finding public sector employment" (Hervorhebung nur hier); PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, pp. 15-16. "While some teachers and employees in the telecommunication and mail sectors in the eastern region of Daraa have been able to return to work following the Russian mediation, the vast majority of Daraa's employees are still waiting for their hearings at a disciplinary court which looks into each situation on a case by case basis. The court has so far ruled on the return to work of a few teachers, engineers and other government employees and revoked the removal of their names from the relevant syndicate lists. In some other cases, the court has ruled in favour of the reinstatement of employees but with imposition of a two- to four-year suspension as punishment for collaborating with the opposition during the rebellion"; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, <https://bit.ly/39yuxhX>. "(...) the regime is using other punitive tactics to punish civilians who are, or were at some point, considered 'out of order'. Among those are hundreds of public servants in former rebel-held areas now retaken by the regime, who are not allowed to get their jobs back. They have been fired for reasons ranging from 'insufficient loyalty' to a simple 'failure to report for work'"; MEE, *Punishing Syrian Public Servants in Former Rebel Areas Will only Bring more Division*, 24 October 2019, <https://bit.ly/3bgqPdr>. Siehe auch Carnegie MEC, *How Southern Syria Has Been Transformed into a Regional Powder Keg*, 14 July 2020, <https://bit.ly/2X4TJr7>.

⁵³¹ "We have also documented the arrest of a number of people for making phone calls to areas outside the Syrian regime's control, communicating with people wanted by the regime and those under the control of the other parties to the conflict, with those detained including elderly people, women and children"; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiYju>, p. 11. "The Syrian government, which owns the telecommunications infrastructure in East Ghouta, can intercept phone calls and SMS messages. Although third-party messaging applications, such as Telegram and WhatsApp, are often more secure, the regime has co-opted local phone dealers to install monitoring and tracking apps on phones and computers. A lack of awareness and technical savvy on the part of residents places them – along with those they communicate with locally and abroad – at risk of being compromised by the regime"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 15. Siehe z. B. Voice of the Capital (oppositionsnahe Website), *Arrests in Harasta Over Communication with Northern Syria*, 23 December 2020, <http://bit.ly/3pSqzYt>; SOHR, *Intelligence Services Clamp Down on Homs Residents for "Communicating with Relatives in Northern Syria"*, 16 June 2020, <https://bit.ly/3hzlvtvF>; Voice of the Capital, *Harasta: Woman Gets Arrested over Suspicious Phone Call to Northern Syria*, 14 April 2020, <https://bit.ly/3d0lrmJ>; Syria Call, *Assad Regime Arrests Woman Due to a Phone Call She Made Years Ago in "Harasta" East of Damascus*, 11 April 2020, <https://bit.ly/3mNcb26>; Zaman Al Wasl, *Regime Arrests Mother and Her Four Daughters over Phone Call with Rebel Relative*, 4 April 2020, <https://bit.ly/36O20mW>; SOHR, *Regime Political Intelligence Arrests Several Civilians from Al-Tal City in Western Rif-Dimashq*, 23 February 2020, <https://bit.ly/2XYbXvB>.

⁵³² Der Syria Report dokumentierte, dass die Regierungstruppen auch noch zwei Jahre nach ihrer Rückeroberung der Provinz Dera'a Häuser tatsächlicher oder vermeintlicher Regierungsgegner demolieren und in Brand setzen. "Regime forces continued burning and destroying homes in rural Daraa even after they regained control of the governorate in mid-2018, pushing many residents to flee and barring others from returning home to their villages following reconciliation agreements"; Syria Report, *More Than Two Years After Recapture, Regime Forces Still Burn, Damage Homes in Daraa*, 7 October 2020, <https://bit.ly/2TquSvS>. Die Plünderungen, die landläufig als „ta'feesh“ bezeichnet werden, sind den Quellen zufolge sowohl eine Belohnung für die Regierungstreuen als auch eine Bestrafung derjenigen, die als Sympathisanten der Opposition angesehen werden. "These looting operations, which are sometimes accompanied by the burning of the ransacked homes, show a strong desire on the regime's part for revenge against all those who demanded political change and the removal of the regime and the government (...)" ; SNHR, *Widespread Looting by Syrian and Iranian Regime Forces in and Around Idlib Threatens the Return of the Displaced People and Sows Religious Hatred*, 31 March 2020, <https://bit.ly/3115O2X>; p. 7. Siehe auch SNHR, *Syrian Regime Forces Loot the Cladding Material of a School in Saraqeb City in Idlib Suburbs*, 23 February 2021, <https://bit.ly/3kkWY8m>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 84; SOHR, *Regime-Backed Militias and Lebanese Hezbollah Continue Looting Civilians' Properties in Saraqeb*, 11 August 2020, <https://bit.ly/3115O2X>; The National, *Syrian Forces Use Scorched Earth Policy in Newly Recaptured Idlib*, 27 July 2021, <http://bit.ly/3swGFbk>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 97-98; SOHR, *Forces Loot Villages in Rural al-Raqqa and Al-Hasakeh, and Internal Security Forces Confiscate Stolen Goods*, 31 May 2020, <https://bit.ly/30tGfHT>; SNHR, *Cladding Materials Were Looted by Syrian Regime from Civilians' Houses in Anadan City in Aleppo after They Seized Control over the City*, 30 March 2020, <https://bit.ly/2zPI2xe>; Enab Baladi, *Stolen Furniture of Rural Idlib Is Sold at Loot Markets of Homs*, 15 February 2020, <https://bit.ly/2UwobsW>.

Ausreise.⁵³³ ICISyria ist der Auffassung, dass diese willkürlichen Beschränkungen der Freizügigkeit, einschließlich in Ost-Ghouta, möglicherweise den Tatbestand des „Kriegsverbrechens der kollektiven Bestrafung“ erfüllen.⁵³⁴

Beobachtern zufolge hat die Regierung auch von Vorschriften des Eigentumsrechts, z. B. Dekret Nr. 66 von 2012 und Gesetz Nr. 10 von 2018, Gebrauch gemacht, um Personen zu enteignen, die in Gebieten leben, die sie für illoyal hält, oder die „*allgemein als Personen wahrgenommen werden, die mit oppositionellen Gruppen in Verbindung stehen*“.⁵³⁵ Es wird auch berichtet, dass bewaffnete regierungsnahen Gruppen Grundstücke in zurückeroberten Gebieten durch Drohungen gegen die Eigentümer oder einfach durch Beschlagnahmung übernommen haben⁵³⁶. Darüber hinaus wird

⁵³³ Die Beschränkungen der Freizügigkeit behindern u. a. den Zugang der Menschen zu Dienstleistungen (z. B. Regierungsbehörden, Krankenhäuser) und hindern sie an einer Rückkehr. *“The Government’s security apparatus continue [sic] to violate residents’ civil, economic, political and social rights, particularly in areas previously held by non-state armed and terrorist groups. Checkpoints block residents from making a living by selling goods or crops elsewhere, and even from seeking health care”*; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council Session*, 22 September 2020, <https://shar.es/ab19Fy>. *“In areas such as Qadam, as well as in parts of Qabun, Damascus, displaced residents were prevented by government officials from returning to their properties and visiting their houses to inspect damages. If they were allowed, it was only for a few hours. Other residents were informed by government officials that any permanent return to their homes, or reconstruction of privately owned houses, was prohibited”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 79. Siehe auch Enab Baladi, *After Two Years of Settlement Agreement in Eastern Ghouta... Home Raids and Arrests Despite Coronavirus Lockdowns*, 24 March 2020, <https://bit.ly/3h5ItEx>; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 13.

⁵³⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 80.

⁵³⁵ *“Housing land and property frameworks were used to punish individuals broadly perceived to be associated with opposition groups, including activists, who documented violations by government forces.”* Weiter heißt es: *“In areas such as Qusayr [Homs Governorate], Dar’a and Darayya [Rural Damascus Governorate], certain segments of the civilian population were compelled by pro-government forces to sell their property at greatly reduced prices. Moreover, interviewees described that notices were put on houses stating that within a month of the notice the claimant must appear before the cadastral office to file a claim. However, the owners of the properties were often barred from entering the city within the time period. In areas such as Qusayr, displaced persons returned to their homes and found their houses being occupied by relatives of members of the security forces or armed groups.”* ICISyria ist der Auffassung, dass rechtswidrige Enteignung von Menschen in zuvor belagerten Gebieten möglicherweise den Tatbestand des Kriegsverbrechens der kollektiven Bestrafung erfüllt. UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 75, 78, 80. *“Since 2011 the regime has issued more than sixty laws and decrees regulating housing, land and property rights (HLP), urban planning, and investment issues. Together they form the legal framework for reconstruction and grant the government powers, such as the authority to designate development zones where private property can be expropriated. Damascus has used these powers not only to seize land and buildings on a large scale without adequate transparency or compensation (and as such prevented IDPs and refugees returning to strategic locales), but also demolished whole neighbourhoods, above all in the Damascus suburbs, in Homs and in East Aleppo. Rather than repairing war damage, such state development projects are designed to alter the composition of the population, generally to the detriment of groups perceived as poorer and less loyal”*; SWP, *Reconstruction in Syria: Challenges and Policy Options for the EU and Its Member States*, July 2020, <https://bit.ly/3f3P7Yo>, pp. 8-9. Siehe auch AFP, *Syria’s Regime Auctions Off Land of the Displaced*, 31 December 2020, <http://bit.ly/3naImZ9>; SACD, *Hama Confiscations of Property Confirm Syrian Regime’s Intent to Cement Displacement*, 16 November 2020, <https://bit.ly/2lOnlQm>; SOHR, *Officers and Soldiers Take Over Houses of Expatriates and Displaced People in Eastern Ghouta, Lodging Their Families in Them*, 4 September 2020, <https://bit.ly/3bu5uxq>; KAS, *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, pp. 4-5; Carnegie MEC, *Homs, a Divided Incarnation of Syria’s Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>; Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, <https://bit.ly/3a7FTb5>, p. 23. Siehe auch Kapitel II.D.3 und III.A.1.a.

⁵³⁶ *“(…) testimonies suggest that militias used a variety of methods to force owners to sell their properties, including threatening them with arrest and accusing them of terrorism and supporting the opposition. Victims included people who were displaced to other neighbourhoods of Aleppo, and who were persuaded by militias to sell after receiving hostile visits at their new homes. Meanwhile, militias have been communicating with displaced people – most of whom are opponents of the regime – living outside Aleppo through their relatives, in an attempt to convince them that their homes have been classified as informal building code violations slated for demolition, and that it is therefore preferable to sell before the city’s new zoning plan is issued”*; Syria Report, *East Aleppo: Katerji Buys Properties of Displaced Residents*, 13 January 2021, <http://bit.ly/3slAy3X>. Siehe auch, SOHR, *Cities and Towns of Eastern Ghouta: Iranians Expand Their Influence Purchasing Real Estate, and Regime Confiscates Hundreds of Properties by “Provisional Seizure” Decision*, 18 February 2021, <http://bit.ly/3b4MdDY>; SOHR, *Pro-Iranian Foreign Militias Expand Their Presence at Syrian-Lebanese Border, Confiscating Dozens of Luxury Apartments and Purchasing Hundreds of Agricultural Land Plots*, 16 February 2021, <http://bit.ly/2PnKgDd>; Syria Report, *Southern Aleppo Countryside: Public Auction to Invest in Displaced People’s Lands*, 6 January 2021, <http://bit.ly/37ZQ4jP>; Syria Report, *Residents Displaced from Mayadeen’s Al-Tamo Neighbourhood: “Like Refugees in Our own City”*, 6 January 2021, <https://bit.ly/3r2CVy3>.

berichtet, dass die Regierung gezielt Gebäude von vermeintlichen Gegnern abgerissen hat, angeblich weil sie nicht nach den geltenden Bauvorschriften errichtet worden waren⁵³⁷.

e) **Besondere Bedenken in Bezug auf Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind und aus dem Ausland zurückkehren**

Für Personen, die aus dem Ausland nach Syrien zurückkehren möchten und vorher eine „Statusklärung“ durchführen wollen, nutzen die syrischen Behörden einen Überprüfungsmechanismus.⁵³⁸ Die Kriterien für eine Unbedenklichkeitsbescheinigung sind nicht bekannt, und es gibt auch keine Informationen darüber, wie viele rückkehrwillige Personen eine Rückkehrerlaubnis bzw. einen ablehnenden Bescheid von den syrischen Behörden erhalten haben.⁵³⁹ Berichten zufolge haben die syrischen Behörden einer erheblichen Anzahl rückkehrwilliger Syrer die Rückkehr verweigert, was zur Trennung von Familien geführt hat.⁵⁴⁰ Entgegen den offiziellen Aussagen, denen zufolge die Rückkehr von Flüchtlingen willkommen sei, haben Regierungsbeamte

⁵³⁷ “Since January 2021, the municipality of Al-Zerbeh, a town located south of Aleppo city, has demolished dozens of properties belonging to allegedly pro-opposition residents displaced from the town as well as to opposition sympathisers who had been displaced from nearby villages. Municipal officials say the buildings were in violation of the construction code. The demolitions also targeted properties in neighbouring villages, as well as areas surrounding the nearby strategic M5 Highway that connects Aleppo and Damascus and passes near Al-Zerbeh. (...) The demolitions in Al-Zerbeh come amid a broader demolitions campaign in Aleppo city’s largely destroyed eastern neighbourhoods”; Syria Report, *Building Demolition Campaign Against Opposition Sympathisers Continues in Aleppo Area*, 24 February 2021, <http://bit.ly/2NOcmhy>. Unter den Gebäuden, die in Ost-Aleppo abgerissen wurden, waren einige, deren Eigentümer es abgelehnt hatten, ihr Eigentum an regierungsnahen bewaffneten Gruppen zu verkaufen: “They [diese bewaffneten Gruppen] have an interest in demolishing some of these buildings after their owners refused to sell them, or because the process of seizing the buildings was difficult as residents refused to leave them, among other reasons. Demolition of these buildings has placed pressure on others who refuse to sell their properties in the area or reduce their prices”; Syria Report, *Demolishing ‘Building Violations’ in Aleppo: Beyond the Implementation of Decree No. 40 of 2012*, 10 February 2021, <http://bit.ly/2ZZ8jBL>. Die Abrisse wurden unter Bezugnahme auf Legislative Decree No. 40 of 2012 on informal housing and building violations durchgeführt: “Implementation [of the law] is often strict in neighbourhoods considered to be anti-regime, including Al-Ramal Al-Janoubi in Latakia.” Weiter: “Syrian security forces view Al-Ramal Al-Janoubi as an anti-government hotspot, after residents joined early demonstrations against the government in 2011. At the end of 2019, the Latakia governorate authorities launched a sudden campaign to demolish a number of homes in the district”; Syria Report, *Demolitions Target Palestinian Refugee Camp in Latakia*, 8 July 2020, <http://bit.ly/3sDClau>. Legislative Decree No. 40 of 2012 ist verfügbar unter: www.syria-report.com/informal-housing-law.

⁵³⁸ “Some investigative reports have shown that adjustment papers involve a significant trap for signatories, forcing any person to provide information they know about the opposition, activists, or any military information related to the opposition upon signature. Some answers alone constitute a sufficient reason for arrest. It was later discovered that the adjustment papers provided by the Assad regime embassies in Europe, included notes determining some of those willing to return had taken up arms against the state”; Omran Center for Strategic Studies, *The Security Landscape in Syria and its Impact on the Return of Refugees: An Opinion Survey*, 17 December 2020, <https://bit.ly/3asi7uk>, p. 69. “Syrians need to apply for return and receive a security clearance from GoS authorities before being able to return to their neighbourhood, and a significant number of these return applicants are refused or never receive an answer to their request”; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, p. 13. “People who wish to return to Assad-held areas must now sign a ‘reconciliation document’ in order to return – particularly those returning from opposition or former opposition areas, or who left the country without official documents or permission, as is the case for many refugees. The content of the document, which must be lodged with the Syrian embassy in the host country before being allowed to return, speaks of ‘addressing the situation of Syrians who left the country illegally, due to the current circumstances and (...) settling their military conscription and other security issues, regardless of the circumstances that compelled them to leave’. Signing the document amounts to a confession of having committed a legal violation by leaving the country”; SADC, *We Are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return*, 21 July 2020, <https://bit.ly/2WtVwFy>, p. 25. Siehe auch EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, pp. 4, 5; Carnegie MEC, *Into the Fire*, 11 September 2019, <https://bit.ly/2p6vNWH>.

⁵³⁹ SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html, p. 22. Siehe auch Washington Post, *Assad Urged Syrian Refugees to Come Home. Many are Being Welcomed with Arrest and Interrogation*, 2 June 2019, <https://wapo.st/31XSYAG>.

⁵⁴⁰ “While hundreds have applied, only a fraction have been allowed back”; Carnegie MEC, *Into the Fire*, 11 September 2019, <https://bit.ly/2p6vNWH>. “(...) we have recorded cases in which the request for a security settlement has been denied, mainly to military defectors from Syrian regime forces”; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, <https://bit.ly/2NkueOw>, p. 5. “(...) 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”; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 22. “The returns of refugees are prohibited without Syrian government’s prior-approval. According to General Security, the Syrian government rejected the return of some refugees who are wanted for security reasons”; Amnesty International, *Q&A: Why Are Returns of Refugees from Lebanon to Syria Premature?*, 12 June 2019, <https://bit.ly/35q0kin>, p. 3. Siehe auch SDAID, *Unpacking Return*, 6 February 2019, www.ecoi.net/en/document/1458873.html, p. 22.

laut Berichten öffentliche Drohungen gegen Flüchtlinge ausgesprochen und gewarnt, dass Personen, die der Regierung nicht die Treue gehalten hätten, nicht willkommen seien.⁵⁴¹

Aus allen von der Regierung kontrollierten Gebieten wird gemeldet, dass Rückkehrer zu den Personen gehören, die schikaniert, willkürlich verhaftet⁵⁴², zwangsverschleppt und zum Verschwinden gebracht, gefoltert und in sonstiger Weise misshandelt werden, und dass ihr Eigentum beschlagnahmt wird, u. a. aufgrund einer vermeintlich oppositionellen Haltung der Betroffenen.⁵⁴³ Männer im wehrpflichtigen Alter

⁵⁴¹ “Syrian President Bashar Al-Assad has been unambiguous that the conflict will lead to ‘a healthier and more homogeneous society in the real sense.’ Syrians who fled the country are viewed with suspicion, particularly if they had ties to armed or civil opposition movements, or have been denounced by former neighbors, distant relatives, or paid informants, as many have”; COAR, Syria Update: 2 November 2020, 2 November 2020, <https://bit.ly/3kbG5uU>. “Jamil Hassan, head of air-force intelligence, is reported to have said that it is better to have 10 million obedient Syrians than 30 million vandals, and the deceased Major General Issam Zahreddine repeatedly stated that those who fled Syria should not dare to return. These sentiments are reflected in Assad’s own comment that the demographic engineering of the war can help to create a ‘healthier, more homogeneous society’”; Bertelsmann Stiftung, BTI 2020 Country Report: Syria, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 13. “(...) public threats against refugees by Syrian officials indicated that the regime would continue to seek ways to indefinitely keep what it sees as troublemaker communities out of the country”; Thomas Pierret, “Syrian Arab Republic”, in Sean Yom (ed.), Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 15. Siehe auch SACD, Demographic Change: The Ultimate Goal of the Syrian Regime’s Policy of Forced Displacement, November 2020, <https://bit.ly/3kA55Ou>, p. 16; Clingendael Institute, A Big Idea for a Better Response to Syrian Displacement, 26 March 2019, <https://bit.ly/2LAH3Wl>. “Displaced Syrians are forced to ‘settle’ their status with the government before returning to their homes. The settlement processes require Syrians to not only prove that they have not engaged in any subversive activity against the state, but to also sign a pledge never to do so. The regime’s vision of post-conflict Syria is simply an extension of wartime order in which recalcitrant populations were acted on with the full violence of the state and its battlefield allies. The violent bifurcation of Syrian society [into the loyal and disloyal] is being extended through the law and new forms of state power that ensure that all Syrians deemed disloyal or ‘terrorist’ are unable to live their lives inside of the country”; The Project on Middle East Political Science (POMEPS), Syria, Crisis Ecologies, and Enduring Insecurities in the MENA, 27 October 2020, <https://bit.ly/3a1aESS>.

⁵⁴² “Examples were cited of family members that had returned and been arbitrarily detained simply for their family name or place of origin”; Joint Agency NGO Report, Into the Unknown, June 2020, <https://bit.ly/32COLW3>, p. 11. “Ongoing violations throughout government-held areas, including arbitrary detention and forced conscription, impede the right of civilians to voluntary return, in safety and dignity, to their original or another destination of their choice”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 87. “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”; UNSC, 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, 16 December 2019, S/2019/949, www.ecoi.net/en/document/2022113.html, para. 17. SNHR hat wiederholt gemeldet, dass Menschen, die auf illegalem Weg aus dem Libanon zurückgekehrt sind, verhaftet wurden und “have been charged with wide-ranging and false charges related to terrorism”. SNHR, At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women, 2 October 2020, <https://bit.ly/34lgZol>, p. 5 (und frühere Berichte). Ebenso meldete STJ: “Mayors (mukhtars) and popular committees in Hama have received circulars from the criminal security and military security branches, stipulating that those who returned from Lebanon through illegal (smuggling) routes must be reported. (...) The criminal security and military security arrested 16 young men who had entered Syria illegally from Lebanon. Agents who made the arrests told the families of some those arrested that entering the country illegally was not the only reason for their arrest, but also contacting smugglers who are wanted for security branches. Some of those arrested were transferred to the Anti-Terrorism Court in Damascus, while others were released after they bribed personnel at the criminal security branch in Hama”; STJ, Arrests Against Syrians Returning from Lebanon Illegally, 23 May 2020, <https://bit.ly/3meH7HF>. Siehe auch, HRW, World Report 2021: Syria, 13 January 2021, www.ecoi.net/en/document/2043510.html.

⁵⁴³ “(...) the ongoing daily violations the Assad regime commits against returnees have proven that safe environments do not yet exist. These violations are life threatening and include arbitrary arrests and torture to death”; Omran Center for Strategic Studies, Safe Environment as a Precondition for the Return of Refugees and the Internally Displaced, 17 December 2020, <https://bit.ly/2LUSVCz>, pp. 10-11. “Syrians who fled the country are viewed with suspicion, particularly if they had ties to armed or civil opposition movements, or have been denounced by former neighbors, distant relatives, or paid informants, as many have”; COAR, Syria Update: 2 November 2020, 2 November 2020, <https://bit.ly/3kbG5uU>. “(...) returnees to government held areas are at risk of arbitrary detention, disappearances, assassinations, forced conscription, and deprivation of their livelihoods and basic needs”; SJAC, The State of Justice: Syria 2020, March 2020, <https://bit.ly/2Y5Zu9p>, p. 12. “(...) Assad regime seems determined to punish returnees whom it perceives as disloyal or threats to its survival”; SWP, Repatriation to Turkey’s “Safe Zone” in Northeast Syria, SWP Comment No. 1, January 2020, <https://bit.ly/3eZJBHo>, p. 4. “Returnees are reported to be among those subjected to harassment, arbitrary arrest, detention, torture, enforced disappearance and forced conscription”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 8. Siehe auch SOHR, Arrested after Returning from Lebanon to Syria: Young Man from Deir ez-Zor Dies under Torture in Syrian Regime Prisons, 15 February 2021, <https://bit.ly/2Nqo3Li>; SNHR, A Civilian Died Due to Torture in a Syrian Regime’s Detention Center, August 29, 30 August 2020, <https://bit.ly/32A1R6m>; The New Arab, Fears for Syrian Opposition Activist after ‘Detention’ on Return to Damascus ‘Under Mysterious Circumstances’, 24 February 2020, <https://bit.ly/2SILxk5>; HRW, Syrians Deported by Lebanon Arrested at Home, 2 September 2019, www.ecoi.net/en/document/2015682.html.

laufen auch Gefahr, nach ihrer Rückkehr verhaftet und zwangsrekrutiert zu werden.⁵⁴⁴ Die International Crisis Group (ICG) weist darauf hin, dass es keinerlei sichere Grundlage für die Einschätzung gebe, wer im Falle einer Rückkehr vor einer Verhaftung geschützt sei, da „die Vorstellung des Regimes, wer ein Gegner ist, nicht immer klar ist oder – noch gefährlicher – sich im Laufe der Zeit ändern kann“.⁵⁴⁵

Zwischen 2017 und August 2019 registrierte SNHR die Verhaftung von fast 2.000 Rückkehrern aus dem Ausland, einschließlich Frauen und Kindern.⁵⁴⁶ Weitere Festnahmen von Rückkehrern aus dem Libanon wurden von SNHR zwischen Januar und September 2020 dokumentiert.⁵⁴⁷ Den Berichten zufolge werden die Betroffenen entweder sofort bei der Einreise an den Landesgrenzen zum Libanon, zu Jordanien, zur Türkei und am Flughafen von Damaskus oder erst Tage bzw. Monate nach der Rückkehr festgenommen.⁵⁴⁸ Ferner wurde gemeldet, dass Personen verhaftet wurden, obwohl sie vor ihrer Rückkehr ein positives Sicherheitsclearing der syrischen Regierung erhalten hatten.⁵⁴⁹ Beim Amt des Hohen Kommissars für Menschenrechte (OHCHR) gingen Berichte ein, denen zufolge Rückkehrer verhaftet wurden, nachdem sie aufgrund des im September 2019 erlassenen Amnestiedekrets nach

⁵⁴⁴ Siehe Kapitel III.A.2.

⁵⁴⁵ “While before the 2011 uprising the ‘red lines’ of the politically permissible were knowable for most Syrians, eight years into the conflict very little can be taken for granted. (...) Administrative chaos and resulting confusion about a person’s identity in particular creates additional risk for people who would otherwise think themselves safe from retribution”; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 16. “The fear of conscription, arrest, and torture hangs over all potential returnees”; ECFR, *What Assad’s ‘Victory’ Could Mean for Syrians in Germany*, 15 June 2020, <https://bit.ly/3bdrPPO>.

⁵⁴⁶ Von den verhafteten Personen “[T]he Syrian regime released 1,132 individuals who returned, while 784 others remained in detention, of whom 638 were forcibly disappeared”. Ferner wurde in dem Bericht darauf hingewiesen, dass das syrische Regime von den aus der Haft entlassenen Personen “detained a number of them again, forcing them to join the military forces via enforced conscription”; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, <https://bit.ly/2NkueOw>, p. 5.

⁵⁴⁷ SNHR dokumentierte die Verhaftung von mindestens 62 Rückkehrern, von denen zum Zeitpunkt der Erstellung des SNHR-Berichts 25 wieder freigelassen worden waren und 37 in Haft verblieben oder verschwunden waren. Einige wurden nach ihrer Freilassung laut Meldungen zwecks Rekrutierung erneut festgenommen; SNHR weist darauf hin, dass diese Zahlen „das absolute Minimum“ darstellen und die echten Zahlen „viel höher“ sind; SNHR, *The Syrian Regime Prevents Hundreds of Syrians from Returning from Lebanon to Their Homeland*, 9 September 2020, <https://bit.ly/3atjkBN>, pp. 2, 3, 9.

⁵⁴⁸ “Detention of returnees has been concentrated directly at the border crossings, after returnees’ names and passports have been examined by regime personnel at these crossing points. Upon discovering that a returning individual is wanted by one of the security services, the security forces will arrest him/her immediately. This is particularly the case at the Masna’ border crossing with Lebanon, the Kasab border crossing with Turkey, and the Nasib border crossing with Jordan. These returnees may not have been living exclusively in a neighboring country, with some of the returnees’ families informing us that some of these individuals returned from different countries worldwide to neighboring countries before returning to Syria”; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, <https://bit.ly/2NkueOw>, p. 6. “Recent detainees gave information about being arrested and brutally tortured in government custody within months of their return to the country”; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 23. Siehe auch SOHR, *Arrested after Returning from Lebanon to Syria: Young Man from Deir ez-Zor Dies under Torture in Syrian Regime Prisons*, 15 February 2021, <https://bit.ly/2Nqo3Li>; SNHR, *A Civilian Died Due to Torture in a Syrian Regime’s Detention Center*, August 29, 30 August 2020, <https://bit.ly/32AIR6m>; SNHR, *Image of a Detainee Has Been Recently Released by Syrian Regime Show the Negligence of Health & Medical Care which Threaten 130,000 Remaining Detainees*, 26 April 2020, <https://bit.ly/3hNYNbO>; Syrian Human Rights Committee, *Re-Arrest of Former Detainee Mazen al-Hamada*, 24 February 2020, www.ecoi.net/en/document/2025234.html; Syrian Human Rights Committee, *The 18th Annual Report on Human Rights Situation in Syria 2019*, January 2020, www.ecoi.net/en/document/2022245.html, p. 71.

⁵⁴⁹ Laut Syrien-Expertein Emma Beals: “[C]hecking names with security services or receiving ‘guarantee’ of safety does not equate safe return, with cases reported of people facing arrest or harassment after receiving approval to return”; The New Arab, *Denmark’s Dangerous Plan to Deport Syrian Refugees to Assad-Controlled Damascus*, 30 June 2020, <https://bit.ly/2YNiU2v>. “Displaced Syrians point to examples of refugees being arrested and detained on return to Syria despite amnesties for military deserters or local reconciliation agreements”; Joint Agency NGO Report, *Into the Unknown*, June 2020, <https://bit.ly/32COLW3>, p. 16. “Numerous other NGOs reported cases of Syrians throughout the year, including returning refugees, being arbitrarily detained and forcibly disappeared despite having signed ‘reconciliation agreements,’ in which the government agreed to grant them clemency”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. “Detention has been particularly widespread in ‘reconciled’ territories, where long-term residents and recent returnees have been arrested regardless of their compliance with reconciliation processes” (Hervorhebung nur hier); SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 8. “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”; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, <https://bit.ly/3eaD77i>, pp. 42-43. Siehe auch Syrian Human Rights Committee, *Re-Arrest of Former Detainee Mazen al-Hamada*, 24 February 2020, www.ecoi.net/en/document/2025234.html. Zur Sicherheitsüberprüfung durch die Behörden vor der Rückkehr siehe Kapitel III.A.1.d.

Syrien zurückgekehrt waren.⁵⁵⁰ Berichten zufolge sind auch Personen in Haft gestorben.⁵⁵¹ Palästinenser, die früher in Syrien lebten, zählen laut Meldungen zu den Personen, die nach der Rückkehr nach Syrien verhaftet wurden.⁵⁵²

Zudem müssen einige Rückkehrer eventuell Beschränkungen der Freizügigkeit hinnehmen, u. a. durch die Vorgabe, vor ihrer Rückkehr in ihr Heimatgebiet eine Genehmigung der Sicherheitsbehörden einzuholen⁵⁵³, während andere grundsätzlich an einer Rückkehr in ihr Heimatgebiet gehindert werden.⁵⁵⁴

Aufgrund des eindeutigen Musters, dass auf Personen abgezielt wird, die tatsächlich oder vermeintlich in Opposition zur Regierung stehen, ist UNHCR der Auffassung, dass Personen mit diesem Profil, einschließlich Zivilpersonen, die aus Gebieten stammen oder in Gebieten wohnen, die derzeit oder früher von bewaffneten oppositionellen Gruppen kontrolliert werden bzw. wurden, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe.

⁵⁵⁰ UN Geneva, *Press Briefing by the Information Service*, 8 November 2019, <https://bit.ly/2r2gK0K>.

⁵⁵¹ "(...) the report records the deaths of 15 of these detainees as a result of torture, with 11 of those killed under torture having returned from Lebanon (...)"; SNHR, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, <https://bit.ly/2NkueOw>, p. 5.

⁵⁵² Siehe Kapitel III.A.12.

⁵⁵³ "Displaced people from Hujeira, a town south of Damascus [in Babila District of Rural Damascus Governorate], are required to obtain prior security approval from the General Intelligence Directorate before returning to their homes, years after most of them fled battles in the area. Those hoping to return must present documents proving property ownership in Hujeira, and pay outstanding electricity and water bills owed during the years they were living outside the town. Whoever does not abide by these conditions is subject to arrest. At the same time, an easier return process was granted to some families whose sons had performed mandatory military service or volunteered to join pro-regime militias"; Syria Report, *Hujeira: Security Approval Required for Return*, 20 January 2021, <http://bit.ly/2NEVwWM>. "The regime is also putting up barriers to the return of the displaced. The relatively small numbers allowed back [to Homs] require time-consuming security clearances and permits to rebuild their homes, with no guarantees these will be granted"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>. "Security clearances and vetting mechanisms have been employed by the security agencies to block return"; Carnegie MEC, *Into the Fire*, 11 September 2019, <https://bit.ly/2p6vNWH>. Zur Voraussetzung der Einholung einer Sicherheitsbestätigung, um ins Camp Yarmouk zurückzukehren, siehe Fn. **Error! Bookmark not defined.**

⁵⁵⁴ "(...) Syrians are routinely denied return to their places of origin, notably due to restrictions on access placed by the Government and fear of arrest in retaken and formerly besieged areas, in particular in Rif Damashq, Daraa, Quneitra, Homs, Hama and Aleppo (...)"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 43. Nach Angaben des Syria Report wurde palästinensischen Flüchtlingen, die aus dem Lager Neirab im Gouvernement Aleppo vertrieben wurden und die mit dem syrischen Aufstand sympathisierten oder diesen unterstützten, durch die regierungsnahen Miliz Liwa Al-Quds gesagt, "they would be barred from returning to the camp. The militia later seized homes and shops belonging to several Palestinian expatriates (...)"; Syria Report, *Neirab Camp: Liwa Al-Quds Seizes Properties of Pro-Opposition Palestinians*, 20 January 2021, <http://bit.ly/3r2Z8vH>. "Residents of the three neighbourhoods [Barzeh, Qaboun and Jobar in Damascus city] are still prohibited from returning to their homes, which are now under the control of various regime military units"; Syria Report, *Imminent Return? What Barzeh, Qaboun and Jobar May Have in Common*, 28 October 2020, <https://bit.ly/35AIY5F>. "(...) the Government continued to prevent thousands of individuals from returning to their homes in areas that had been retaken in the preceding five years." Weiter heißt es: "Civilians reported that they were still being prevented from returning to their often-habitable houses in Qaboun, Jawbar [Jobar], Yarmouk camp and parts of Darayya"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 13, 31. "Some previously opposition-held areas are practically sealed off to anyone wishing to return to their original homes. In others, the regime seeks to limit the return of the original population to avoid a reconstitution of social environments that supported the uprising"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 22. Siehe auch Syria Report, *Pro-Iran Militias Take over Farms near Mayadeen, Bar Entry for Owners*, 27 January 2021, <http://bit.ly/3uEorXo>; *ibid.*, *Residents Displaced from Mayadeen's Al-Tamo Neighbourhood: "Like Refugees in Our own City"*, 6 January 2021, <http://bit.ly/3r2CVy3>; *ibid.*, *Could Displaced Residents soon Return to Ayn Al-Fijeh?*, 6 January 2021, <http://bit.ly/37Vqs7B>; Zaman Al Wasl, *Russia Blocks Displaced Return to Western Harasta*, 9 December 2020, <https://bit.ly/37MmgX4>; The Syria Report, *Many Residents Still Banned from Returning to Strategic Yarmouk Basin Area*, 1 July 2020, <https://bit.ly/2ZLvrUK>.

2) Wehrdienstentzieher und Deserteure der syrischen Streitkräfte⁵⁵⁵

a) Wehrdienstentzieher

Pflichtwehrdienst und Reservewehrdienst

Der Wehrdienst ist für alle syrischen Männer zwischen 18 und 42 Jahren obligatorisch (sofern sie nicht vom Wehrdienst befreit oder ihnen Aufschub gewährt wurde; *siehe unten*)⁵⁵⁶, einschließlich derjenigen, die während eines Auslandsaufenthalts das wehrpflichtige Alter erreichen.⁵⁵⁷ Nachfahren palästinensischer Flüchtlinge, die zwischen 1948 und 1956 in Syrien eintrafen und bei der General Administration for Palestinian Arab Refugees (GAPAR) registriert wurden, müssen ebenfalls den Pflichtwehrdienst ableisten.⁵⁵⁸ Die Gesetze sehen einen Pflichtwehrdienst von 18 oder 21 Monaten vor, je nach Ausbildungsstand.⁵⁵⁹ Seit 2011 wurden jedoch viele Rekruten gezwungen, über einen längeren Zeitraum zu dienen, der die gesetzlich festgelegte Dauer des Pflichtwehrdienstes überschreitet.⁵⁶⁰ Nach

⁵⁵⁵ Gemäß Artikel 10 des Wehrdienstgesetzes (Gesetzesdekret 18 von 2003) bestehen die syrischen Streitkräfte aus den folgenden Truppen:

A. Haupttruppe ist die Syrisch-Arabische Armee, die sich wie folgt zusammensetzt:

1. Infanterie
2. Luftstreitkräfte und Luftverteidigungskräfte
3. Marine

B. Die sekundären Truppen setzen sich wie folgt zusammen:

1. interne Sicherheitsdienste im Rahmen ihrer eigenen Regelungen.

C. Die zusätzlichen Truppen setzen sich wie folgt zusammen:

1. Reservetruppen
2. Volksarmee
3. andere Truppen, die erforderlichenfalls aufgebaut werden.

Siehe The Syria Report, *Military Service Law*, 21 July 2017, www.syria-report.com/military-service-law.

Der Pflichtwehrdienst kann auch in Abteilungen und Behörden des Innenministeriums abgeleistet werden, einschließlich u. a. bei der Polizei und Sicherheits-/Geheimdiensten. Auch wenn nur wenige Informationen zu Wehrdienstentziehern und Deserteuren verfügbar sind, ist UNHCR der Auffassung, dass die in diesem Kapitel enthaltenen Informationen auch für diese Personengruppen gelten; siehe insbesondere Fußnote 609.

⁵⁵⁶ Männer sind verpflichtet, sich bei der lokalen Rekrutierungsbehörde (*Maktab Al-Tajnid*) für den Pflichtwehrdienst zu melden und registrieren zu lassen, sobald sie das wehrpflichtige Alter erreichen; Artikel 4 (2) des Rekrutierungsgesetzes (Gesetzesdekret Nr. 30 von 2007 in der geänderten Fassung), abrufbar unter The Syria Report, www.syria-report.com/conscription-law. Berichten zufolge wurden in einigen Fällen Männer über 42 Jahren rekrutiert oder mussten über das Höchstalter hinaus beim Militär dienen; DIS, *Syria: Issues Regarding Military Service*, October 2019, www.ecoi.net/en/document/2018870.html, p. 11; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>.

⁵⁵⁷ Männer im wehrpflichtigen Alter, die im Ausland leben, müssen entweder nach Syrien zurückkehren, um den Pflichtwehrdienst abzuleisten, oder einen Aufschub oder eine Befreiung beantragen (s. u.).

⁵⁵⁸ Gemäß dem Gesetz Nr. 260 von 1956 sind palästinensische Flüchtlinge, die zwischen 1948 und 1956 in Syrien eintrafen (und bei der GAPAR registriert sind, einer Behörde des Ministeriums für Arbeit und Soziales), syrischen Staatsangehörigen gleichgestellt (mit Ausnahme der Staatsangehörigkeit und des Wahlrechts) und müssen den Pflichtwehrdienst ableisten. Seit Mitte der 1960er Jahre haben palästinensische Flüchtlinge ihren Pflichtwehrdienst im Allgemeinen bei der Palästinensischen Befreiungsarmee (Palestinian Liberation Army, PLA) absolviert, die Teil der Syrischen Armee ist; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 222-224; Sherifa Shafie, *Palestinian Refugees in Syria*, *Forced Migration Review*, August 2013, <http://bit.ly/2kxaeaq>, p. 4; Arab Center for Research & Policy Studies, *Palestinians in Syria and the Syrian Uprising*, October 2012, p. 2, <http://bit.ly/2yO8vaS>. Siehe auch Kapitel III.A.12.

⁵⁵⁹ Die Dauer des Wehrdienstes beträgt 18 Monate mit Ausnahme von Personen, die die 5. Klasse nicht abgeschlossen haben und bei denen der Pflichtwehrdienst 21 Monate beträgt; Artikel 3 des Rekrutierungsgesetzes in der Fassung des Gesetzesdekrets Nr. 35/2011. Siehe Syria Report, *Syrian President Reduces Military Service Period*, 22 March 2011, <https://bit.ly/3lMeMcP>.

⁵⁶⁰ "Since the start of the war, Syrian men remain in the reserve ranks after they finish their official 1.5 year service, meaning they can be serving for an unknown period of time"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, p. 31. "Since 2011, the Syrian regime has kept thousands of Syrian men in its military service as emergency forces – serving for an unspecified period – and refusing to discharge successive batches of army conscripts; some of whom have served for eight years in compulsory service"; Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, <https://bit.ly/2KBAsXA>. Siehe auch TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. AGPS, *Palestine Liberation Army Refuses to Lay Off Conscripts after End of Military Service*, 15 February 2019, <https://bit.ly/34yO4OE>; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, <https://bit.ly/2TZym9d>, p. 6. Seit 2018 wurden in begrenztem Maß Kampagnen zur Demobilisierung von Rekruten und Reservisten gemeldet: Ende März 2020 erließ das Generalkommando der Armee und der Streitkräfte zwei Verfügungen, die den Dienst bestimmter Kategorien von „im Dienst behaltene[n]“ Rekruten und „einberufene[n]“ Reservisten zum 7. April 2020 beendeten; SANA (auf Arabisch), 29 March 2020, <https://bit.ly/3faW4sd>. Siehe auch Enab Baladi, *Syrian Soldiers Desperate for Demobilization after Retention in Regime's Armed Forces*, 16 April 2020,

ihrer Entlassung aus dem Wehrdienst werden ehemalige Soldaten automatisch als Reservisten angesehen und können für den Reservedienst eingezogen werden.⁵⁶¹

Das Recht auf Wehrdienstverweigerung aus Gewissensgründen ist gesetzlich nicht anerkannt, und ein Ersatz- oder Alternativdienst ist nicht vorgesehen.⁵⁶²

Einige angehende Rekruten, Reservisten und Wehrdienstentzieher oder ihre Familien zahlen laut Berichten Bestechungsgelder, um den Wehrdienst zu umgehen, z. B. um einen Aufschub zu erhalten, Zusicherungen zu bekommen, dass sie die Kontrollstellen unbehelligt passieren können, oder um eine vorübergehende Streichung ihres Namens aus den Einberufungslisten zu erwirken.⁵⁶³ Mitglieder der Sicherheits- oder Geheimdienste verhaften laut Berichten Männer, die wegen des Wehrdienstes gesucht sind, um Bestechungsgelder von Verwandten zu erhalten, mit denen die Freilassung der Männer bewirkt wird.⁵⁶⁴ Es gibt auch Berichte, nach denen Rekruten Bestechungsgeld bezahlen, um

<https://bit.ly/2VX9Jey>. Zwei weitere Verwaltungsverfügungen wurden laut Meldungen im November 2020 erlassen und beendeten den Dienst und die Wiedereinberufung bestimmter Reservistenkategorien; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, <https://bit.ly/3gJY3F7>, p. 5; SOHR, *Regime Forces Issue Administrative Orders to End Retention and Recall Period for Reservists*, 18 November 2020, <https://bit.ly/373xveq>. Siehe auch AFP, *Syrian Army Allows more Pre-2011 Conscripts Home*, 2 January 2019, <https://bit.ly/2Sa8TsA>; Reuters, *Syrian Army Demobilises Some Conscripted, Reservist Officers*, 10 December 2018, <https://reut.rs/35dJqnm>; Syrian Arab News Agency (SANA), *Army's General Command Issues Order on Demobilizing Conscripted Officers of Batch No. 103*, 31 December 2018, <https://bit.ly/3cSUO17>; Asharq Al-Awsat, *Deserters Wary of Syrian Regime's Pledge of Pardon*, 14 November 2018, <https://bit.ly/3cYzCAv>.

⁵⁶¹ Nach Ableistung des Pflichtwehrdienstes "they may still be called up for reserve duty up to the age of anywhere from 48 to 62, depending on rank." Im Oktober 2018 meldeten die Medien, dass etwa 800.000 Männer nicht mehr für den Reservedienst benötigt würden. Jedoch: "at least some of those who returned [to Syria] found themselves in the army a few weeks later, after the defence ministry published new callup lists for reserve duty in December 2018, rescinding its earlier decision"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, pp. 20-21. Siehe auch The Defense Post, *Fearing Conscription into Assad's Army, Syrian Kurds Flee to Iraq*, 12 December 2019, <https://bit.ly/3aR5tTT>; SOHR, *Reserve Lists Continue to Arrive in the Syrian South, as more Former Defected Members Are Re-Enrolled in Their Barracks in Various Areas Raising People's Resentment*, 11 February 2019, <https://bit.ly/2YA1B7k>; Syrian Law Journal, *Legal Briefing: October 2018*, 9 December 2018, <https://bit.ly/2Qq5wN1>.

⁵⁶² Nur christliche und muslimische religiöse Führer sind bei einer Verweigerung aus Gewissensgründen vom Militärdienst befreit; muslimische religiöse Führer müssen für die Befreiung jedoch eine Gebühr zahlen; US Department of State, *2019 Report on International Religious Freedom: Syria*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "Syria has acceded to the International Covenant on Civil and Political Rights, which protects the right to freedom of thought, conscience, and religion, from which conscientious objection has been argued to be a derivative right. A compulsory military conscription scheme in which individuals may find themselves forced to serve without an alternative, and in egregious extension of even the domestically established maximum time period for compulsory conscription, likely occurs in violation of this right"; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. Zum Recht auf Verweigerung des Pflichtwehrdienstes aus Gewissensgründen siehe auch 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, HCR/GIP/13/10/Corr. 1, www.refworld.org/docid/529ee33b4.html (im Folgenden: UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html), paras 8-11.

⁵⁶³ In einem Bericht des niederländischen Außenministeriums aus dem Jahr 2019 wurde, basierend auf Informationen, die aus einer vertraulichen Quelle stammten, festgestellt, dass "Syrians sometimes pay a bribe in order to obtain a deferral of compulsory military service, but are subsequently called up"; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 64. Beispielsweise meldete SOHR Anfang 2019, dass die Streichung eines Namens von den Fahndungslisten in Ost-Ghouta bis zu 6.000 US-Dollar kostete; SOHR, *Tens of Thousands of Regime's Supporters Take Refuge in Europe Fleeing the Specter of Conscription and Reserve Services which Roams the Syrian Areas and Takes the Young Men to Them*, 31 January 2019, <https://bit.ly/2ENcEAH>. Siehe auch Al-Monitor, *Syrians Suffer as Crossings Remain Closed, and Smuggling Operations Become Pricey*, 11 December 2020, <https://bit.ly/3oNN3Jn>; Kristin V. Monroe, *Masculinity, Migration, and Forced Conscription in the Syrian War*, in *Cultural Anthropology*, Vol. 35 (2), 29 May 2020, <https://bit.ly/2Qr9a9C>; Syria Untold, *The Month when Time Stood Still*, 13 August 2019, <https://bit.ly/3b3CMD7>; SOHR, *The Military Police Blackmail Young Men in Douma, Paying in Exchange of not Taking Them to the Compulsory and Reserve Services*, 9 July 2019, <https://bit.ly/32tF8aC>.

⁵⁶⁴ STJ "(...) has monitored several cases of blackmail and violations committed by these checkpoints against the area's locals, where the officials running these checkpoints demanded that the locals pay certain amounts of money in return for the release of those who have security reports filed against them **and those supposed to perform the reserve military service (...)**" (emphasis added); STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>. "The military police often arrests men wanted for military service for the purpose of extracting bribes from their relatives in exchange for their release"; MEL, "People Can't even Afford to Buy Bulgur": Discontent Is on the Rise as Syria's Economic Crisis Worsens, 28 February 2020, <https://bit.ly/3lrLPTx>.

an sicheren Orten ihren Dienst leisten zu können sowie über Offiziere, die Rekruten nutzen, um nicht-militärische Aufgaben auf den privaten Grundstücken der Offiziere auszuführen.⁵⁶⁵

Pflichtwehrdienst für Personen, die nach einem „Versöhnungsabkommen“ ihren „Status geklärt haben“

Auch in zurückeroberten Gebieten müssen Männer im wehrpflichtigen Alter den Pflichtwehrdienst ableisten. Obwohl die „Versöhnungsabkommen“ ihnen üblicherweise eine sechsmonatige Schonfrist nach der Klärung ihres Status („taswiyat al-wada“) mit den Sicherheitsbehörden einräumten⁵⁶⁶, dokumentieren Berichte die Verhaftung und Zwangsrekrutierung von Personen vor dem Ablauf der Schonfrist.⁵⁶⁷ Männer in diesen Gebieten haben sich manchmal lokalen oder ausländischen regierungsnahen Truppen angeschlossen, statt den Pflicht- oder Reservewehrdienst bei der regulären

⁵⁶⁵ “The issue of ‘Al-Tafyeesh’ bribe is old and well-known in the army of the Syrian regime, and it has been practiced for decades and continued even during the military operations in various Syrian territories during the years of war. ‘Al-Tafyeesh’ is a colloquial term used in the army, which means a deal between a soldier and his commander, where the soldier pays a regular financial bribe to the officer in return for an open and long-term leave, or for daily or weekly emergency leave. With ISIS’ rapid resurgence in Syria, through intensive and escalating operations in the Syrian desert, reliable sources have informed the Syrian Observatory that the prices of monthly or weekly leave of the regime soldiers deployed throughout the desert, rose dramatically in light of the escalation of military operations in the region, for fear of ISIS’ ambushes, especially with the great human losses caused by ISIS attacks”; SOHR, *Fleeing ISIS’ Inferno in the Desert: Regime Soldiers Pay Nearly \$100 to Their Commanders for Monthly Leave*, 14 January 2021, <http://bit.ly/3aGMBIC>. “Bribes paid to avoid reserve service are also a source of income for proregime officials”; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, Fn. 123. “(...) the people of the wanted young men for compulsory service and the 5th Corps are trying to pay bribes and large sums in order to stop the search for their sons, **and to keep their place of service in relatively safe places** (...)” (Hervorhebung nur hier); SOHR, *Regime’s Security Forces Raid Areas in the Eastern Qalamoun in Rif Dimashq Searching for Wanted and Deserters from the Conscription*, 31 August 2019, <https://bit.ly/2ESr7Lq>. “(...) Alawis – who cannot afford to emigrate, enroll in university to defer their service, **or bribe their way out of military service (or into noncombat posts** – reside entirely in regime-held territory, where the draft is imposed and enforced through routine raids and at checkpoints” (emphasis added); New York Review of Books, *Between Regime and Rebels: A Survey of Syria’s Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>. Omran Center for Strategic Studies beschrieb die “tafyeesh“-Zahlungen als solche, “that a conscript makes to his superior officer in order to avoid actually reporting [for] his mandatory military service. Some officers have dozens of recruits who pay them tens of thousands of Syrian pounds every month in exchange for the officer turning a blind eye to their absence from their military units. Conscripts are also used to carry out different jobs at officers’ homes, farms, and other personal properties”; Omran Center for Strategic Studies, *Transformations of the Syrian Military: The Challenge of Change and Restructuring*, 31 December 2018, <https://bit.ly/34u7sfU>, p. 25.

⁵⁶⁶ “(...) most of these agreements include commitments made by the regime to suspend the military draft for these individuals for up to six months (...)”; KAS, *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 3. Zum Zeitpunkt der Erstellung dieses Dokuments ist die Schonfrist in den zurückeroberten Gebieten abgelaufen. Die Furcht vor einer Rekrutierung zählte zu den Gründen, aus denen Männer im wehrpflichtigen Alter ihre Gebiete im Rahmen der „Versöhnungsabkommen“ verlassen haben und sich in von der Opposition kontrollierte Gebiete im Norden und Nordwesten von Syrien evakuieren ließen. Zu „Versöhnungsabkommen“ und der Sicherheitsüberprüfung durch die Regierung zwecks „Statusklärung“ siehe Kapitel III.A.1.d.

⁵⁶⁷ “As reported by the COJ [IICISyria] and other human rights groups, the state has often gone back on its commitments, and those who have turned themselves in, including former combatants as well as local council members and civil society activists, have been arrested **or forcibly conscripted and sent to the frontlines**” (Hervorhebung nur hier); ICTJ, *Syria’s Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, pp. 23-24. “Men are being rounded up despite Russian assurances that signing a Personal Status Settlement with the regime would have afforded them an interregnum of at least six months before conscription. Last summer some were sent to the front lines in northern Hama as cannon fodder”; Carnegie MEC, *Homs, a Divided Incarnation of Syria’s Unresolved Conflict*, 15 May 2020, <https://bit.ly/2BjhQdY>. “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”; SADC, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html, pp. 4-5 (mit Beispielen). In Ost-Ghouta “[O]nce the ‘reconciliation’ procedures with the Syrian authorities were concluded, the towns witnessed a massive campaign of arrests that were intended to support conscription efforts”; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, <https://bit.ly/3jipsOt>, p. 5. “The [reconciliation] process theoretically provided general amnesties, which were supposed to exempt signatories for six months from obligatory military conscription. Yet, despite those guarantees, the regime has continued to arrest local residents – both civilians and former rebel fighters – even as they were in the process of turning themselves in. Men have also been called up for enlistment before the six-month grace period expired”; MEE, *Syria War: Who Is Behind the Anti-Regime Attacks in Daraa?*, 5 August 2019, <https://bit.ly/2lVnPh8>. Siehe auch Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from “Reconciled” Areas to the Front*, 4 March 2020, <https://bit.ly/3fP9xWt>. Siehe auch UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and “Settling One’s Status”*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html, p. 17 (einschließlich der zitierten Quellenangaben).

Armee abzuleisten.⁵⁶⁸ OHCHR zufolge wurden die Männer unter Druck gesetzt, sich diesen regierungsnahen Truppen anzuschließen, da ihnen andernfalls vorgeworfen worden wäre, der Opposition anzugehören.⁵⁶⁹

Zwar hängen Entscheidungen über den Einsatz von Rekruten von einer Vielzahl von Faktoren ab, einschließlich des militärischen Bedarfs und des professionellen Hintergrunds und Sachverstands der betreffenden Personen, und werden zudem willkürlich getroffen, es besteht jedoch für alle Rekruten die potenzielle Gefahr, dass sie für den Kampf an der Front eingesetzt werden.⁵⁷⁰ Berichte deuten jedoch darauf hin, dass Rekruten aus Gebieten, die sich „versöhnt“ haben, besonders gefährdet sind, innerhalb weniger Tage oder Wochen nach ihrer Festnahme und mit nur minimalem Training an vorderster Front

⁵⁶⁸ Viele „versöhnte“ Männer, einschließlich Deserteuren und Wehrdienstentziehern, haben sich Berichten zufolge regierungsnahen Einheiten wie dem von Russland geführten Fünften Korps oder den National Defence Forces (NDF) oder Elitetruppen wie der 4. Panzerdivision angeschlossen, entweder wegen der Aussicht auf eine bessere Bezahlung oder wegen der Zusage, an ihrem Heimatort dienen zu dürfen. *“The tightening security measures pushed lots of young men in the northern countryside of Homs to join the Syrian regime forces voluntarily, hoping that they will not be sent to the frontlines”*; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, <https://bit.ly/2Yu1xU6>. *“For other ex-rebels and male civilians whose names were on a government-issued ‘wanted list’, joining the 5th Corps became widespread: performing their mandatory or reserve military service would allow them to avoid security prosecutions and arrests. In Daraa, the 5th Corps competed with the SAA 4th Division to attract defeated rebels. A 5th Corps fighter receives between \$150 and \$250 as a monthly salary as well as a label that shields him from government detention”*; EUI, *From Rebel Rule to a Post-Capitulation Era in Daraa Southern Syria: The Impacts and Outcomes of Rebel Behaviour During Negotiations*, June 2019, <https://bit.ly/3lnM2qu>, Fn. 42. Laut SOHR befinden sich unter denjenigen, die für das Fünfte Korps rekrutiert wurden, Personen *“wanted for passing their date of joining the mandatory service in the ranks of regime army or those who have settled their security situations with the regime’s security services”*; SOHR, *Russian-Backed 5th Corps Starts Admitting New Recruits in Deir Ezzor*, 31 August 2020, <https://bit.ly/3jqxzbu>. Siehe auch OHCHR, *The “Unreconciled” Concerns of Civilians in Dar’a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, p. 5. Männern, die in regierungsnahen Truppen gedient haben, wurde Berichten zufolge versprochen, dass sie vom Pflichtwehrdienst befreit würden; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, <https://bit.ly/3jipsOt>, p. 7; Diyaruna, *IRGC Entices Deir Ezzor Youth to Join Its Ranks*, 25 July 2019, <https://bit.ly/356y4Uc>. Deir Ezzor 24 meldete jedoch, dass Männer, die ihren Dienst bei den NDF in Deir Ez-Zour ableisten, nicht vor dem Pflichtwehrdienst geschützt sind, da mehrere dieser Männer bei einer Rekrutierungskampagne im März 2020 verhaftet wurden; Deir Ezzor 24, *The Forced Conscription Campaigns Continue in Deir Ezzor... Affecting the National Defence Elements*, March 2020, <https://bit.ly/3jxb4Sr>. Ebenso im Juni 2019 *“(…) the Government of Syria State Security Branch in Inkhil [Dera’a Governorate] circulated a new list of those wanted for military service. Notably, the list included the names of reconciled former combatants in Shabab Al-Sunna, who are already enrolled in the Government of Syria’s 5th Corps (…)”*; COAR, *Syria Update: 20 June to 29 June, 2019*, 26 June 2019, <https://bit.ly/2QMfVTg>. Siehe auch Diyaruna, *IRGC-Affiliated Militia Dominates East Aleppo*, 16 December 2019 <https://bit.ly/3jMWVAM>.

⁵⁶⁹ OHCHR meldete, dass in der Provinz Dera’a *“a few hundred ‘reconciled’ former fighters and civilians of military age had to join Government affiliated forces, particularly the 4th division, in order to avoid being perceived as opposition affiliates or ‘terrorists’ and putting themselves and their families at risk of arrest and detention or retaliation by the authorities”*; OHCHR, *The “Unreconciled” Concerns of Civilians in Dar’a Governorate*, May 2019, www.ecoi.net/en/document/2009388.html, p. 5.

⁵⁷⁰ SNHR meldete, dass Sicherheitskräfte der Regierung *“are severely pursuing all Syrians of military recruitment age for conscription to send them to the frontlines of fighting against Syrian Armed Opposition factions no north-west Syria (…)”*; SNHR, *Brief Report: Security Forces in Suwayda Are Responsible for the Abduction and Enforced Disappearance of Political Activist Mohannad Shehab al Din*, 24 June 2019, <https://bit.ly/354hBjB>, p. 2.

für den Kampf eingesetzt zu werden⁵⁷¹, einschließlich als Bestrafung für ihre vermeintliche Illoyalität.⁵⁷² Eine Quelle beschrieb die Rekrutierung von Jugendlichen in ehemals von der Opposition kontrollierten Gebieten als eine Methode, „um Jugendliche aus den Orten, in denen sie leben, zu entfernen und auf diese Weise die Zahl der Personen, die eine Bedrohung für die Stabilität des syrischen Regimes darstellen, kurzfristig zu verringern“.⁵⁷³

⁵⁷¹ “KIs [key informants] confirmed that once conscripted, draft evaders are often sent to training for only a short while – if at all – before being sent to battle, putting them in more danger due to the lack of preparedness. Training in the SAA in general was considered inadequate by the majority of respondents, and is not considered to provide conscripts with the necessary skills and preparation to deal with the situation on the frontline”; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, p. 31. “Rural Damascus and Daraa in particular suffered continuous forms of repression and harsh control with constant arrests of young men for their past affiliation with former opposition groups **and/or with the aim of forcing them to join the military and go to battle often without training**” (Hervorhebung nur hier); EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/31nZNxA>, p. 11. Laut einem Rekruten aus der Provinz Dera’a wurden Personen, die „versuchten, die Registrierung hinauszuzögern, an Kontrollstellen gefasst und direkt an die Front geschickt“. Auch ein anderer Mann gab an, dass einer seiner Familienangehörigen gefasst und in Idlib stationiert wurde; Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from “Reconciled” Areas to the Front*, 4 March 2020, <https://bit.ly/3fP9xVt>. “Many locals are troubled that former opposition fighters – who had agreed to surrender as part of a reconciliation deal and serve as local security – were instead being conscripted into the army or detained. Conscripts endure terrible conditions while serving in the army and have been essentially used as cannon fodder in regime offensives”; The New Arab, *Syria Weekly: Idlib under Attack*, 11 March 2019, <https://bit.ly/3bLqfUM>. Siehe auch, Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face ‘Deferred Execution’*, 9 February 2021, <http://bit.ly/3uKsPUA>; SOHR, *The Regime Forces Put Tens of Members of the “Settlements and Reconciliations” South of Damascus in Fronts of Latakia Mountains*, 8 November 2019, <https://bit.ly/2R8nGVe>; SOHR, *The Regime Forces Push Young Men from Daraa of Those who Were Drafted to Reserve Service, to the Fronts of Hama Countryside*, 27 May 2019, <https://bit.ly/3jcGvBp>; Voice of the Capital, *Damascus Countryside Mourns the Death of Sons from Settlement Groups*, 17 February 2020, <https://bit.ly/351XQsZ>. Zum Einsatz wehrpflichtiger Männer aus Al-Tal (Damaskus-Umgebung) an der Front siehe auch UNHCR, *COI Note: Participation in Anti-Government Protests; Draft Evasion; Issuance and Application of Partial Amnesty Decrees; Residency in (Formerly) Opposition-Held Areas; Issuance of Passports Abroad; Return and “Settling One’s Status”*, 7 May 2020, www.refworld.org/docid/5ec4fcff4.html (einschließlich der zitierten Quellen).

⁵⁷² Laut Prof. Dr. Ugur Umit Üngör: “[M]ost recent research demonstrates that the category of individuals considered to be opposing the government (e.g. persons from retaken areas, former opposition fighters, opposition activists) are especially under deadly threat. There are forced disappearances, formal arrests, and summary executions being reported. **These men are sent to the front as a form of punishment indeed**, which can only be understood by looking at the deep resentment that the pro-regime milieu feels at the ‘disloyalty’ of those men. Regime officials and sympathizers feel that for years, their sons have sacrificed themselves for the ‘homeland’ and the ‘nation’, and that these draft dodgers are getting off easily, and now must be taught a lesson” (Hervorhebung nur hier); Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (E-Mails bei UNHCR archiviert). “The GoS also handed over the death certificates of a group of young people [from Dera’a Governorate] returning from military service, namely, A.H., A.G., M.A. and A.A., who made settlements with the GoS after its entry to the area. **They died of military field execution, or during battles**” (Hervorhebung nur hier); SCP, *Daraa Province Following Control by the Government of Syria: Eighth Monitoring Report*, 15 October 2019, <https://bit.ly/3jgnf5N>, p. 5. “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**” (Hervorhebung nur hier); TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. “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.** (...) The testimonies of their relatives and close friends, and the profile of the victims and their trajectory during the last few years, clearly show that some of them used to fight with the armed opposition, while others just returned to regime-held areas lured by regime propaganda and Russian promises of safety, unfortunately sometimes amplified in the narratives of some international organisations working on Syria” (Hervorhebung nur hier); SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html (mit Beispielen für mögliche Hinrichtungen von Rekruten aus „versöhnten“ Gebieten an der Front). In Bezug auf die Stationierung ehemaliger Kämpfer der Opposition gab eine vom MEI zitierte Quelle an: “**it’s very suspicious that these guys [reconciled rebels] get sent out in the desert with little support and they seldom return, and if they return, they get sent out again. Tactic seems to get rid of many of these reconciled rebels in this area**” (Hervorhebung nur hier); MEI, *The Lion and The Eagle: The Syrian Arab Army’s Destruction and Rebirth*, 18 July 2019, <https://bit.ly/2VCI0Vi>.

⁵⁷³ EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, <https://bit.ly/3jipsOt>, p. 6. Ebenso beschrieb SACD die Zwangsrekrutierung als “(...) 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”; SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, www.ecoi.net/de/dokument/2016701.html.

Umgang mit Wehrdienstentziehern

Das Militärstrafgesetzbuch sieht für Wehrdienstentzug⁵⁷⁴ eine Gefängnisstrafe vor.⁵⁷⁵ Personen, die das wehrpflichtige Alter (42 Jahre) überschritten haben, ohne den Pflichtwehrdienst vollendet zu haben, werden mit finanziellen Sanktionen belegt, und ihnen droht die Beschlagnahme ihres beweglichen und unbeweglichen Vermögens sowie Inhaftierung.⁵⁷⁶ Viele Wehrdienstentzieher, die sich in den von der Regierung kontrollierten Gebieten in Syrien aufhalten, verstecken sich und leben in der ständigen Angst, festgenommen und zwangsrekrutiert zu werden.⁵⁷⁷ Zudem ist es ihnen nicht möglich,

⁵⁷⁴ “Draft evasion occurs when a person does not register for, or does not respond to, a call up or recruitment for compulsory military service. The evasive action may be as a result of the evader fleeing abroad, or may involve, inter alia, returning call up papers to the military authorities. In the latter case, the person may sometimes be described as a draft resister rather than a draft evader (...). Draft evasion may also be pre-emptive in the sense that action may be taken in anticipation of the actual demand to register or report for duty. (...) Draft evasion may be for reasons of conscience or for other reasons”; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, pp. 1-2. Angesichts repressiver Rekrutierungspraktiken und fehlender Regelungen für einen Ersatz- oder Alternativdienst vertritt UNHCR die Auffassung, dass es nicht angemessen wäre, von angehenden Rekruten zu erwarten, dass sie die Militärbehörden über ihre Einwände hinsichtlich der Ableistung des Wehrdienstes informieren, bevor sie aus Syrien fliehen.

⁵⁷⁵ In Friedenszeiten werden Wehrdienstentzieher, die nicht innerhalb der vorgeschriebenen Frist für den Wehrdienst vorstellig werden, mit einer Gefängnisstrafe von 1 bis 6 Monaten bestraft und müssen den Pflichtwehrdienst ableisten. In Kriegszeiten wird Wehrdienstentziehung je nach den Umständen mit einer Gefängnisstrafe von bis zu 5 Jahren belegt. Nach Verbüßung der Haftstrafe muss der Wehrdienstentzieher den Pflichtwehrdienst ableisten; *Syria: Excerpts of Law No. 61 of 1950, as amended (Military Penal Code)* [inoffizielle Übersetzung durch UNHCR], 16 February 2017, www.refworld.org/docid/58a5e1b34.html, articles 98 and 99. Für eine vollständige Fassung des Gesetzes Nr. 61 von 1950 (auf Arabisch) siehe: <https://bit.ly/2H3t1ul>.

⁵⁷⁶ 2014 wurde Artikel 97 des Rekrutierungsgesetzes dahin gehend geändert (Gesetzesdekret 33/2014), dass Männer, die nicht vom Wehrdienst befreit wurden und das Alter von 43 Jahren erreichen, ohne den Wehrdienst abgeleistet zu haben, eine Befreiungsgebühr in Höhe von 8.000 US-Dollar (bzw. dem entsprechenden Betrag in syrischen Pfund, festgesetzt durch die Zentralbank von Syrien) zahlen müssen. Die Gebühr ist innerhalb von drei Monaten nach Erreichen des Alters von 42 Jahren zu zahlen; bei Nichtzahlung kann eine Gefängnisstrafe von einem Jahr verhängt werden und die betreffende Person verpflichtet werden, für jedes Jahr des Verzugs weitere 200 US-Dollar bis zu einer Gesamtsumme von 2.000 US-Dollar zu zahlen. Eine weitere Änderung im November 2017 (Gesetz 35/2017) sah vor, dass im Fall der Nichtzahlung das bewegliche und unbewegliche Vermögen bis zur vollständigen Zahlung eingefroren werden kann. Eine Änderung vom 17. Dezember 2019 (Gesetz 39/2019) bestimmte, dass das Vermögen von Personen, die die Gebühr nicht entrichten, nicht nur per Gerichtsbeschluss vorübergehend eingefroren wird, sondern auch ohne vorherige Warnung der Vermögensbeschlagnahme durch das Finanzministerium unterliegt, wenn die betreffende Person das Alter von 43 Jahren erreicht. Darüber hinaus ist die vorläufige Beschlagnahme von Vermögen der Ehefrau/-en und Kinder der betreffenden Person zulässig, bis festgestellt wird, dass das Vermögen nicht von dieser Person stammt; syrisches Parlament (auf Arabisch), مجلس الشعب يقر تعديلاً على إحدى مواد قانون خدمة العلم, December 2019, <https://bit.ly/32lzszzp>. Im Februar 2021 kündigte Brigadegeneral Elias Bitar, Leiter der Abteilung der Armee für Ausnahmen und Rückstellungen an, “the military judiciary will prepare notification notes to seize money and property from citizens over 43-years old who have not paid the exemption fee”; MEE, *Damascus Threatens to Seize Property from Displaced Syrians over Conscription Fees*, 12 February 2021, <http://bit.ly/3uD8Ffv>. “(...) the amendment now empowers the Ministry of Finance to immediately confiscate and sell an individual’s property without providing notice or giving the individual an opportunity to challenge the decision.” HRW described the amendment as “the latest in a series of laws and policies designed to punish perceived political dissidents and Syrians who fled, but which also serve to enrich a failing government with money from the pockets of disillusioned Syrians already facing a barrage of crises”; HRW, *Syrian ‘Military Evaders’ Face Unlawful Seizure of Property, Assets*, 9 February 2021, www.ecoi.net/en/document/2045174.html. Laut Rechtsanwalt Hussam Sarhan, Mitglied des Board of Directors der Syrian Lawyers Association, “the seized properties will be sold [in a public auction] without regard to their real value, because what is important for the regime is to collect the amount of 8,000 dollars, and transfer it to the treasury or the budget of the Ministry of Defense regardless of whether the person is inside or outside Syria”; Enab Baladi, *New Procedures to Raise Money from Draft Dodgers*, 26 December 2019, <https://bit.ly/3j8i1ZV>. Siehe auch Syrian Law Journal, *Military Service Law: Law 35/2017*, Zugriff am 28. Februar 2021, <https://bit.ly/3o3w0n9>. “Any Syrian man eligible for military service, whether an expatriate or a refugee, has four options once he has regularized his status at a Syrian embassy. He can, first, return to Syria and complete his compulsory service; second, pay the sum of \$8,000 before reaching 43 years old, as outlined in Article 13 of the military service law; third, pay the same sum in lieu of service, after turning 43; or fourth, face executive confiscation of his assets and provisional confiscation of his wife’s, or wives’, and children’s assets, without warning. (...) This was a preemptive step against Syrians living outside the country, creating a mechanism by which the state could ultimately seize the assets of those concerned (known to the regime by name), constituting the vast majority of such cases in the coming years”; Carnegie MEC, *Drain Society, Feed the Military*, 20 February 2020, <https://bit.ly/2QoNQkN>. Siehe auch Syria Report, *Amendment to Military Service Law Raises Serious Concerns over Syrians’ Real Estate Rights*, 17 February 2021, <http://bit.ly/3rc5ZmY>; World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*, 6 February 2019, www.ecoi.net/en/document/1457751.html, p. 67.

⁵⁷⁷ “(...) men and boys were often unable to move freely in areas controlled by government forces (...), fearing forced conscription or arrest”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 49. “Young men in Syria face the prospect of mandatory military conscription, which if avoided, can affect their ability to move freely in the country”; NRC, *Nine Challenges Facing Young People in Syria*, 22 August 2020, <https://bit.ly/3j3VYn8>. Siehe auch Daraj, *Military Service... Every Young Syrian’s Nightmare*, 24 June 2020, <https://bit.ly/32e5YmU>; Syria Direct, *As Losses Mount in Idlib, Damascus Sends Conscripts from ‘Reconciled’ Areas to the Front*, 4 March 2020, <https://bit.ly/3fP9xWt>; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, <https://bit.ly/2YU1xU6>; Syria Untold, *Men Evading Military Service in Southern Syria’s Suwayda Feel ‘Trapped’*, 9 January 2020, <https://bit.ly/2QhBF9A>.

Rechtsgeschäfte oder administrative Handlungen vorzunehmen, wie z. B. Anmietung, Kauf oder Verkauf von Grundeigentum⁵⁷⁸, Eheschließung oder Beantragung (bzw. Verlängerung) von Ausweisdokumenten und Pässen.⁵⁷⁹ Darüber hinaus müssen Männer zwischen 17 und 42 Jahren eine Erlaubnis von der Rekrutierungsbehörde einholen, wenn sie das Land verlassen möchten.⁵⁸⁰ Berichten zufolge wurden Regierungsangestellte entlassen, weil sie sich dem Reservewehrdienst entzogen haben.⁵⁸¹

Unter Einsatz von Fahndungslisten setzen die Armee und die Sicherheitsbehörden laut Berichten ihre Anstrengungen fort, Wehrdienstentzieher aufzuspüren und unter Zwang zu rekrutieren, vor allem an mobilen und festen Kontrollstellen⁵⁸², aber auch in staatlichen Einrichtungen wie Universitäten und

⁵⁷⁸ Für Immobilientransaktionen ist eine Unbedenklichkeitsbescheinigung erforderlich; siehe Kapitel III.C.6.c.

⁵⁷⁹ "He has not been able to get any governmental transaction done or get married, all of which require a paper from the Recruitment Division"; Daraj, *Military Service... Every Young Syrian's Nightmare*, 24 June 2020, <https://bit.ly/32e5YmU>. Für Männer zwischen 18 und 42 Jahren ist die Vorlage des Militärdienstbuchs oder, falls das Militärdienstbuch nicht verfügbar ist, eines Statusberichts des zuständigen Rekrutierungsbüros Voraussetzung für die Ausgabe oder Ersetzung eines Identitätsausweises. Sofern Männer im wehrpflichtigen Alter nicht vom Wehrdienst befreit sind, müssen sie für die Ausstellung eines Passes die Genehmigung der Militärischen Abteilung des Verteidigungsministeriums einholen. Um eine Eheschließung bei Gericht registrieren zu lassen, muss eine Heiraterlaubnis der Wehrdienstabteilung vorgelegt werden. Laut Quellen, die von Landinfo konsultiert wurden, "(...) it has become more difficult to obtain permission [to register a marriage] from the military authorities since the outbreak of civil war (...). In order to register such a marriage retrospectively without the permission of the military authorities, it is necessary for the women to be pregnant or to have already given birth"; Landinfo, *Syria: Marriage Legislation and Traditions*, 22 August 2018, www.ecoi.net/de/dokument/1454015.html, pp. 23-24. Siehe auch UNHCR, *Booklet on Civil Documentation and Registration in the Syrian Arab Republic*, 25 April 2020, <https://bit.ly/34fbEjc>, pp. 16-17.

⁵⁸⁰ Artikel 48 des Rekrutierungsgesetzes von 2007 in der geänderten Fassung. Das Gesetzesdekret 14/2018 bestimmte, dass Männer zwischen 17 und 42 Jahren, die nicht aufgrund gesetzlicher Vorschriften vom Wehrdienst befreit sind und aus Syrien ausreisen möchten, eine Reiseerlaubnis vorlegen und 50.000 syrische Pfund bei einer öffentlichen Bank als Kautions hinterlegen müssen. Die Reiseerlaubnis ist drei Monate gültig; Syrian Law Journal, *Military Service Law: Legislative Decree 14/2018*, Zugriff am 28. Februar 2021, <https://bit.ly/3o3w0n9>. Siehe auch Rozana Radio, *Irregular Ways of the Military Recruitment Divisions... Mandatory Gates to Leave Syria*, 22 January 2019, <https://bit.ly/2FVnJJE>.

⁵⁸¹ SY 24 (Website der Opposition), *Teachers Fired. Leaked Document Reveals Why*, 14 October 2020, <https://bit.ly/3oof7Um>; Syria Call, *The Assad Regime Dismisses 21 Teachers for Refusing to Join the Army*, 13 October 2020, <https://bit.ly/2HYr822>; STJ, *Al-Hasakah: Arbitrary Dismissal of at Least 80 Teachers after Years of Service*, 18 December 2018, <https://bit.ly/2EOKIGS>; STJ, *Mass Dismissals, Fines & Prison Sentences for over 400 Employees in al-Qunaitra*, 17 December 2018, <https://bit.ly/3jxFNP7>.

⁵⁸² Beispielsweise in Ost-Ghouta, im Februar 2021, "[the] military police arrested more than 300 young people over the last days, after the police set up temporary checkpoints on a daily basis, and stormed the homes of wanted men, for compulsory and reserve military service"; SOHR, *While Waiting Outside Bread Bakeries: Regime Security Services Arrest 57 Young Men in Eastern Ghouta for Mandatory Conscription*, 20 February 2021, <https://bit.ly/2M9PRmu>. Deir Ezzor 24 meldete, dass Regierungstruppen „Kontrollstellen“ und „mobile Patrouillen“ in den „Straßen, öffentlichen Verwaltungen, Bushaltestellen, Schulen und Universitäten“ der Stadt Deir Ez-Zour eingesetzt haben, um Personen zu finden, nach denen im Zusammenhang mit dem Pflichtwehrdienst gefahndet wird; Deir Ezzor 24, *Assad's Forces Conduct a Massive Recruitment Campaign in Deir Ezzor City*, July 2020, <https://bit.ly/3lLxZLV>. "Arrests for the purpose of recruitment for compulsory military service did not stop for a single day over the past years. This was conducted through fixed and temporary checkpoints that are placed suddenly with unexpected checkpoints to inspect those who have not fulfilled their compulsory military service, and tension and military inspection increases if recruitment dates are approaching"; Syrian Civic Platform (SCP), *Arrests in Damascus*, 25 February 2020, <https://bit.ly/34x4G9I>. Siehe auch SOHR, *Regime Forces Step Up Arrests of Young Recruits*, 6 August 2020, <https://bit.ly/32oo6L9>; Enab Baladi, *Fear of Forced Military Conscription Looms over Northern Rural Homs Again*, 6 March 2020, <https://bit.ly/2Yu1xU6>; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 8. Die Beamten der Kontrollstellen und Grenzübergänge haben Zugriff auf eine zentralisierte Datenbank, in der Informationen über den militärischen Status gespeichert sind; siehe Fußnote 49.

Krankenhäusern⁵⁸³, Aufnahmestellen der Regierung⁵⁸⁴ und bei Hausdurchsuchungen.⁵⁸⁵ Berichten zufolge gehören Rückkehrer aus dem Ausland zu den Personen, die nach der Rückkehr verhaftet und zwangsrekrutiert werden.⁵⁸⁶ Solche Kampagnen werden aus allen Gebieten gemeldet, die unter der

⁵⁸³ "At Daraa National Hospital, detentions have been reported. For example, a male patient without proof of military service may have a credible fear of being arrested – while an inpatient – for having avoided conscription"; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>, p. 26. Unter Berufung auf einen Bericht des Nachrichtenkanals Voice of the Capital stellte MEI fest, die Regierung habe eine "practice of arresting men wanted for military service in hospitals"; MEI, *Ravaged by War, Syria's Health Care System is Utterly Unprepared for a Pandemic*, 23 April 2020, <https://bit.ly/2EOJbGC>. Siehe auch SOHR, *In Order to Drive Them to Conscription Service... the "Military Police" Pursue University Students in Aleppo*, 15 November 2019, <https://bit.ly/32qw5qO>. Andere wurden Berichten zufolge nach ihrer Freilassung aus dem Gefängnis zum Militär geschickt, um ihren Dienst abzuleisten; PHR, "My only Crime Was Being a Doctor": *How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture*, December 2019, <https://bit.ly/3b3dVj1>, p. 33; STJ, *Syrian Authorities Release Seven of Hama Central Prison Inmates*, 17 January 2019, <https://bit.ly/2ELdijj>. SOHR meldete im Juli 2020 die Verhaftung mehrerer Demonstranten in Suweida im Juni 2020, wobei ein Demonstrant zum Militär gebracht wurde und andere freigelassen wurden; SOHR, *Regime Security Services Release All Young People Arrested in June Demonstrations, only One Driven to Mandatory Service*, 10 July 2020, <https://bit.ly/2EuDe1k>.

⁵⁸⁴ Männer, die vertrieben wurden, als die Regierung Ost-Ghouta zurückeroberte, sowie Rückkehrer aus dem Camp Rukban wurden Berichten zufolge in Aufnahmeunterkünften der Regierung rekrutiert: "For many of Rukban's residents, to go back into Syrian government territory, where their homes and farms now sit abandoned, is to risk military conscription or potential detention. It would mean being processed through one of the government's so-called 'reception centers' that have been set up in former school buildings in Homs for security forces to vet returnees. Dozens have reportedly been arrested in the centers, or held for weeks on end, family members say"; Mada Masr, *A Remote Displacement Camp in the Syrian Desert, now more Isolated than Ever*, 30 April 2020, <https://bit.ly/3bg8XPV>. "When the regime consolidated the shelters [for those displaced from Eastern Ghouta] into one location several months ago, every male between 18 and 60 was investigated by regime intelligence, mainly by the infamous Palestine Branch. Many were placed in reserve service, while others volunteered to serve in the National Defense Forces militia. More than 500 men were arrested and their whereabouts remain unknown"; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 10. "In Eastern Ghouta, thousands of people were offered shelter and aid within IDP shelters during the military campaign (...). There, men were separated from women and children and the process of reconciliation and release began. (...) 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"; EIP, *Refugee Return in Syria*, July 2019, www.ecoi.net/en/document/2018602.html, p. 5. Zur Rekrutierung von Rückkehrern aus dem Camp Rukban siehe auch Fußnote 517.

⁵⁸⁵ Ein Beispiel: "[O]n September 10 [2020], reliable sources informed the Syrian Observatory that the regime's military police launched a security campaign Deir Ezzor city where they stormed civilian houses in Al-Jourah and Al-Qusur neighbourhoods. The military police arrested several young people for 'evading to perform mandatory service in regime army' "; SOHR, *Military Conscription: Regime Forces Storm Deir ez-Zor Neighbourhoods, Stepping Up Arrests of Young Recruits*, 14 September 2020, <https://bit.ly/3kgOwWv>. "(...) raids by the authorities on neighbourhoods and homes in search of wanted conscripts and reservists have become common"; Julia Morris, *The Politics of Return from Jordan to Syria*, in *Forced Migration Review, Return Voluntary, Safe, Dignified and Durable?*, Issue 62, October 2019, <https://bit.ly/3jaogMR>, p. 32. Siehe auch Voice of the Capital, *Thirteen Arrested in Eastern Ghouta*, 19 August 2020, <https://bit.ly/34tNNMD>; Voice of the Capital, *State Security Services Arrest Dozens in Douma for Forced Military Recruitment*, 16 July 2020, <https://bit.ly/371AHgf>; Syria Call, *The Assad Regime Arrests 112 Guys from Douma in Eastern Ghouta in 3 Weeks*, 24 June 2020, <https://bit.ly/2JmdZR1>.

⁵⁸⁶ Das Innenministerium veröffentlichte am 22. Dezember 2018 ein Rundschreiben (Nr. 28293) an die Abteilung für Migration und Passangelegenheiten, wonach Rückkehrer im wehrpflichtigen Alter innerhalb von 15 Tagen nach ihrer Rückkehr bei der Rekrutierungsbehörde vorstellig werden müssen, um ihren Pflichtwehrdienst abzuleisten, bzw. innerhalb von 7 Tagen, wenn es sich um den Reservewehrdienst handelt; SANA, *Immigration Issues Instructions not to Detain Citizens Overdue to Join Military Service at Border Crossings*, 24 December 2018, <https://bit.ly/32FO3G6>; Russia Today (auf Arabisch), 24 December 2018, <https://bit.ly/351Qd5V>. Meldungen deuten darauf hin, dass Rückkehrer nach ihrer Rückkehr verhaftet und zwangsrekrutiert wurden, selbst wenn sie vom Wehrdienst befreit waren: "Several KIs [key informants] reported that – even after paying their exemption fees and fines – any people who returned were arrested for previous actions of political dissent, or have been conscripted again"; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/214m7ow>, p. 6. "For those that arrive [in Syria], anecdotal evidence suggests some returnees have been arrested, detained, or conscripted upon reaching their place of origin"; COAR, *Syria Update: 14 March to 20 March, 2019*, 20 March 2020, <https://bit.ly/3hUD3v3>. 2019 dokumentierte SNHR die Verhaftung von mindestens 256 Rückkehrern zwecks Zwangsrekrutierung für den Pflichtwehrdienst; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, <https://bit.ly/3eaD77i>, p. 22, siehe auch pp. 42-43. "Returnees are reported to be among those subjected to harassment, arbitrary arrest, detention, torture, enforced disappearance and forced conscription" (Hervorhebung nur hier); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 8. Siehe auch Kapitel III.A.1.e.

Kontrolle der Regierung stehen,⁵⁸⁷ insbesondere aus den zurückeroberten Gebieten⁵⁸⁸, allerdings hat die Regierung wegen lokaler Vereinbarungen⁵⁸⁹ und ihrer begrenzten Präsenz nur eingeschränkte Möglichkeiten, Wehrdienstentzieher aus bestimmten Gebieten unter Zwang zu rekrutieren.⁵⁹⁰

In der Praxis droht Wehrdienstentziehern statt einer strafrechtlichen Sanktion und Haftstrafen nach dem Militärstrafgesetzbuch⁵⁹¹ mit höherer Wahrscheinlichkeit eine Festnahme und kurzfristige Inhaftierung,

⁵⁸⁷ Im November 2020, "we have recorded multiple arrests and acts of persecution of citizens in connection with reserve conscription (...); these reserve conscripts, whose ages range between 30 to 36 years, are primarily concentrated in the governorates of Aleppo and Damascus"; SNHR, *At Least 167 Cases of Arbitrary Arrests/ Detention Documented in Syria in November 2020, Including Two Children and Three Women*, 2 December 2020, <https://bit.ly/3gJY3F7>, p. 5.

⁵⁸⁸ Im Februar 2021 berichtete SOHR, dass "(...) regime members have targeted queues outside bread bakeries in the areas of Saqba, Jisrin, Hamouria, Kafr Batna and Hazza [Eastern Ghouta], arresting 57 young men wanted for mandatory and reserve conscription, while waiting in bread lines." Nach Angaben von Aktivisten, "the cities and towns of eastern Ghouta in Damascus countryside, witnessed large-scale arrests of young people for their compulsory and reserve military service since regime forces took control of the area [in 2018]"; SOHR, *While Waiting Outside Bread Bakeries: Regime Security Services Arrest 57 Young Men in Eastern Ghouta for Mandatory Conscription*, 20 February 2021, <https://bit.ly/2M9PRmu>. "SOHR activists say that regime forces have launched a campaign of arrests in the neighbourhoods of Deir ez-Zor city, arresting a number of young men for military conscription. Regime forces carried out campaigns of arrests in a number of Syrian provinces over the past month in Aleppo, Hama and rural Damascus, as well as arrests in Daraa countryside, which led to arrests among young men for military conscription"; SOHR, *Regime Forces Step Up Arrests of Young Recruits*, 6 August 2020, <https://bit.ly/32oo6L9>. Im Norden der Provinz Homs "[T]he Syrian army forcibly recruits men it considers to be draft dodgers, in order to deploy them at the front in northern Syria"; KAS, *De-Escalation Zones in Syria*, June 2020, <https://bit.ly/37X1pAt>, p. 5, siehe auch p. 6. Zu gemeldeten Festnahmen und Zwangsrekrutierungskampagnen siehe z. B. SOHR, *Regime Security Services Storm Several Areas in Northern Countryside of Homs, Arresting 11 Civilians so Far*, 17 February 2021, <http://bit.ly/2ZX4flh>; SOHR, *Regime Forces Search for Suspects and Military Deserters in Village near Border with Occupied Golan*, 18 January 2021, <http://bit.ly/2ZJVkU5>; SOHR, *Regime Forces Arrest Tens of Young Males in Al-Mayadeen and Deir Ezzor Cities, Driving Them to Mandatory Service*, 30 December 2020, <http://bit.ly/2LgPWUN>; SOHR, *Regime Security Services Arrest Nearly 15 Youths on Khirbet Ghazala-Daraa Road*, 22 December 2020, <http://bit.ly/3oeg7Kq>; SOHR, *Deir Ezzor: Regime Forces Launch Security Campaign in Al-Mayadeen, Searching for Military Service "Deserters"*, 3 November 2020, <https://bit.ly/3eIEHoi>; Voice of the Capital, *At Least Eleven Young People Arrested in al-Hamah, Qudsaya*, 14 October 2020, <https://bit.ly/3ky4nAC>; Syria Call, *The Assad Regime Arrests 54 Young Men in Rural Damascus*, 7 October 2020, <https://bit.ly/35zNYFf>; SOHR, *Military Conscription: Regime Forces Storm Deir ez-Zor Neighbourhoods, Stepping Up Arrests of Young Recruits*, 14 September 2020, <https://bit.ly/3kgOwWr>; Syria Call, *Dozens of Young Men Been Arrested in Douma, Southern Syria, Taken to the Assad Army and Detention Centers*, 16 July 2020, <https://bit.ly/2TQrTwk>. Zur Festnahme palästinensischer Flüchtlinge zwecks Zwangsrekrutierung siehe auch Kapitel III.A.12.

⁵⁸⁹ "For example, the Druze community [in Suweida Governorate] has been largely exempt from military conscription, a tacit concession by the regime in exchange for the community's support"; USIP, *How Will New U.S. Sanctions Impact Syria's Conflict?*, 17 June 2020, <https://bit.ly/31mTAC4>. Diese Vereinbarung mit der Regierung schützt drusische Männer jedoch nicht außerhalb von Suweida, und sie „können Suweida auch nicht verlassen, ... da sie befürchten, ansonsten zwangsrekrutiert zu werden“; Amnesty International, *Syria: Peaceful Protesters Detained in Sweida Must Be Released Immediately*, 24 June 2020, www.ecoi.net/en/document/2032026.html. Siehe auch Syria Untold, *Men Evading Military Service in Southern Syria's Suwayda Feel 'Trapped'*, 9 January 2020, <https://bit.ly/2QhBF9A>. Seit 2018 wird mehr Druck auf drusische Männer im wehrpflichtigen Alter ausgeübt, damit sie ihren Dienst beim Militär ableisten, da die Regierung ihre Machtposition mittlerweile zurückerlangt und verfestigt hat und weniger auf die Unterstützung der drusischen Gemeinde angewiesen ist. Schätzungen zufolge wurden im Mai 2019 etwa 50.000 drusische Männer für den Pflicht- und Reservewehrdienst in der Provinz Suweida gesucht; EUI, *The Druze of Sweida: The Return of the Regime Hinges on Regional and Local Conflicts*, 28 August 2019, <https://bit.ly/2EppqEAX>, pp. 2, 9, 15. Siehe auch SOHR, *Efforts to Persuade Young People to Return and Serve in the Regime's Army: Russian and Regime Officers Meet with Local Leaders and Elders from al-Sweida*, 15 December 2020, <http://bit.ly/3af6V4k>; SOHR, *Regime Security Services Release All Young People Arrested in June Demonstrations, only One Driven to Mandatory Service*, 10 July 2020, <https://bit.ly/2EuDe1k>; L'Orient Le Jour, *Suwayda: Fire under the Ashes*, 7 April 2020, <https://bit.ly/3lDs2AA>.

⁵⁹⁰ Beispielsweise sind die Rekrutierungsmöglichkeiten der Regierung in Gebieten, die von den SDF kontrolliert werden, seit 2012 eingeschränkt, da sich die Regierung aus den Gebieten größtenteils zurückgezogen hat. Laut US-Militärgeheimdienst Defense Intelligence Agency (DIA) hat die Regierung jedoch nach der Versetzung von Regierungstruppen in Gebiete im Nordosten Syriens im Zusammenhang mit der türkischen „Operation Friedensquelle“ ihre „Bemühungen intensiviert, aus der lokalen Bevölkerung zu rekrutieren, um ihre Truppenstärke zu erhöhen“; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 51. Ende Dezember 2020 wies SOHR auf zunehmende Spannungen zwischen den Regierungstruppen und den *Asayish* hin, einschließlich im Zusammenhang mit der Festnahme und Inhaftierung von Männern aufgrund von „Anschuldigungen in Bezug auf ... die Nichtableistung des Pflichtwehrdienstes in der Armee des Regimes“; SOHR, *After Russia's Mediation: Tension Between Asayish and Regime Forces in Al-Qamishli Defused, after Releasing Detainees*, 27 December 2020, <http://bit.ly/3hDxOjN>. Zu Gebieten ohne Präsenz von Sicherheitskräften der Regierung in Teilen der Provinz Dera'a siehe Kapitel II.B.1.b.

⁵⁹¹ Laut Prof. Dr. Ugur Umit Üngör: "[I]n some cases, it does lead to a 'field court' ('mahkama maydaniya') in which severe punishments are meted out. Anybody who is unlucky enough to actually get convicted and end up in prison, suffers the same treatment as all the other miserable victims in Syria's Gulag"; Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (E-Mails bei UNHCR archiviert).

bevor sie eingezogen werden.⁵⁹² Wehrdienstentzieher, die für Regierungsgegner gehalten werden, unterliegen laut Berichten dem Risiko einer besonders strengen Behandlung während der Festnahme, beim Verhör und in Haft sowie – nach Einziehung – im Militärdienst rechnen.⁵⁹³ Auch die Familien von Wehrdienstentziehern wurden in einigen Fällen bedroht und misshandelt.⁵⁹⁴

b) Wehrdienstbefreiung und -aufschub⁵⁹⁵

Das Rekrutierungsgesetz sieht für bestimmte Kategorien von Männern eine Befreiung von der Wehrpflicht vor⁵⁹⁶, u. a. für Männer, die der einzige Sohn ihrer Eltern sind⁵⁹⁷, aus medizinischen Gründen als untauglich eingestuft werden⁵⁹⁸ oder sich für mindestens ein Jahr rechtmäßig im Ausland aufhalten und eine Freistellungsgebühr gezahlt haben.⁵⁹⁹ Außerdem ermöglicht das

⁵⁹² Laut Prof. Dr. Ugur Umit Üngör: “[O]fficially, you’re supposed to be tried and convicted of failing to comply with military law, and if you are found guilty, it is a felony offense. In practice, from what we know from interviews with young Syrian men, the regime is struggling with a shortage of manpower and chooses pragmatically to send draft dodgers to the army directly, to complete the most deadly tasks (right at the frontline)”; Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (E-Mails bei UNHCR archiviert). Einer oppositionsnahen Website zufolge: “[Y]oung men are usually detained for between seven and 15 days and are put in the Military Police prison, and then after a week to a month in the al-Balouna or al-Qaboun prison, they are transferred to the centers (al-Dreij, al-Banak, Hananou [military bases])”; Alsouria Net, *The Regime Issues Lists for 15,000 People Wanted for the Army*, 8 January 2019, <https://bit.ly/3aTjwbH>. In anderen Fällen wurden Rekruten sofort in militärische Trainingslager gebracht. Beispiel Ost-Ghouta: “[I]n 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”; EUI, *Facets of Syrian Regime Authority in Eastern Ghouta*, 23 August 2019, <https://bit.ly/3jipsOt>, p. 6. Siehe auch COAR, *Syria Update: 31 January to 06 February 2019*, 6 February 2019, <https://bit.ly/3h0LDHr>.

⁵⁹³ “From two sources I know that your treatment depends largely on how well connected you are in the regime. Alawites with solid ‘connections’ (‘wasta’ in Arabic) will not suffer the worst consequences, and in the two cases mentioned had to pay a ‘compensation’ (‘badal’ in Arabic) of about €8000. All others, especially working-class Sunni men from rebellious neighborhoods and areas (such as Eastern Ghouta) are dealt with much more ruthlessly. The latter are perceived to have been disloyal to the army, and are routinely ill-treated, suffer violent hazing rituals, and often have to endure physical training that would amount to torture according to European soldiering standards. Some are shot point blank on the fronts, their deaths being attributed to a ‘suicide’, an ‘accident’, or ‘combat’ ” (Hervorhebung nur hier); Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April, 27 July and 12 December 2020 (E-Mails bei UNHCR archiviert). Siehe auch SNHR, *The Death of a Dissident Conscript Due to Torture in Syrian Regime Detention Center*, November 5, 7 November 2019, <https://bit.ly/32NhxSv>. Zum Umgang mit Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind, siehe auch Kapitel III.A.1.

⁵⁹⁴ SNHR dokumentierte, dass Familienangehörige von Wehrdienstentziehern im Rahmen von Festnahmekampagnen geschlagen wurden; SNHR, *The Most Notable Human Rights Violations in Syria in April 2020*, 5 May 2020, <https://bit.ly/2G89eJd>, p. 5. “Other coercive methods involved threatening families in regime-controlled areas whose sons didn’t report for duty”; The Defense Post, *Fearing Conscript into Assad’s Army, Syrian Kurds Flee to Iraq*, 12 December 2019, <https://bit.ly/3aR5tTT>. SNHR beschrieb einen Fall aus dem Jahr 2011, in dem ein Mann verhaftet, verschwand und gefoltert wurde, weil sein Bruder sich dem Pflichtwehrdienst entzogen hatte; SNHR, *Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in its Detention Centres and Military Hospitals*, 21 October 2019, <https://bit.ly/2MzcUDZ>, p. 48.

⁵⁹⁵ Männer, die vom Pflichtwehrdienst befreit wurden, sind in rechtlicher Hinsicht von Wehrdienstentziehern zu unterscheiden.

⁵⁹⁶ Gründe für eine Befreiung vom Wehrdienst sind in den Artikeln 12 und 13 des Rekrutierungsgesetzes in seiner geänderten Fassung aufgeführt.

⁵⁹⁷ Gemäß dem Rekrutierungsgesetz können Männer, die für ihre Eltern oder ihren Elternteil der einzige Sohn sind, vom Wehrdienst befreit werden; Artikel 12 (6) des Rekrutierungsgesetzes in der geänderten Fassung. Die Befreiung ist vorübergehend und muss jedes Jahr erneuert werden, bis festgestellt wird, dass die Mutter das gebärfähige Alter überschritten hat. “However, the process that grants an only child his freedom is not easy and takes time, effort and medical health to ensure the mother’s inability to have other children. Even the possibility of having another boy threatens the young man’s chance to be exempted from the military service”; Daraj, *Military Service... Every Young Syrian’s Nightmare*, 24 June 2020, <https://bit.ly/32e5YmU>.

⁵⁹⁸ Artikel 12 (3) des Rekrutierungsgesetzes in der geänderten Fassung. “Young men injure themselves to obtain a medical discharge and thousands of young men have left the country to avoid service. The regime knows all the tricks and it gives few medical discharges and only then after long and exhaustive tests”; Haaretz, *The Hell of Syria’s Army Draft Is One Many Try Their Best to Avoid*, 7 July 2020, <https://bit.ly/31o22RB>.

⁵⁹⁹ Artikel 12 (9) und 13 des Rekrutierungsgesetzes in der geänderten Fassung. Seit 1978 haben Männer, die im Ausland leben, die Möglichkeit, durch eine einmalige Ausgleichszahlung die Rekrutierung zu umgehen, allerdings wurden die Bedingungen und die einschlägigen Gebühren mehrfach geändert, einschließlich zuletzt durch das Gesetzesdekret Nr. 31/2020 vom 8. November 2020. Bis zur letzten Änderung von Artikel 13 konnten Männer, die sich rechtmäßig seit mindestens vier aufeinanderfolgenden Jahren außerhalb von Syrien aufhalten, vom Wehrdienst befreit werden, wenn sie einen Betrag zahlen, der 8.000 US-Dollar entspricht (sogenannter البندل النقدي oder “Badal Al-Naqdi”). Durch die Änderung vom November 2020 wurden

Rekrutierungsgesetz unter bestimmten Voraussetzungen den Aufschub des Wehrdienstes⁶⁰⁰, einschließlich für Studierende einer Universität⁶⁰¹ und Personen mit vorübergehenden gesundheitlichen Problemen.⁶⁰² Berichten zufolge werden die Regeln und Vorschriften für den Militärdienst,

neue, gestaffelte Beträge für die Befreiungsgebühr festgelegt, die von der Dauer des Aufenthalts außerhalb von Syrien abhängen: Männer, die 1, 2, 3, oder 4 Jahre im Ausland lebten, mussten 10.000, 9.000, 8.000 oder 7.000 US-Dollar zahlen, um vom Wehrdienst befreit zu werden. Ferner können sich Personen, die im Ausland geboren wurden und dort über 10 Jahre gelebt haben, gegen Entrichtung einer Gebühr von 6.500 US-Dollar befreien lassen. Vor diesen Änderungen konnten Personen, die im Ausland geboren wurden und dort bis zum Alter von 18 Jahren gelebt haben, eine Befreiung bis zum Alter von 25 Jahren erhalten, wenn sie eine Gebühr von 2.500 US-Dollar zahlen. Für eine dauerhafte Befreiung, die auch nach dem 25. Lebensjahr galt, musste eine Befreiungsgebühr von 8.000 US-Dollar gezahlt werden. Eine neuere Regelung, das Gesetzesdekret Nr. 31/2020, sah vor, dass Männer in Syrien, die aus medizinischen Gründen einer Dienststelle in der Verwaltung zugeteilt wurden oder werden, eine Befreiungsgebühr von 3.000 US-Dollar (bzw. den entsprechenden Betrag in syrischen Pfund basierend auf dem von der Zentralbank von Syrien festgelegten Wechselkurs) zahlen konnten. Das Gesetzesdekret gilt auch für palästinensische Flüchtlinge, die bei der GAPAR registriert sind. Eine inoffizielle englische Übersetzung des Gesetzesdekrets Nr. 31/2020 findet sich hier: *Syrian Arab Republic: Legislative Decree No. 31 of 2020 [Syrian Arab Republic]*, 4 January 2021, www.refworld.org/docid/5ff34b124.html. Siehe auch *Syrian Law Journal, Military Service Law: Legislative Decree 31/2020*, Zugriff am 28. Februar 2021, <https://bit.ly/3o3w0n9>; *Syria Report, New Dollar Rate Raises Concerns in Damascus*, 9 December 2020, <http://bit.ly/34C8m9g>. Laut COAR: “[W]hile it is unclear how many people will actually pay the waiver, there is no doubt that the policy aims to increase government revenues”; COAR, *Syria Update: 21 December 2020*, 21 December 2020, <http://bit.ly/3rnPzrR>. Vielen Menschen fehlen jedoch die finanziellen Mittel, um die Befreiungsgebühr zahlen zu können; Asharq Al-Awsat, *Syria Amends Military Service Law to Ease Economic Woes*, 10 November 2020, <http://bit.ly/2KNP2yI>; Enab Baladi, *Assad Introduces Big Change to Military Service Law*, 10 November 2020, <http://bit.ly/3nJf2d1>; ICG, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 21. Im Ausland lebende Syrer, die für die Ableistung des Wehrdienstes nicht nach Syrien zurückkehren und auch keinen Aufschub oder eine Befreiung beantragen, gelten als Wehrdienstentzieher; vergleiche Kapitel III.A.2.a.

⁶⁰⁰ Gründe für einen Aufschub des Wehrdienstes sind in den Artikeln 10 (1A)-10 (1E) und 10 (2) des Rekrutierungsgesetzes in der geänderten Fassung aufgeführt. Ein Aufschub muss jedes Jahr verlängert werden. Weitere Gründe für einen Aufschub betreffen Familien mit zwei oder mehr Söhnen im wehrpflichtigen Alter; Personen, die Haftstrafen verbüßen oder sich in Untersuchungshaft befinden; Männer, die alleinige Versorger ihrer Familien sind; und Piloten, die für die syrisch-arabische Pilotenorganisation arbeiten.

⁶⁰¹ Artikel 10 (1A) des Rekrutierungsgesetzes in der geänderten Fassung. Im Juli 2019 wurden Änderungen eingeführt, die bei den für den Beginn einer Ausbildung oder eines Studiums erlaubten Altersgrenzen und bei der Zahl der Studienjahre, in denen Studierende einen Aufschub vom Wehrdienst beantragen können, stärkere Beschränkungen vorsahen, da Studierende sich mit dem Studienabschluss Zeit ließen, um den Aufschub vom Wehrdienst weiterhin in Anspruch nehmen zu können. Siehe Gesetzesdekret 12 von 2019, abrufbar unter: <https://bit.ly/35tgXvX>. Siehe auch *Syria Report, Fleeing Conscription, Men Now Form Majority of University Students*, 5 June 2017, <https://bit.ly/3IP7jtF>. Dem syrischen Rechtsanwalt Bashir al-Bassam zufolge gibt es “permanent [recruitment] offices in universities that check the files of students in order to forcibly take them away to serve their military and reserve duty”; Diyaruna, *Syria Clamps Down on Conscription Dodgers*, 28 December 2018, <https://bit.ly/3gZoTY3>.

⁶⁰² Artikel 10 (1D) des Rekrutierungsgesetzes in der geänderten Fassung.

einschließlich der Verfahren für den Aufschub und die Befreiung vom Wehrdienst, seit 2011 zunehmend willkürlich angewandt und Korruption greift um sich.⁶⁰³

c) Deserteure

Nach dem Militärstrafgesetzbuch von 1950 in der geänderten Fassung ist Desertion strafbar und wird je nach den Umständen des Einzelfalls mit Freiheitsstrafe oder Todesstrafe bestraft.⁶⁰⁴

Die Mehrzahl der gemeldeten Desertionen fand in den ersten Jahren des Konflikts statt.⁶⁰⁵ Einzelpersonen, die versuchen, zu desertieren, können zum Zeitpunkt der Desertion hingerichtet werden, während Deserteure, die später ergriffen werden, dem Risiko unterliegen, festgenommen, in Isolationshaft gehalten, gefoltert und summarisch oder außergerichtlich hingerichtet zu werden.⁶⁰⁶ Die vorhandenen Informationen beziehen sich größtenteils auf den Umgang mit Deserteuren, die sich nach ihrer Desertion entweder als Zivilpersonen oder als Kämpfer bewaffneter oppositioneller Gruppen in ehemals von der Opposition kontrollierten Gebieten aufhielten. Nachdem die Regierung diese Gebiete zurückerobert hatte, zählten Deserteure zu dem Personenkreis, der an einem „Versöhnungsverfahren“

⁶⁰³ “It also became evident from conversations with both KIs [key informants] that served and those that did not serve, that having the legal exemptions or deferrals exempting you (temporarily) from the compulsory draft is not a guarantee for not being drafted; nor is having valid reasons for deferral or exemption a guarantee that you will in fact be (temporarily) exempted and are not at risk of being conscripted”; Refugee Protection Watch, *Trapped in Between Lebanon and Syria*, 19 October 2020, <https://bit.ly/2l4m7ow>, pp. 30-31. Beispielsweise wurden Berichten zufolge im Juli 2020 Männer, die nicht für den Wehrdienst gesucht wurden, während einer Rekrutierungskampagne in der Stadt Deir Ez-Zour aufgegriffen, um „ihre Familien zu erpressen und Geld für ihre Freilassung zu fordern“; Deir Ezzor 24, *Assad’s Forces Conduct a Massive Recruitment Campaign in Deir Ezzor City*, July 2020, <https://bit.ly/3lLxZLV>. “In Duma [Rural Damascus], a group of students travelling on 20 October [2019] to university to take examinations was stopped at a checkpoint staffed by officials from the General Security Directorate. Notwithstanding their status as students, the officers took 15 young men away, as their exemption from mandatory military service was deemed invalid”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 68. “(...) the Conscription Law has led to higher levels of corruption within the military sector. As some conscripts are legally able to pay an exemption fee in order to avoid compulsory conscription, this has allowed corruption, bribery, and discretionary application to rise both prior to 2011 and during the war as well”; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. In einem Bericht des niederländischen Außenministeriums aus dem Jahr 2019 wurde basierend auf Informationen, die aus einer vertraulichen Quelle stammten, festgestellt, dass „die Bedingungen des Wehrdienstes nicht streng eingehalten werden“; Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: The Security Situation*, July 2019, www.ecoi.net/en/document/2016076.html, p. 64.

⁶⁰⁴ Desertion wird in Friedenszeiten mit Haftstrafen zwischen einem und fünf Jahren sanktioniert. In Kriegszeiten kann die Haftdauer verdoppelt werden. Deserteure, die aus dem Land geflohen sind (sogenannte „externe Desertion“), unterliegen Artikel 101 des Militärstrafgesetzbuchs: 5 bis 10 Jahre Freiheitsstrafe in Friedenszeiten und 15 Jahre Freiheitsstrafe in Kriegszeiten. Für Desertion im Angesicht des Feindes wird eine lebenslange Freiheitsstrafe verhängt; besonders schwerwiegende Fälle führen zur Todesstrafe; Gesetz Nr. 61 von 1950 in der geänderten Fassung (Militärstrafgesetzbuch) [Arabische Republik Syrien], 16 February 2017, www.refworld.org/docid/58a5e1b34.html, Artikel 100-103. Eine libanesische Nachrichtenwebsite meldete im August 2019, dass ein Militärgericht in Damaskus gegen 15 Personen, darunter Überläufer, Todesurteile wegen „Verrats“ erlassen habe. Al-Modon (libanesische Nachrichtenwebsite), *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, <https://bit.ly/355yN8r>.

⁶⁰⁵ Im Juli 2014 wurde geschätzt, dass zwischen 20.000 und 100.000 Desertionen stattgefunden hatten, was 15-50 % der ursprünglichen Truppenstärke darstellt; Carnegie Europe, *Syria’s Military: Last Man Standing?*, 24 November 2015, <https://bit.ly/33hytSN>. 2020 meldeten oppositionelle Medien etliche Desertionen, siehe Syria Call, *Raqqqa: Defect Officer from Idlib with a Group of Soldiers Used to Work in the Assad Regime’s Army*, 19 October 2020, <https://bit.ly/3mQOVaj>; Syria Call, *Young Guy Defects from the Assad Regime and Arrives in Idlib Coming from Damascus*, 4 April 2020, <https://bit.ly/3jS4hCF>; Zaman Al Wasl, *Activists Launch Center to Secure Army Defectors*, 14 February 2020, <https://bit.ly/328qB54>; Syria Call, *Revolutionary Factions Supervise “Defection” of Members from the Assad Regime West of Aleppo*, 11 February 2020, <https://bit.ly/388jP30>.

⁶⁰⁶ “In one such incident which took place between 20-22 May [2019], according to SACD sources, 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. **The motive for the massacre was their alleged intention to escape the frontline.** (...) In the week of 12-18 June [2019], in areas of Wadi Outhman, Hamamiat, and Tal Milih, scores of other forcefully recruited young Syrians who went through the reconciliation process or returned to their homes from displacement, were killed in murky circumstances. It is not entirely clear whether they died during the fighting or were executed by the regime forces while trying to defect” (Hervorhebung nur hier); SACD, *Reconciling with Death, Disappearance and Fear*, 24 July 2019, <https://bit.ly/2JYFb9>, p. 1. Siehe auch SOHR, *Arrested over 25 Months Ago: Defector Colonel from Daraa Countryside Dies under Torture in Regime Prisons*, 16 January 2021, <http://bit.ly/3aGH3Oj>; SNHR, *Image Shows Mercenaries of Wagner Russian Forces Disfigure a Victim in a Way Similar Acts of Terrorist Organization ISIS*, 26 April 2020, <https://bit.ly/33cGZBh>; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, <https://bit.ly/355yN8r>.

teilnehmen musste, um in den Gebieten bleiben zu dürfen.⁶⁰⁷ Berichten zufolge haben sich zwar viele von ihnen wieder ihren ehemaligen Armeeeinheiten angeschlossen oder sich regierungsnahen Truppen verpflichtet⁶⁰⁸, doch wurde auch gemeldet, dass die Regierung Festnahmekampagnen gegen Deserteure durchgeführt hat⁶⁰⁹ und „versöhnte“ Deserteure⁶¹⁰ sowie Personen, die bei der Regierung

⁶⁰⁷ Die Regierung „imposed on the evaders and dissidents the ‘choice’ of joining one of their military formations and fighting next to them, in return for not arresting them on ‘terrorism’-related accusations“; Enab Baladi, *Daraa Mourns Its Sons’ Death on both Sides of Idlib’s Battles*, 9 June 2019, <https://bit.ly/2ZhRq50>. „Individuals who had previously demonstrated their disloyalty to Syrian authorities in ways such as attending demonstrations, evading military service, **defecting** or joining a rebel group were given an opportunity to ‘reconcile their status’ “ (Hervorhebung nur hier); ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, www.ecoi.net/en/document/1458533.html, p. 2. Ein Beispiel: “[I]n accordance with the settlement agreement signed with the armed opposition groups in the suburbs of Quneitra on July 19, 2018, the Syrian Government pledged to grant amnesty to all those who endorse this agreement and to **cease the prosecution efforts of defected officers and soldiers**, as well as to stop searching for civilians and allow for the deferment of mandatory military service“ (Hervorhebung nur hier); STJ, *Populace Enraged over Blackmail at Syrian Checkpoints in Quneitra*, 31 March 2020, <https://bit.ly/3f9RXfi>. Siehe auch Kapitel III.A.1.d.

⁶⁰⁸ Asharq Al-Awsat, *‘Russian Guarantees’ in Southern Syria Encourage Military Defectors to Return to Regime*, 5 February 2020, <https://bit.ly/2Guwqf6>.

⁶⁰⁹ SOHR, *Regime Security Services in Wadi Barada Issue Arrest Warrants Against Tens of Military Deserters*, 7 September 2020, <https://bit.ly/3bAuBP4>; SOHR, *Daraa: Regime Forces Arrest Five Civilians on Damascus Road, and Security Checkpoint of Air-Force Intelligence Put on High Alert in Countryside*, 27 May 2020, <https://bit.ly/3jtSQ4a>; SNHR, *Syrian Regime Arrested a Captain Dissented from Its Forces after Calling Him to a Security Branch in Damascus*, Apr 19, 27 April 2020, <https://bit.ly/3hSUBYb>.

⁶¹⁰ „Since the Reconciliation Agreements, Damascus has forcibly disappeared and killed many defectors from government forces and intelligence services who had taken part in the Reconciliation processes in southern Syria.“ Laut Omar al-Hariri, Direktor des Daraa Martyrs Documentation Office, “[T]he number of former opposition members and defectors from the regime’s forces who were forcibly disappeared since the Reconciliation is estimated to be around 92 in southern Syria, while the number of people who have been killed under torture during the same time and whose families were notified of their death has reached 31.“ Nach Angaben der Houran Free League, „branches of the security services arrested around 200 defectors [following reconciliation in 2018] from the province [Dera’a] over various times and sent them to the military police building in Qaboun, a neighborhood in the capital Damascus, under the pretense that they would be later allocated to their former military units. (...) tens of them were disappeared in Assad’s prisons and the families of 21 men were notified that they had died under torture“; Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face ‘Deferred Execution’*, 9 February 2021, <http://bit.ly/3uKsPUA>. „Syrian army defector Salam had signed a surrender deal with the regime supposed to protect him, but after reporting for military service, he disappeared and months later was declared dead. (...) Salam is one of a growing number of former rebel fighters who disappeared, died or suffered abuse at the hands of regime forces, despite signing so-called reconciliation deals in areas the government has recaptured. (...) An activist group in Daraa has documented the deaths of 14 army defectors since 2018. Some were stopped at checkpoints, while others died after trying to rejoin the army, the Martyrs’ Documentation Centre says“; AFP, *After ‘Reconciliation’: Syria Regime’s Silent Crackdown*, 2 July 2020, <https://bit.ly/3aVHoeA>. SOHR meldete im Juni 2020 die von SOHR dokumentierten Festnahmen von 240 „versöhnten“ Kämpfern und Zivilisten aus Dera’a, Ost-Ghouta, Homs (Rukban) und Hama, darunter ehemalige Deserteure, die von Regierungstruppen verhaftet worden waren. Davon starben laut Meldungen mindestens 35 Personen an den Folgen von Folter in Haftanstalten der Regierung; SOHR, *Despite Reconciliations with Security Services, 240 People Held in Regime’s Prisons, over 35 Died so Far*, 12 June 2020, <https://bit.ly/3hQbS4e>. Laut Sara Kayyali, Syria Researcher bei HRW, “[M]any of those arrested were humanitarians, **army defectors** or people affiliated with anti-government forces.“ Weiter heißt es: „Such abuses have transformed reconciliation promises into ‘empty words’ “; AFP, *Daraa: Cradle of Syria’s Uprising Turns into ‘Chaotic’ South*, 31 August 2019, <https://bit.ly/2QP657F>. Siehe auch SNHR, *Colonel Pilot from Daraa Dies due to Torture in a Syrian Regime Detention Center*, December 30, 31 December 2020, <http://bit.ly/2X7n3gs>; SNHR, *Soldier who Defected from Syrian Regime Dies Due to Torture in Regime Detention Center*, December 8, 9 December 2020, <https://bit.ly/36YoNhx>; SOHR, *Forces Hand Over Body of Young Man from Daraa Countryside*, 21 November 2020, <https://bit.ly/3fkBiQR>; SNHR, *Daraa Soldier who Defected from Syrian Regime Dies Due to Torture in the Regime’s Detention Center*, Nov 9, 11 November 2020, <https://bit.ly/35vnLJm>; SOHR, *Arrested Four Months Ago: Young Man from Daraa Dies under Torture in Sednaya Prison*, 2 November 2020, <https://bit.ly/2l22Q7a>; SNHR, *Conscript Who Defected from Syrian Regime Forces Died Due to Torture in Syrian Regime Detention Center*, October 15, 16 October 2020, <https://bit.ly/3o2Elrm>; SNHR, *Conscript Who Had Defected from the Syria Regime Forces Dies in the Regime Detention Center on Oct. 5*, 6 October 2020, <https://bit.ly/30zktlt>; SOHR, *Young Man Defected from Regime Forces from Daraa Dies under Torture in Sednaya Prison*, 26 August 2020, <https://bit.ly/2QS1NYN>; SNHR, *Conscript who Defected from the Syrian Regime Dies Due to Torture in Syrian Regime Forces’ Detention Center*, June 29, 1 July 2020, <https://bit.ly/3jFizXI>; SNHR, *Conscript who Defected from the Syrian Regime Forces Died Due to Torture in Syrian Regime’s Detention Center*, June 29, 29 June 2020, <https://bit.ly/3hRQpYV>. Zu Vorfällen im Zusammenhang mit Personen, die von der Militärpolizei, Polizei oder den Sicherheitsbehörden der Regierung desertiert sind, siehe z. B. SNHR, *Syrian Regime Defector Policeman, from Daraa, Dies Due to Torture in Regime Detention Center*, November 21, 23 November 2020, <https://bit.ly/39kCRUm>; SNHR, *Conscript who Defected from the Syrian Regime Forces Dies Due to Torture in Regime Detention Center*, Aug 26, 28 August 2020, <https://bit.ly/32NiIH8>; SNHR, *The Death of a Dissident Member in Syrian Regime Detention Center*, December 23, 24 December 2019, <https://bit.ly/2ZepIvN>; SNHR, *The Death of a Dissident Policeman Due to Torture in Syrian Regime Forces Detention Center*, on September 26, 27 September 2019, <https://bit.ly/3gMkCah>; SNHR, *The Death of a Dissident Policeman Due to Torture in Syrian Regime Detention Center*, Oct 20, 21 October 2019, <https://bit.ly/34Xq9bJ>; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, <https://bit.ly/355yN8r>; SOHR, *A Defected Young Man from Da’el City in the Northern Countryside of Daraa Was Killed in the Regime’s Security Detention Centers*, 9 June 2019, <https://bit.ly/3ialDuy>.

eine „Versöhnung“ beantragt haben oder zeitlich begrenzte Teilamnestien in Anspruch nehmen wollten, festgenommen, inhaftiert, gefoltert und infolge der Folter gestorben sind.⁶¹¹

Deserteure, einschließlich derjenigen, die Teilamnestien in Anspruch nehmen wollten, zählen laut Meldungen zu den Personen, die nach der Rückkehr nach Syrien Gefahr laufen, verhaftet zu werden.⁶¹²

Einige „versöhnte“ Kämpfer sind Berichten zufolge nach ihrer neuerlichen Einberufung (erneut) von der Armee und den regierungsnahen Truppen desertiert, u. a. auch Personen, die in Kampfgebieten eingesetzt wurden.⁶¹³ Dies hat laut Meldungen zu Fahndungsaktionen der Regierung und Festnahmewellen geführt.⁶¹⁴

Wie Berichte belegen, haben die Regierungstruppen Familienangehörige von Deserteuren gezielt bedroht, willkürlich verhaftet und interniert.⁶¹⁵

⁶¹¹ “Damascus has not kept the promises it made in the agreements or the amnesties issued by Bashar al-Assad, which included pardons for defectors and guarantees that they would not be prosecuted and arrested. (...) In November and December [2020] alone, Syria Direct tracked the killing of six defectors from Daraa province who were arrested by the regime’s intelligence services after turning themselves in to take advantage of the amnesties. Damascus notified their families of their death but delivered just some of the bodies of those killed”; Syria Direct, *Reconciliation Without Forgiveness: Defectors and Former Opposition Members Face ‘Deferred Execution’*, 9 February 2021, <http://bit.ly/3uKsPUA>. “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, 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”; EUI, *Festering Grievances and the Return to Arms in Southern Syria*, 7 April 2020, <https://bit.ly/39yuxhX>, p. 13. Siehe auch SOHR, *Regime Army Defector Dies under Torture in Regime Prisons*, 2 April 2020, <https://bit.ly/32Nbg9p>; SNHR, *The Death of Four Dissident Soldiers Due to Torture in Syrian Regime Detention Centers*, Feb 26, 27 February 2020, <https://bit.ly/3hRNTSs>; SNHR, *The Death of a Dissident Soldier Due to Torture in Syrian Regime Detention Center*, February 8, 9 February 2020, <https://bit.ly/2EWsicS>; SNHR, *The Death of Dissident Non-Commissioned Officer Due to Torture in Syrian Regime Detention Center*, Nov 7, 11 November 2019, <https://bit.ly/31O4yk4>; SNHR, *A Dissident Conscript Died Due to Torture in Syrian Regime Forces Detention Center*, October 24, 25 October 2019, <https://bit.ly/3hVLS7K>. “Al-Modon’s source added that dozens of defectors from eastern Qalamoun [Rural Damascus Governorate] who had carried out settlements with regime forces had been arrested in recent months and transferred to Saydnaya [Military Prison] after being investigated by Branch 248. (...) A source told Al-Modon that more than 15 young defectors had been arrested after the settlement deadline ended in al-Houlah [northern Homs Governorate]. A portion of them were transferred to Saydnaya amid reports that some had been killed, without official notices. The Interior Ministry has kept four of them detained in the Political Security Branch”; Al-Modon, *Hezbollah Arrests Them, and the Regime Executes Them*, 2 August 2019, <https://bit.ly/355yN8r>. Zu Teilamnestien siehe Kapitel II.E.1.

⁶¹² Syria Direct, *‘Is It Safe to Go Home?’ Amid Promises of Amnesty in Syria, Defectors Abroad Weigh Their Options*, 18 March 2019, <https://bit.ly/2QOXynl>.

⁶¹³ Ein Beispiel: “[O]n 13 June [2020], reconciled opposition fighters defected from the GoS 4th Division in Dhameer in Rural Damascus Governorate. The reason for their defection is unknown. The defection led to clashes between GoS 4th Division and the soldiers who defected. GoS air force and tanks supported the GOS 4th Division. All defected fighters were killed”; Carter Center, *Weekly Conflict Summary: 8-14 June 2020*, <https://bit.ly/3doGI0k>, p. 4. “Most of the defectors [from Dera’a Governorate], who have been monitored by Enab Baladi, are located in the western parts of Daraa governorate, on top of which are Masakin Jaleen, al-Shajara, Tafas, Tal Shihab and others, namely areas classified as out of the regime’s security grip. Abuse and being indulged in the battles’ frontlines are the principal motives for the dissent of Daraa’s young men, for those whom Enab Baladi interviewed have described the confrontations on Hama and Idlib’s fronts as ‘hell,’ in which they were forced to participate after they were coerced to join the ranks of the Syrian army under the reconciliation agreement”; Enab Baladi, *Daraa Mourns Its Sons’ Death on Both Sides of Idlib’s Battles*, 9 June 2019, <https://bit.ly/2ZhrRq50>. Siehe auch SOHR, *4th Division Storms Rural Damascus, Killing Seven Defected Soldiers*, 13 June 2020, <https://bit.ly/2QRg8Vn>; Al-Monitor, *Some Syrian Regime Fighters Defecting when Forced to Front Lines*, 11 March 2020, <https://bit.ly/3k36P1n>. “Many of these forced to fight on the front lines alongside regime soldiers and militias manage to bribe middle rank officers so they turn the other way when a conscriptee runs away from his officers in an attempt to defect. While some succeed in their efforts, **others fail, which is synonymous to being terminated immediately**” (Hervorhebung nur hier); MPS Journal, *Compulsory Military Conscription in Syria Drives Many Males into Exile*, 23 April 2017, <https://bit.ly/2EN5ixv>.

⁶¹⁴ Siehe z. B. SOHR, *Regime’s Security Forces Raid Areas in the Eastern Qalamoun in Rif Dimashq Searching for Wanted and Deserters from the Conscript*, 31 August 2019, <https://bit.ly/2ESr7Lq>; Diyaruna, *Syrian Conscripts Desert to Avoid Idlib Conflict*, 1 July 2019, <https://bit.ly/2z6i4k6>.

⁶¹⁵ SNHR, *SNHR Condemns Syrian Regime’s Arrest of Activist Abdul Rahman al Saleh’s Relatives Solely for Expressing His Opinion on Al Jazeera’s ‘Opposite Direction’ Programme*, 24 December 2020, <https://bit.ly/3q07OTO>, pp. 3, 6. Beispielsweise meldete SNHR die Festnahme der Ehefrau und des minderjährigen Sohnes eines Deserteurs bei einer Razzia in ihrem Haus in Ghabagheb (Provinz Dera’a) am 19. Mai 2020 durch Regierungstruppen; SNHR, *Syrian Regime Arrested Civilians from the Same Family in Ghabagheb Town in Daraa on May 19*, 21 May 2020, <https://bit.ly/2DjZVF0>. STJ meldete, dass ein Deserteur sich stellen musste, nachdem Regierungstruppen seine alte Mutter verhaftet und gedroht hatten, sie zu töten; STJ, *At Least, 40 Civilians Arrested Recently in Hama*, 22 January 2019, <https://bit.ly/2Z6AcJQ>. Siehe auch Kapitel III.A.1.b.

d) Zeitlich begrenzte Amnestien für Wehrdienstentzieher und Deserteure

Seit 2011 hat die Regierung per Dekret mehrere zeitlich begrenzte Amnestien für Wehrdienstentzieher und Deserteure erlassen.⁶¹⁶ Um die Amnestien in Anspruch nehmen zu können, mussten sich Wehrdienstentzieher und Deserteure innerhalb einer bestimmten Frist nach Erlass des Dekrets den Behörden stellen.⁶¹⁷ Die Amnestiedekrete, die Wehrdienstentzug oder Desertion betreffen, befreien von den Strafen, die mit Wehrdienstentzug und Desertion verbunden sind, entbinden jedoch nicht von der Wehrpflicht.⁶¹⁸

Da ein Ersatz- oder Alternativdienst nicht vorgesehen ist, vertritt UNHCR die Auffassung, dass Personen, die sich dem Pflichtwehrdienst oder dem Reservewehrdienst aus Gewissensgründen entzogen haben („Wehrdienstverweigerung aus Gewissensgründen“)⁶¹⁹, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls auf der Grundlage einer begründeten Furcht vor Verfolgung wegen ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder ihrer Religion.

Angesichts der weitverbreiteten Berichte über schwere Verstöße der Regierungstruppen gegen internationale Menschenrechte, das humanitäre Völkerrecht und das Völkerstrafrecht⁶²⁰ in Verbindung mit dem Umstand, dass individuelle Rekruten und Reservisten grundsätzlich keinen Einfluss auf ihre Funktion innerhalb der Streitkräfte (einschließlich des Gebiets, in dem sie eingesetzt werden, und der Art der Aufgaben, die ihnen zugewiesen werden) nehmen können⁶²¹, ist UNHCR der Auffassung, dass bei einer Einberufung zu den Streitkräften die vernünftige Wahrscheinlichkeit besteht, an Aktivitäten teilnehmen zu müssen, die Verstöße gegen das humanitäre Völkerrecht, das Völkerstrafrecht und/oder internationale Menschenrechte darstellen.⁶²² Dementsprechend ist UNHCR der Auffassung, dass Personen, die sich dem Pflichtwehrdienst oder dem Reservewehrdienst entzogen haben, da sie mit den Mitteln und Methoden der Kriegsführung der Regierungstruppen nicht einverstanden sind („Verweigerung des Militärdienstes in Konflikten, die den Grundregeln menschlichen Verhaltens

⁶¹⁶ Nicht erfasst von den Amnestien ist Artikel 102 des Militärstrafgesetzbuchs von 1950, der für Personen, die „die Straftat der Flucht zum Feind begangen haben“, die Todesstrafe vorsieht. Siehe auch Kapitel II.E.1.

⁶¹⁷ Beispielsweise sah das Gesetzesdekret Nr. 6 vom 22. März 2020 vor, dass die maximale Frist für Personen, die innerhalb von Syrien geflüchtet waren, drei Monate betrug und für Personen, die ins Ausland geflohen waren, sechs Monate; *Legislative Decree No. 6 of 22 March 2020*, abrufbar auf Arabisch unter <https://bit.ly/2VF0puO>. Siehe auch AP, *Syrian President Issues Amnesty, Reduces Sentences*, 23 March 2020, <https://bit.ly/3hx0dqW>.

⁶¹⁸ SNHR stellte fest, dass die Regierung „uses amnesty decrees to pardon those fleeing from military service in order to re-conscript them into its forces“; SNHR, *Two Months since Issuing Amnesty Decree, the Syrian Regime Released only 96 of Nearly 130,000 Detainees and Arrested 113 More*, 15 May 2020, <https://bit.ly/3aVoh4u>, p. 12. „Only a small percentage of those who should have been eligible have been documented as benefiting in any way from these measures [amnesties], and an even smaller number have actually been released – and many of them were immediately conscripted“; ICTJ, *Syria’s Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 23. „As men have left the army or avoided deployment during the war, the Syrian regime has issued separate amnesty laws, including in 2014, 2015, 2016 and 2018, to grant deserters and draft dodgers amnesty from prosecution if they turn themselves in within a set period of time; those who are granted amnesty are still expected to complete their mandatory conscription“; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. Bezug nehmend auf ein früheres Amnestiedekret vom September 2019 stellte COAR fest: „Syria’s deep need for military conscripts is among the drivers of the latest amnesty decree“; COAR, *Syria Update: September 12 to September 17, 2019*, 18 September 2019, <https://bit.ly/2EJU50s>. Siehe auch Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, <https://bit.ly/2KBAsXA>.

⁶¹⁹ „(...) where the individual would be forced to undertake military service or participate in hostilities against their conscience, or risk being subjected to prosecution and disproportionate or arbitrary punishment for refusing to do so, persecution would arise. Moreover, the threat of such prosecution and punishment, which puts pressure on conscientious objectors to change their conviction, in violation of their right to freedom of thought, conscience or belief, would also meet the threshold of persecution“; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, para. 18.

⁶²⁰ Wie ausführlich durch zahlreiche internationale Organisationen dokumentiert, haben die Regierungstruppen, einschließlich der syrischen Streitkräfte, seit 2011 schwere und systematische Verstöße gegen das humanitäre Völkerrecht und internationale Menschenrechte begangen, die keinerlei Strafen nach sich zogen. Darüber hinaus ist belegt, dass Angehörige des Militärs getötet wurden, weil sie sich geweigert hatten, auf Zivilpersonen zu schießen, z. B. bei Protesten. Abseits der Gebiete des aktiven Konflikts haben sich die Streitkräfte Berichten zufolge „in eine Institution für Plünderungen, Entführungen und Erpressungen“ verwandelt; Omran Center for Strategic Studies, *Transformations of the Syrian Military: The Challenge of Change and Restructuring*, 31 December 2018, <https://bit.ly/34u7sfU>, p. 39. Siehe auch Kapitel II.E.1 und III.A.1.

⁶²¹ Siehe oben S. 112 und Fußnote 569.

⁶²² Im Verfahren *EZ gg. Bundesrepublik Deutschland*, hielt der Gerichtshof der Europäischen Union (EuGH) fest, „(...) Article 9(2)(e) of Directive 2011/95 must be interpreted as meaning that, in respect of a conscript who refuses to perform his or her military service in a conflict but who does not know what his or her future field of military operation will be, in the context of all-out civil war characterised by the repeated and systematic commission of the crimes and acts referred to in Article 12(2) of that directive by the army using conscripts, it should be assumed that the performance of his or her military service will involve committing, directly or indirectly, such crimes or acts, regardless of his or her field of operation.“ CJEU, *EZ v Bundesrepublik Deutschland*, C-238/19, 19 November 2020, www.refworld.org/docid/5fbc0c4.html, para 38.

zuwiderlaufen“)⁶²³, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls auf der Grundlage einer begründeten Furcht vor Verfolgung wegen ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder ihrer Religion.⁶²⁴

In seinen Richtlinien zu Anträgen auf Anerkennung der Flüchtlingseigenschaft aus Gründen des Militärdienstes hat UNHCR festgestellt, dass die Anerkennung des Rechts auf Verweigerung des Militärdienstes mit der Begründung, dass der Militärdienst die Teilnahme an Aktivitäten beinhalte, die einen Verstoß gegen humanitäres Völkerrecht, Völkerstrafrecht oder internationale Menschenrechte darstellten, und die Anerkennung der Flüchtlingseigenschaft in diesen Fällen angesichts des Grundgedankens der Ausschlussklauseln der GFK ein konsistenter Schluss ist.⁶²⁵

Ausführungen zu Wehrdienstentziehern, die Gegner der Regierung sind oder aufgrund ihrer regierungskritischen Aktivitäten (z. B. Teilnahme an regierungskritischen Protesten, regierungskritische Äußerungen in der Presse oder den sozialen Medien, Unterstützung oder Beitritt zu einer bewaffneten oppositionellen Gruppe), ihrer Herkunft aus zurückeroberten Gebieten oder ihrer familiären Bindungen zu einer Person, die tatsächlich oder vermeintlich Gegner der Regierung ist, für Regierungsgegner gehalten werden, finden sich in Kapitel III.A.1 („Personen, die tatsächliche oder vermeintliche Gegner der Regierung sind“).

Darüber hinaus ist UNHCR der Auffassung, dass Personen, die aus den syrischen Streitkräften desertiert sind, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe.

UNHCR ist ferner der Auffassung, dass Familienangehörige von Wehrdienstentziehern und Deserteuren aufgrund ihrer vermeintlichen politischen Meinung **möglicherweise internationalen Flüchtlingsschutz benötigen**.

Bei Asylgesuchen von Deserteuren der syrischen Streitkräfte und von ehemaligen Mitgliedern bewaffneter oppositioneller Gruppen können Ausschlussgründe gegeben sein (siehe auch Kapitel III.D).

Teilamnestien, die von der syrischen Regierung erlassen wurden und Straffreiheit vorsehen, müssen sorgfältig geprüft werden, da sie zeitlich begrenzt sind und nicht vom Pflichtwehrdienst befreien. Außerdem muss geprüft werden, ob für die betreffende Person die Gefahr besteht, dass sie anderen Formen der Verfolgung ausgesetzt wird, die nicht die strafrechtliche Verantwortlichkeit betreffen, von der sie durch die Amnestie befreit wurden.⁶²⁶

3) Personen, die die Regierung tatsächlich oder vermeintlich unterstützen

Die Berichte deuten darauf hin, dass ISIS, HTS und andere bewaffnete oppositionelle Gruppen bei der Feststellung, welche Zivilpersonen die Regierung unterstützen (bzw. wer ein vermeintlicher Gegner

⁶²³ “(...) where there is a reasonable likelihood that an individual may not be able to avoid deployment in a combatant role that will expose him or her to the risk of committing illegal acts, his or her fear of being persecuted would be considered well-founded”; UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, www.refworld.org/docid/529ee33b4.html, para. 30. “Many men have fled Syria to avoid military conscription, which not only involves risk of death but also promised involvement in egregious human rights abuses that have stained the Syrian Armed Forces’ actions since the start of the conflict”; HRW, *Syrian ‘Military Evaders’ Face Unlawful Seizure of Property, Assets*, 9 February 2021, www.ecoi.net/en/document/2045174.html.

⁶²⁴ Im Verfahren *EZ gg. Bundesrepublik Deutschland* stellte der EuGH fest, dass Art. 9 Abs. 2 Buchst. e und Abs. 3 der EU-QualifikationsRL gemeinsam so interpretiert werden müssen, dass eine Verbindung zwischen den Verfolgungsgründen und der Strafverfolgung sowie Verurteilung wegen der Ablehnung, Militärdienst zu leisten nicht allein aufgrund der Tatsache als gegeben betrachtet werden kann, dass die Strafverfolgung sowie die Bestrafung mit der Verweigerung verbunden sind. Der Gerichtshof merkte jedoch an, dass keine Obliegenheit des Antragstellers, der internationalen Schutz begehrt, festgestellt werden kann, diese Verbindung zu beweisen. Der Gerichtshof stellte fest, dass es den zuständigen nationalen Behörden obliegt, unter Einbeziehung aller Umstände, die vom Antragsteller, der internationalen Schutz begehrt, angeführt wurden, die Plausibilität der Verbindung zu bewerten. Der Gerichtshof merkte jedoch an, “[I]n that regard, it must be pointed out that there is a strong presumption that refusal to perform military service under the conditions set out in Article 9(2)(e) of that directive relates to one of the five reasons set out in Article 10 of that directive”; CJEU, *EZ v Bundesrepublik Deutschland*, C-238/19, 19 November 2020, www.refworld.org/docid/5fbc0c4.html, paras 45-54, 57.

⁶²⁵ Für nähere Einzelheiten siehe UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, www.refworld.org/docid/529ee33b4.html, paras 21, 22, 26-30.

⁶²⁶ Ebenda, para. 46.

dieser bewaffneten Gruppen ist), weite Kriterien anwenden.⁶²⁷ Seit dem Ausbruch des Konflikts haben diese Gruppen gezielt Einzelpersonen aufgrund ihrer tatsächlichen oder vermeintlichen Verbindung zur Regierung oder Unterstützung der Regierung ins Visier genommen und Kollaborateure der Regierung, Kommunalbeamte, Mitglieder von Versöhnungskomitees, Funktionäre der Baath-Partei und andere Personen bedroht, entführt, mit Freiheitsentzug bestraft, gefoltert und außergerichtlich hingerichtet.⁶²⁸ Solche Angriffe finden vor allem in der Provinz Dera'a statt, da die Regierung dort nur schwach vertreten ist und die regierungsfeindlichen Akteure weiterhin präsent sind⁶²⁹, doch wurden Vorfälle auch aus

⁶²⁷ Ehemalige HTS-Gefangene erklärten gegenüber HRW: "Hay'et Tahrir al-Sham appeared to equate criticism of their rule with **collaboration with the Syrian government, the Turkish government, the US-led coalition, or other Syrian non-state armed actors such as Ahrar al-Sham or the National Liberation Front**" (Hervorhebung nur hier); HRW, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html.

⁶²⁸ "Non-State armed groups in the north-western, northern and eastern parts of the country continued to **systematically target civilians, including those perceived as being affiliated with opposing parties** or alleged to be critical of those in control of the territory, including through killings, the arbitrary deprivation of liberty, torture, ill-treatment and kidnappings" (Hervorhebung nur hier); UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 22. "Armed opposition groups have also conducted arbitrary detention, torture and civilian abductions in their controlled area, **capturing and sometimes executing** government soldiers, **collaborators** or other armed groups" (Hervorhebung nur hier); UN News, *UN Security Council 'Utterly Failed' Syrian Detainees; A Victim Voices Her Plea to 'End Impunity and Stop this Horror'*, 7 August 2019, <https://bit.ly/2TjZcYe>.

⁶²⁹ In der Provinz Dera'a sind Anschläge "aimed at civilians and militants; some of whom were associated or/and affiliated with the Syrian government, including members of the reconciliation delegations, directors of municipalities, mukhtars/governors of neighborhoods and militants of the security forces and the Russian police. (...) most of these incidents had taken place in western and northern rural Daraa, especially in the cities and towns of Muzayrib, Tafas, Dael, Jasim, al-Shajara, Inkhil, Masakin Jaleen, Jumla, Nawa, Tasil and al-Sanamayn, among others. These areas are frequented by former fighters of the armed opposition, who have signed a settlement agreement with the Syrian government and were allowed to keep their light weapons"; STJ, *Fresh Wave of Violence Storms Already Vulnerable "Settlement Agreement" in Daraa*, 10 May 2020, <https://bit.ly/333FCWL>. "Individuals who reconcile with the government also risk retaliation from opposition forces. In 2019, SJAC recorded 165 cases of targeted assassination against reconciled individuals who joined or became informants for the government, in addition to 25 assassinations likely perpetrated by the government"; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/34NoDsP>, p. 10. Siehe z. B. SOHR, *New Assassination Targeting Head of Town Collaborator with Regime Security Services in Southern Syria*, 28 February 2021, <http://bit.ly/3r7htrD>; SOHR, *Unknown Gunmen Assassinate Regime "Collaborator"*, 2 February 2021, <http://bit.ly/2ZCFquR>; SOHR, *Collaborated with Regime Security Services: Head of Town Dies of Injuries Sustained in Eastern Daraa Countryside*, 1 February 2021, <http://bit.ly/2NmgyVQ>; SOHR, *Unidentified Gunmen Assassinate Mayor of Nahta*, 28 January 2021, <https://bit.ly/2NOEUai>; SOHR, *Unidentified Gunmen Assassinate Collaborator with Regime Forces in Western Countryside*, 27 January 2021, <http://bit.ly/3k9Vi1e>; SOHR, *Regime "Collaborator" Dies of His Wounds in Nahteh's Attack*, 18 January 2021, <http://bit.ly/3pFzSdK>; SOHR, *New Assassination Targeting Collaborator with Security Services in Northern Countryside of Daraa Governorate*, 14 January 2021, <http://bit.ly/3dA9boh>; SOHR, *Unknown Gunmen Open Fire on "Informant" of "Air-Defence Intelligence" in Eastern Daraa*, 6 January 2021, <https://bit.ly/3dAiMLP>; SOHR, *Explosion Targets Member of "Reconciliation Commission" in Western Daraa*, 21 November 2020, <https://bit.ly/3ljZ1rW>; SOHR, *Unknown Assailants Shoot Dead Chief of "Al-Sanamayn City Council"*, 26 October 2020, <https://bit.ly/2J9OkLs>.

Gebieten gemeldet, die von HTS und anderen bewaffneten oppositionellen Gruppen kontrolliert werden⁶³⁰, sowie aus den von der Regierung kontrollierten Gebieten.⁶³¹

HTS und andere bewaffnete oppositionelle Gruppen in der Provinz Idlib und Umgebung greifen die angrenzenden – von der Regierung kontrollierten – zivilen Gebiete gelegentlich mit Raketen und Mörsern an⁶³², einschließlich Orten, in denen religiöse Minderheiten leben, die als „regierungstreu“ angesehen werden⁶³³, um „Zivilpersonen, die unter der Kontrolle der Regierung leben, zu

⁶³⁰ Im September 2020 meldete SOHR, dass HTS *“confiscated hundreds of homes in Idlib and countryside, accusing its owners of belonging to the regime and its militias. HTS is seizing properties which left behind by the owners of the regime forces and ‘Shabiha’ and fled earlier to regime-controlled areas. The seizure of property included the homes of civilians such as members of the [Ba’ath] party, regime loyalists and families whose sons had joined the regime forces”* (Hervorhebung nur hier); SOHR, *HTS Seizes Property and Real Estate of Civilian and Pro-Regime Military in Countryside*, 10 September 2020, <https://bit.ly/2FFYV61>. *“(…) HTS arrested activists and civilians on various charges including in connection with revolutionary activity and working for the armed opposition or for politicians or military officials of the Syrian government* (Hervorhebung nur hier).“ Beispielsweise wurde Rifat Mahmoud al-Daqq, ein ehemaliges Mitglied des syrischen Parlaments, wegen seiner angeblichen nachrichtendienstlichen Zusammenarbeit mit der syrischen Regierung Berichten zufolge am 1. April 2020 von HTS hingerichtet; STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, <https://bit.ly/2NLOAKC>. *“HTS has launched security campaigns that have resulted in numerous arrests, which the group says only target members of IS cells, those working for the Syrian government and Kurdish agents”* (Hervorhebung nur hier); Syria Direct, *Hijacking of the “Freedom Revolution”: HTS Imprisons Activists in Northwest Syria*, 15 September 2019, <https://bit.ly/3e7hvsy>. Siehe auch SOHR, *HTS Executes Young Man in Idlib Province*, 18 August 2020, <https://bit.ly/34dn4nj>; SOHR, *On Charges of “Collaborating and Dealing with Hmeimim and the Russians”, Hayyat Tahrir al-Sham Executes 7 People by Firing Squad*, 1 June 2020, <https://bit.ly/3hBezqW>; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, p. 17; SOHR, *HTS Executes a Person in Idlib for Espionage*, 1 April 2020, <https://bit.ly/3dVAWEr>; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ7I>. Berichten zufolge hat HTS auch gezielt Personen angegriffen, die dabei waren, „Versöhnungsabkommen“ mit der syrischen Regierung auszuhandeln; siehe ICG, *Silencing the Guns in Syria’s Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, Fn. 22.

⁶³¹ Oftmals sind die Täter nicht bekannt. Ein Beispiel: *“On 8 February [2020], gunmen shot dead a former reconciliation committee member in former opposition-held town of Talbiseh in Homs Northern Countryside”*; Carter Center, *Weekly Conflict Summary: 3 - 9 February 2020*, 9 February 2020, <https://bit.ly/2zkkJdz>, p. 3. Siehe z. B. SOHR, *Member of Al-Quneitra Council Assassinated in Al-Baath City*, 16 February 2021, <https://bit.ly/37C85o6>; SOHR, *Unknown Gunmen Shoot Dead Regime “Collaborator” near Border with the “Occupied Golan”*, 1 February 2021, <http://bit.ly/3k9CRK6>; SOHR, *Unknown Gunmen Assassinate Collaborator with Security Services in Western al-Qalamoun in Damascus Countryside*, 9 November 2020, <https://bit.ly/3eKrEwP>; AP, *Report: Bombing Kills Syrian Cleric Key to Deals with Rebels*, 22 October 2020, <https://bit.ly/34pvFTU>; SOHR, *IED Attacks: Explosion Targets Prominent “Reconciliation” Figure in Zakyah, Rif Dimashq*, 14 September 2020, <https://bit.ly/3mjkJhI>; SOHR, *Unknown Assaults Shoot Informer of “Air-Force Intelligence” in Northern Homs*, 7 September 2020, <https://bit.ly/3i4XDsB>; SOHR, *Al-Suwaita: In Response to Arresting Civilian, Local Gunmen Kidnap the Governor’s Driver and Member of Intelligence Service*, 29 July 2020, <https://bit.ly/2XiwZ7a>; SOHR, *Kanakir’s “Chairman of Reconciliation Committee” Killed in IED Explosion in Western Ghouta*, 29 December 2019, <https://bit.ly/37ki28v>; SOHR, *IED Explosion Targets One of Regime’s Most Prominent Informants in Zakyah Town West of Rif Dimashq*, 1 December 2019, <https://bit.ly/30p0syK>; SOHR, *“Government Employee” in Homs Province Dies in Shooting*, 4 November 2019, <https://bit.ly/2Uwy21R>.

⁶³² Es wurden Angriffe auf von der Regierung kontrollierte Gebiete im Norden der Provinz Hama, im ländlichen Lattakia, in der Provinz Idlib und im Südwesten der Provinz Aleppo verübt, einschließlich der Stadt Aleppo. *“Armed groups carried out attacks on areas under Government control, including southern Aleppo, causing casualties and instilling fear among the civilian population, prompting many of them to leave”*; OHCHR, *UN Commission of Inquiry on Syria: Unprecedented Levels of Displacement and Dire Conditions for Civilians in the Syrian Arab Republic*, 2 March 2020, <https://bit.ly/3igOe1w>. *“Retaliatory attacks by armed opposition groups followed in southern Aleppo and Ladhkiyah”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 10. Siehe auch OCHA, *Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, Briefing to the Security Council on the Humanitarian Situation in Syria*, 29 January 2020, <https://bit.ly/2U9ikKW>, p. 2; SOHR, *Jihadi Groups Fire Tens of Rockets on Aleppo City Leaving Many Civilians Injured*, 22 January 2020, <https://bit.ly/2ZNqRV8>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 32; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 28; SOHR, *Today’s Rocket Shelling by Factions on Aleppo Kills Three Civilians and Injure Five Others*, 12 January 2020, <https://bit.ly/380wQs1>.

⁶³³ Beispielsweise ist die mehrheitlich christliche Stadt Mhardeh (Provinz Hama), die sich in Reichweite der von den bewaffneten oppositionellen Gruppen kontrollierten Gebiete befindet, mit Mörsern und Raketen angegriffen worden, was zivile Opfer gefordert hat. Die Stadt ist ein Stützpunkt der syrischen Armee und dient Berichten zufolge dazu, Angriffe auf die von der Opposition kontrollierten Gebiete durchzuführen. Wie gemeldet wurde, ist das Kraftwerk der Stadt 2019 viermal getroffen worden; Carter Center, *Weekly Conflict Summary: 15 - 21 July 2019*, 21 July 2019, <https://bit.ly/2mLV0D7>, p. 3; VDC, *Summary Report on the Recent Military Attacks on Idlib and Hama*, March 2019, <https://bit.ly/2moafJQ>, pp. 15, 16, 18, 19, 23. Siehe auch SOHR, *For*

terrorisieren“.⁶³⁴ Solche Angriffe sind zurückgegangen, da die bewaffneten Gruppen Gebiete verloren haben und Kapazitäten für Bodenoffensiven außerhalb der von ihnen kontrollierten Gebiete eingebüßt haben.⁶³⁵

Zwar hat ISIS den Fokus verschoben und richtet seine Angriffe nun vor allem auf die Regierungstruppen, doch wird weiterhin berichtet, dass Zivilpersonen hingerichtet werden, denen eine Unterstützung der Regierung vorgeworfen wird.⁶³⁶

In Gebieten, die von SNA-nahen bewaffneten Gruppen kontrolliert werden, sind Personen, die tatsächlich oder vermeintlich mit der Regierung zusammenarbeiten, Berichten zufolge gezielt entführt, ihrer Freiheit beraubt und in einigen Fällen körperlich misshandelt und summarisch hingerichtet worden.⁶³⁷

UNHCR ist der Auffassung, dass Personen in den zurückeroberten Gebieten der Provinz Dera'a, die tatsächlich oder vermeintlich die Regierung unterstützen, einschließlich mutmaßlicher Kollaborateure, Kommunalbeamter und Funktionäre der Baath-Partei, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe. Ferner ist UNHCR der Auffassung, dass Personen, die tatsächlich oder vermeintlich die Regierung unterstützen, in Gebieten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**.
UNHCR ist der Auffassung, dass Personen, die die Regierung tatsächlich oder vermeintlich unterstützen und aus Gebieten in Idlib und Umgebung stammen, die *de facto* unter der Kontrolle von HTS und anderen bewaffneten oppositionellen Gruppen stehen, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe.
UNHCR ist der Auffassung, dass Personen, die tatsächlich oder vermeintlich die Regierung unterstützen und aus anderen als den oben genannten Gebieten stammen, **möglicherweise internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe.

the Fourth Day in a Row, the Factions Shell Qardaha Countryside as Violent Clashes Continue in Idlib Countryside, 28 December 2019, <https://bit.ly/2s11kdZ>; SOHR, *The Rebel and jihadi Factions Shell Al-Suqaylabiyah City and Other Areas under the Control of the Regime Forces in Hama Countryside...in Conjunction with Escalation in the Pace of Battles in the Northern Countryside of Hama*, 7 August 2019, <https://bit.ly/2B2tvxg>; UN News, *UN Human Rights Chief Fears World Has Grown Numb to Syrian Carnage*, 26 July 2019, <https://bit.ly/2YC5Q17>; SOHR, *The Rebel Factions Target Salhab City which Is under the Control of the Regime in the North-Western Countryside of Hama*, 4 July 2019, <https://bit.ly/2M8GJel>; SOHR, *Rocket Attack Kills Five Christian Children in Syria*, 22 May 2019, <https://bit.ly/3c8HE95>; The New Arab, *Civilians Killed in Rebel Shelling of Christian-Majority Syria Town*, 12 May 2019, <https://bit.ly/2mjrTrz>. Siehe auch Kapitel III.A.8.a.

⁶³⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, paras 40-43.

⁶³⁵ Siehe Kapitel II.A.1.

⁶³⁶ "ISIS claimed responsibility for the assassination of Secretary of the Syrian Baath Party's Nawa Branch Silwan al-Jundi. A gunman on a motorcycle shot and killed Al-Jundi outside the Nawa Baath Party office, 19 miles north of Daraa City. The took place on the 73rd anniversary of the founding of the Baath Party"; ISW, *Syria Situation Report: April 1 - 14, 2020*, 16 April 2020, <https://bit.ly/38OGUps>. "On 6 April [2020], ISIS cells in Zir [Deir Ez-Zour Governorate] executed a woman they accused of working with the GoS"; Carter Center, *Weekly Conflict Summary: 6 - 12 April 2020*, 12 April 2020, <https://bit.ly/2AbNqdk>, p. 5. Siehe auch SOHR, *ISIS Resurgence: Four People Executed for "Spying for Regime"*, 17 May 2020, <https://bit.ly/3eLxq0d>; SOHR, *ISIS Cells Kill a Woman in Al-Zar Village for "Communicating with Regime Forces"*, 7 April 2020, <https://bit.ly/2UF5cN6>; SOHR, *As It Shrinks in the East of Euphrates, ISIS Resumes Its Activities in the Syrian Desert by Targeting Members of Reconciliation Committees and Military Members*, 11 February 2019, <https://bit.ly/3e2OIGh>. ISIS hat die Regierung wiederholt als „Nusayry Regime“ bezeichnet (Nusayry ist eine abwertende Bezeichnung für die alawitische Religionsgemeinschaft) und die Unterstützer des Regimes gewarnt; siehe z. B. SOHR, *Cells of the Organization Distribute Paper Leaflets for the 2nd Time Warning Against Dealing with "the Nusayry Regime and Atheist Kurds" and Threaten to Kill who Deal with Them*, 20 August 2018, <https://bit.ly/2MizdNY>. Siehe auch Kapitel III.A.7.

⁶³⁷ SNHR im Januar 2021 "recorded mass arrests targeting those coming from areas under the control of the Syrian regime"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rfIHn3>, p. 6. Siehe auch SOHR, *Al-Bab: Turkish-Backed "Military Police" Arrest Three Brothers for "Setting Up Funeral Reception Tent for Their Pro-Regime Brother"*, 23 July 2020, <https://bit.ly/2WW5eRL>; SOHR, *Turkish-Backed "National Army" and Regime Forces Swap Prisoners in Northern Aleppo*, 12 July 2020, <https://bit.ly/2DzSYzA>; SOHR, *Turkish-Backed Faction Arrests Two Men for Dealing with Syrian Regime in Afrin's Jendires*, 18 February 2020, <https://bit.ly/2yYUN77>. STJ meldete, dass ein Mann am 25. März 2020 von Mitgliedern der Sultan Murad Division hingerichtet wurde, nachdem er um die Rückgabe von Fabrikgeräten gebeten hatte, die von der bewaffneten Gruppe rechtswidrig beschlagnahmt worden waren. Laut STJ wurde er getötet "on the pretext that he was loyalist to the Syrian regime"; STJ, "Sultan Murad" Division Kills Man Displaced from Rural Aleppo and Seizes His Factory in Ras al-Ayn/Serê Kaniyé, 13 May 2020, <https://bit.ly/31yHB4C>.

In diesem Zusammenhang ist zu beachten, dass die Wahrnehmung der politischen Zugehörigkeit einer Person oft auf der religiösen und/oder ethnischen Zugehörigkeit der betreffenden Person basiert und deshalb die tatsächliche oder vermeintliche politische Einstellung und die religiöse und ethnische Zugehörigkeit untrennbar miteinander verbundene Elemente darstellen können, die bei der Prüfung eines Antrags auf Flüchtlingsschutz zu berücksichtigen sind. Nähere Einzelheiten zu Personen, die aufgrund ihrer religiösen oder ethnischen Identität als Unterstützer der Regierung angesehen werden, finden sich unten im Kapitel III.A.8.

Damit der zivile und humanitäre Charakter von Asyl gewahrt bleibt, sollten Anträge auf Flüchtlingsschutz, die von bewaffneten Akteuren eingereicht werden, unberücksichtigt bleiben, sofern nicht feststeht, dass sie tatsächlich und endgültig alle militärischen Aktivitäten eingestellt haben.⁶³⁸ Durch vormals bewaffnete Akteure geäußerte Begehren können es zudem erforderlich machen, Ausschlussgründe hinsichtlich des Flüchtlingsstatus zu prüfen.⁶³⁹

4) *Personen, die tatsächliche oder vermeintliche Gegner der Syrian Democratic Forces (SDF) / Volksschutzeinheiten (YPG), der Partei der Demokratischen Union (PYD) und der Institutionen der Autonomieregion sind*

Berichte schreiben den SDF/YPG Menschenrechtsverletzungen gegenüber tatsächlichen und vermeintlichen Gegnern zu, einschließlich Mitgliedern kurdischer Oppositionsparteien⁶⁴⁰, Journalisten

⁶³⁸ UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. Eine Darstellung zur Erbringung des Nachweises, dass die militärischen Aktivitäten tatsächlich und endgültig eingestellt wurden, findet sich analog in UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

⁶³⁹ See Section III.D.

⁶⁴⁰ "In practice, politics are dominated by the most powerful group, the PYD, which frequently detains political opponents"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "Arabs and Kurds with links to the Syrian opposition, armed and unarmed, as well as Kurdish parties opposed to the ruling Democratic Union Party (PYD), have been called in for questioning by the internal security organs, forced into exile, and occasionally arrested"; MEI, *A Better Path Forward for Syrian Refugee Return*, 1 October 2019, <https://bit.ly/3jXP8jJ>. Die gemeldeten Fälle betreffen insbesondere Mitglieder politischer Parteien, die unter dem Dach des Kurdischen Nationalrats (ENKS) zusammengefasst sind, der Teil der in Istanbul ansässigen Nationalkoalition syrischer Revolutions- und Oppositionskräfte ist: "Members of KNC-affiliated parties were arrested and deported, offices were vandalized, and radio stations were disbanded (...)", einschließlich wegen ihrer angeblichen Unterstützung der Türkei; MEI, *Borders Beyond Borders: The many (many) Kurdish Political Parties of Syria*, October 2019, <https://bit.ly/2Wrp9lv>, pp. 8, 15. Ende 2019 wurde gemeldet, dass die PYD und der ENKS eine Initiative ins Leben gerufen hätten, um ihre politischen Differenzen beizulegen. Den Meldungen zufolge kündigte die AANES an, sie habe "revoked all previously enforced restrictions on the KNC, including security restrictions on the latter's personnel and suppression of its political activities in SDF-controlled areas." Darüber hinaus hatte die AANES "vowed to release political prisoners and disclose the fate of KNC-affiliated individuals among the disappeared." Berichten zufolge haben die innerkurdischen Spannungen jedoch wieder zugenommen, nachdem in der Provinz Hassakeh Mitte Dezember 2020 Anschläge auf Büros von Parteien verübt wurden, die dem ENKS nahestehen, und die mit der PKK verbundene Shabiba al-Thawriya für diese Anschläge verantwortlich gemacht wurde; COAR, *Syria Update: 21 December 2020*, 21 December 2020, <https://bit.ly/3rmPzrR>; SOHR, "Al-Shabiba Al-Thawriyah" Blamed for Setting Kurdish National Council's Headquarters on Fire, 15 December 2020, <http://bit.ly/38e4u09>; COAR, *PYD-KNC Peace Talks: Whither Peace in Syria's Northeast?*, 28 September 2020, <https://bit.ly/3gt50tM>; Kurdistan 24, *YPG Apologizes for 2013 Protester Killing Incident in Northeast Syria*, 28 June 2020, <https://bit.ly/3h9glyz>; Al-Monitor, *Syrian Kurdish Parties Resume Talks, in Secret*, 1 May 2020, <https://bit.ly/3j1GRcC>; COAR, *Syria Update 10 February 2020*, 10 February 2020, <https://bit.ly/32jGDK1>; COAR, *Syria Update: 18 December, 2019*, 6 January 2020, <https://bit.ly/2OjxhWm>; SNHR, *Syrian Democratic Forces Arrested a Member of Kurdish Democratic Party in Halabja Village in Hasaka Suburbs, on April 10*, 13 April 2019, <https://bit.ly/32jNYcH>.

und Bürgerjournalisten⁶⁴¹, Mitarbeitern humanitärer Hilfsorganisationen⁶⁴² sowie Aktivisten und Mitgliedern der Zivilgesellschaft.⁶⁴³ Personen mit diesen Profilen werden Berichten zufolge gezielt bedroht, entführt, rechtswidrig ihrer Freiheit beraubt, zwangsverschleppt und zum Verschwinden gebracht.⁶⁴⁴ In Gebieten, die der faktischen Kontrolle SNA-naher bewaffneter Gruppen unterliegen, und

⁶⁴¹ Personen, die kritisch über die SDF/YPG/PYD berichten, müssen mit Einschränkungen und Repressionen rechnen, auch wenn sich die Auffassung darüber, was als „rote Linie“ angesehen wird, im Lauf der Zeit verändert hat, je nach Sicherheitslage und politischem Kontext, einschließlich des Verhältnisses der PYD zum ENKS und zu den mit dem ENKS verbundenen Medienkanälen. *“The Kurdish-led administration exerts pressures on independent (or antagonistic party-media) in many ways. The system of licenses granted by the HCM [Higher Council for Media] is one. If a journalist or an outlet do not abide by the rules, they can be expelled and cannot operate in the area anymore. (...) Local journalists say that it is also quite common that the authorities call the media offices directly, in order to signal that a certain issue should not be covered. In a few cases, journalists have even been arrested”*; Open Democracy, *Journalism in Rojava (II): Independent Media Between Freedom and Control*, 12 April 2020, <https://bit.ly/30aZunN>; ebenda, *Journalism in Rojava (I): Media Institutions, Regulations and Organisations*, 5 April 2019, <https://bit.ly/2ZorAwN>. *“Syrian Democratic Forces (SDF) have also largely suppressed press freedom, in particular any coverage that opposes or criticizes their policies. We have reported a wide range of arrests, enforced disappearances and torture of citizen journalists who have criticized the Syrian Democratic Forces’ policies and the administration of the areas under their control.”* Zwischen März 2011 und Mai 2020 registrierte SNHR die Verhaftung von sechs und den Tod von vier Journalisten durch die SDF/YPG; SNHR, *On World Press Freedom Day, We Demand the Release of 422 Citizen Journalists Detained in Syria, Mostly by the Syrian Regime, and now also Threatened by COVID-19 Pandemic*, 3 May 2020, <https://bit.ly/3iU2nSK>, pp. 4, 6, 11. Ein Beispiel: *“A media activist and member of the Yekiti Party of Kurdistan, named as Fanar Mahmoud, from al Qameshli city in the northeastern suburbs of Hasaka governorate, was arrested by Syrian Democratic Forces in the city on January 23, 2021, over his criticism of the SDF’s practices via his Facebook account, and taken to an undisclosed location”*; SNHR, *SDF Arrested a Media Activist in al Qameshli City in Hasaka Suburbs on January 23, 24 January 2021*, <http://bit.ly/3aJmqkB>. Siehe auch, SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 5; Committee to Protect Journalists (CPJ), *Kurdish Syrian Journalist Fanar Mahmoud Tami Abducted*, 29 January 2021, <https://cpj.org/?p=79507>; SOHR, *SDF Arrest Media Activist and Storm the House of Another in Rural Deir Ezzor*, 6 February 2021, <https://bit.ly/3uslut1>; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, <https://bit.ly/3mZNCzv>, p. 4; SNHR, *SDF Arrested a Media Worker in Raqqa City on November 19, 24 November 2020*, <https://bit.ly/3mlHPDZ>; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, <https://bit.ly/3lI2VB7>; CPJ, *Regional Authorities in Northeast Syria Suspend Radaw TV Reporter’s Credentials for 2 Months*, 11 May 2020, <https://cpj.org/?p=37520>; MEI, *Borders Beyond Borders: The many (many) Kurdish Political Parties of Syria*, October 2019, <https://bit.ly/2WrP9lv>, p. 10.

⁶⁴² *“(…) at the beginning of 2020, Syrian Democratic Forces targeted humanitarian workers with arrests by raiding their workplaces or homes, arresting some of them collectively. These arrests were concentrated in the governorates of Raqqa and Hasaka”*; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, <https://bit.ly/2ATQknb>, p. 10. Siehe auch SNHR, *STJ et al., Syria: A Statement about SRD Arresting Activists in Raqqa*, 26 March 2020, <https://bit.ly/3em4RG5>.

⁶⁴³ Beispielsweise *“Fanar Mahmoud Tammi, a media activist and member of the Kurdistan Yekiti Party in Syria, from al Qameshli city in the northeastern suburbs of Hasaka governorate, was detained by Syrian Democratic Forces on Saturday, January 23, 2021, in the city, over his criticism of the SDF’s practices via his Facebook account, and taken to an undisclosed location”*; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 13. Die SDF *“continued enforcing the group’s policies of arbitrary detention and enforced disappearance throughout the month of September [2020], targeting activists and members of civil society groups who oppose their policies (...)”*; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, <https://bit.ly/34lgZol>, p. 6. Ein Beispiel: *“(…) a political activist was detained by Syrian Democratic Forces military intelligence in November 2019 and held in solitary confinement in Hasakah prison for the majority of his detention. He was regularly beaten and suffered a broken rib. The interviewee described being hung with his arms behind his back and kept in that position from 7 a.m. to 8 p.m., resulting in paralysis to a number of fingers. He alleged that he had been tortured, including by electrocution and having weights attached to his genitals. Threats of rape had also been made”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 76. Siehe auch SNHR, *SDF Arrested an Artist in Fafin Village in Aleppo Suburbs on October 29, 30 October 2020*, <https://bit.ly/381cClh>; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiyju>, p. 13; STJ, *Raqqa: Three Activists Arrested by the Autonomous Administration for Reasons yet Unknown*, 16 March 2020, <https://bit.ly/2OIogHW>; Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html; Syria Direct, *SDF Arrest Humanitarian Workers in Raqqa, Raising Questions and Concerns*, 19 August 2019, <https://bit.ly/2KWwXMy>. Berichten zufolge wurden einige Aktivisten ins Visier genommen, da sie beschuldigt wurden, mit ISIS in Verbindung zu stehen, während Beobachter aussagten, dass die Festnahmen entweder auf unzuverlässigen Informationen beruhten und/oder damit zusammenhingen, dass die SDF Akteure der Zivilgesellschaft als Bedrohung empfanden. Laut Dareen Khalifa vom ICG: *“the SDF is quite suspicious of civil society. The nature of the work of NGOs is foreign to the area and their attempt to operate independently from the formal SDF structures makes the administration uncomfortable and more conducive to acting on misguided reports”*; Al-Monitor, *US-Led Coalition Ally Targets State Department-Funded Syrian Arab Activists*, 7 April 2020, <https://bit.ly/2DBZJ3l>. Siehe auch MEI, *Borders Beyond Borders: The Many (Many) Kurdish Political Parties of Syria*, October 2019, <https://bit.ly/2WrP9lv>, p. 10. Zu den gemeldeten Festnahmen von Protestierenden siehe auch Fußnote 95.

⁶⁴⁴ *“The Commission documented eight cases of arbitrary detention of civil society workers, political activists and persons of Arab ethnicity by the Syrian Democratic Forces and affiliated Kurdish People’s Protection Units/Women’s Protection Units, including by their military intelligence. Civilians were apprehended in towns in Raqqah and Hasakah Governorates and held in various intelligence facilities under the control of the Syrian Democratic Forces, as well as in Ghweran Prison, the Al-Shadadi prison, the former Raqqah juvenile prison, and Ayed, Al-Aid and Ayn al-Arab (Kobani) prisons and were kept incommunicado in nearly all cases”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 75. Siehe auch Kapitel II.E.2.

in der Umgebung dieser Gebiete werden von den SDF/YPG und ihren Verbündeten Berichten zufolge tatsächliche und vermeintliche Kollaborateure der Türkei und der SNA gezielt entführt, gefoltert und außergerichtlich hingerichtet.⁶⁴⁵ Beobachter weisen darauf hin, dass die SDF/YPG manchmal Personen, einschließlich Frauen und Kindern, aufgrund ihres arabischen ethnischen Hintergrunds⁶⁴⁶ oder ihrer familiären Beziehungen zu einer Person, der eine Verbindung zur SNA⁶⁴⁷ oder zu ISIS vorgeworfen wird, gezielt ins Visier nehmen.⁶⁴⁸

Männer, die sich weigern, den „Selbstverteidigungseinheiten“ beizutreten, riskieren typischerweise, bei Razzien und an Kontrollstellen festgenommen und zwangsrekrutiert zu werden.⁶⁴⁹ Es wurde von Misshandlungen und Tötungen von Personen berichtet, die sich der Zwangsrekrutierung

⁶⁴⁵ ISW berichtete: “[T]he SDF is likely arresting Arab tribal sheikhs to prevent cooperation with the TSK [Turkish Armed Forces]. The SDF arrested [on 3 November 2020] Tayy tribe spokesman and Bani Sabaa clan representative Sheikh Fawaz Al-Mahwis without providing a reason in Qamishli, Hasakah Province. Representatives of the Tayy tribe have previously called for a Turkish presence around Qamishli, so the SDF likely fears Tayy tribe fighters may assist in a Turkish Armed Forces (TSK) offensive”; ISW, *Syria Situation Report: October 28 - November 10, 2020*, 13 November 2020, <https://bit.ly/3uBLHW7>. Siehe z. B. SOHR, *For “Collaborating with Turkish-Backed Factions”: “Asayish” Arrests Civilians in Rural Hasakeh, and Al-Shabiba Al-Thawriya Searches Passers-By in al-Derbasiya Streets*, 27 December 2020, <http://bit.ly/3n9jRvh>; SOHR, *Person Dies in SDF Intelligence Service’s Prison, after Arrest for “Communicating with the Turks and Factions”*, 2 December 2020, <https://bit.ly/3qhMJUZ>; SNHR, *SDF Arrested a Civilian in Skeirou Village in Raqqa Suburbs on November 25, 29 November 2020*, <https://bit.ly/3meRIsq>; SOHR, *SDF Intelligence Arrests Driver of “SDF Commander-in-Chief’s Deputy” and Another Official for “Communicating with Turkish Intelligence”*, 3 November 2020, <https://bit.ly/363yv0p>; SOHR, *SDF Intelligence Arrests Three Persons in Ain Al-Arab (Kobani) for “Spying for Turkish Intelligence”*, 10 July 2020, <https://bit.ly/328ga20>; SOHR, *Al-Raqqa: Asayish Forces Arrest Woman in Rural Ain Issa, as Her Father Works for Turkish-Backed “National Army”*, 16 June 2020, <https://bit.ly/30X57YK>. Siehe auch Kapitel II.B.4.a.

⁶⁴⁶ Frauen, die von den SDF inhaftiert werden, “are often mistreated on the basis of their ethnicity”; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 17 “We have documented many incidents in which families were arrested collectively, including women and children, as well as documenting arrests of ethnic character (...)”; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 7.

⁶⁴⁷ Die SDF “have targeted civilians for their kinship relationships with individuals in the Armed Opposition / the Syrian National Army (...)”; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 5 (und frühere Berichte). Beispielsweise meldeten SOHR-Aktivist:innen im Juni 2020, dass die SDF in der Provinz Deir Ez-Zour eine Frau entführt hatten und verlangten, dass sich ihr Ehemann stellt, den sie beschuldigten, zur SNA zu „gehören“; SOHR, *SDF Arrests Woman Demanding the Extradition of Her Husband, and Residents of al-Sha’it Area Threaten to Attack SDF Headquarters*, 8 June 2020, <https://bit.ly/2Crssb8>. Siehe auch Kapitel III.9.

⁶⁴⁸ Die SDF carried out “(...) campaigns of mass raids and arrests, targeting many civilians, including children, on the pretext of fighting ISIS cells”; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 5 (und frühere Berichte). “Syrian Democratic Forces also pursued and arrested people, including women and children, who had close kinship relationships to members of the opposition factions or ISIS, in order to pressure their family members to surrender”; SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, <https://bit.ly/2ATQknb>, p. 10. Siehe auch Fußnote 265.

⁶⁴⁹ Einigen Berichten zufolge hat sich die Rekrutierung hauptsächlich, jedoch nicht ausschließlich, auf überwiegend kurdische und gemischt arabisch-kurdische Gebiete konzentriert; RIC, *Translation: Law Concerning Military Service in North and East Syria*, updated 22 June 2019, <https://bit.ly/3flnEm2>. Mehrere Quellen meldeten, dass die Rekrutierungen nach einer dreimonatigen Pause, die der COVID-19-Pandemie geschuldet war, seit Anfang Juli 2020 wieder zugenommen haben, vor allem in der Provinz Hassakeh, aber auch in den Provinzen Aleppo, Raqqa und Deir Ez-Zour: “According to SOHR statistics, nearly 4,000 young men were arrested and driven to mandatory military service in Al-Hasakah, Aleppo, Al-Raqqa and Deir Ezzor, since the campaigns of military conscription were resumed on July 1 [2020]. It is worth noting that most of the arrested young people are from Al-Hasakah city and countryside”; SOHR, *Manbij | SDF Arrest over 45 Young People, Driving Them to Mandatory Military Service*, 13 September 2020, <https://bit.ly/2RnocgK>. “There were increased reports of forced conscriptions by the SDF during the reporting period. (...) On 1 July [2020], the SDF’s military police arrested people in Al-Hassakah city, Darbasiyah, and Tal Tamer in Al-Hassakah Governorate for military service. Similar conscription related arrests were done on 2 July [2020] in Qamishli, Al-Hassakah Governorate, and Tell Abiad in Ar-Raqqa Governorate. Additional arrests for conscription were carried out across Ar-Raqqa and Al-Hassakah Governorates between 3-5 July [2020]”; Carter Center, *Weekly Conflict Summary: 29 June - 5 July 2020*, 10 July 2020, <https://bit.ly/2ZidUDA>, pp. 5-6. Berichten zufolge sagten Familienangehörige von Inhaftierten aus, im Gefängnis Hassakeh befänden sich “young children and others arrested on flimsy charges or for disobeying the SDF’s policy of forcible conscription” (Hervorhebung nur hier); Reuters, *U.S.-Backed Kurdish-Led Group Says Militants Riot in Jail in Northeast Syria*, 30 March 2020, <https://reut.rs/2QWOIDr>. Enab Baladi erfuhr aus Quellen: “[W]hen a young man is arrested in case of passing over a military roadblock or during raids, he is sent to remote military centers in Raqqa and Deir ez-Zor, which is considered a ‘penalty’”, und nicht in die militärischen Zentren in Amuda, Qamishli und der Stadt Al-Hassakeh; Enab Baladi, *Compulsory Military Recruitment in Jazira Region: SDF Imposing Their Authority*, 12 July 2019, <https://bit.ly/2WIhcnY>. Zu Protesten gegen Zwangsrekrutierungen in der Provinz Deir Ez-Zour siehe Kapitel II.B.2. Zur Rekrutierung von Kindern siehe Kapitel III.A.10.

widersetzten.⁶⁵⁰ Meldungen zufolge wurden Lehrer entlassen, die sich der Rekrutierung im Anschluss an ihren Einberufungsbefehl widersetzten.⁶⁵¹ Es wurde von zahlreichen Personen berichtet, die aus den „Selbstverteidigungseinheiten“ geflohen sind.⁶⁵²

Personen, die den Dienst verweigern oder abtrünnig werden, können von den SDF/YPG als Gegner⁶⁵³ oder als Unterstützer von SNA oder ISIS angesehen werden.⁶⁵⁴ In einigen Fällen haben die YPG

⁶⁵⁰ “The Asayish militia, the security arm of the Syrian Democratic Forces (SDF), killed a young man during a raid and arrest campaign carried out by the militias as part of their compulsory military recruitment campaigns. The man was killed after he tried to avoid enlisting”; Shaam Network (Website der Opposition), *SDF Militia Executes Civilian, Refuses to Hand Over his Body*, 10 August 2020, <https://bit.ly/3oQuvcr>. “A video was recently leaked to the Al Forat Network by a member of the SDF that showed the torture and execution of two Arab youths in an SDF prison. It was alleged that the young men were killed because of their refusal to submit to the forced recruitment campaign”; EuroMed Rights, *Crimes in Limbo: SDF Commits Horrific Crimes Against Syrians under the Cover of the International Coalition*, 30 July 2019, <https://bit.ly/2OpmNHY>.

⁶⁵¹ SNHR berichtete, dass Anfang 2021 die SDF begann “[to] forcibly conscript teacher on a large scale”, einschließlich durch Razzien und Verhaftungsaktionen. Diejenigen, die für die “Selbstverteidigungseinheiten” gesucht werden, wurden laut Berichten in ihren Arbeitsstellen gekündigt und die Auszahlung der Gehälter wurde gestoppt. SNHR dokumentierte die Verhaftung von mindestens 34 Lehrkräften zum Zweck der Zwangsrekrutierung zwischen Januar und 15. Februar 2021; SNHR, *Syrian Democratic Forces Have Arrested/ Detained at least 61 Teachers over Educational Curricula and for Forced Conscription since the Beginning of 2021*, 19 February 2021, <https://bit.ly/3kfRGER>, p. 13. Siehe auch, UNICEF, *Whole of Syria Humanitarian Situation Report: January 2021*, 1 March 2021, <https://bit.ly/3b3FJW6>, pp. 1, 2; SADC, *SADC Seriously Concerned with the Actions of SDF Authorities in Deir Ezzor*, 2 February 2021, <http://bit.ly/301q5Em>; SOHR, *Teachers Protest “Self-Protection” Decision Imposing Mandatory Conscription*, 27 December 2020, <http://bit.ly/2Mvmc7d>; Syria Call, *PKK/ YPG Militia Dismisses Dozens of Teachers in Raqqa for Refusing to Join Its Ranks*, 9 August 2020, <https://bit.ly/2F8suX1>.

⁶⁵² Mehrere Quellen berichteten im Mai 2019 “that a total of 300 Arab combatants within the SDF publicly announced their outright refusal to follow their commanders. Local sources reported that these combatants demanded to be released from military service, claiming that they are no longer eligible for conscription according to the latest amendments to SDF conscription policies (...). At least 40 of these combatants defected from their military units and fled. In response, SDF forces have reportedly raided their families’ homes; media and local sources have given contradictory accounts of these raids, and it remains unclear whether they resulted in any deaths or injuries”; COAR, *Syria Update: 23 May to 29 May, 2019*, 29 May 2019, <https://bit.ly/2GCckqhu>. Siehe auch, Syria Call, *12 Members of YPG Militia Have Defected in Raqqa*, 19 December 2019, <https://bit.ly/38aG7kv>; SOHR, *Members of the “Self-Defense” Flee from One of Their Checkpoints on the Syrian-Turkish Border amid Raids to Arrest Them*, 24 July 2019, <https://bit.ly/3lWaf0j>; Syria Call, *Hundreds of YPG Militia’s Recruits Rebel Against Leaders*, 27 May 2019, <https://bit.ly/2ZbruYM>. Am 22. November 2019, kündigte das SDF General Command eine Amnestie für Überläufer an, vorausgesetzt, sie melden sich beim SDF-Hauptquartier innerhalb von 15 Tagen; Transnational Middle-East Observer, *General Pardon for those who Deserted Their Positions 22 November*, 3 February 2020, <https://bit.ly/2R3uS3y>. Es wird berichtet, dass die SDF die Wohnungen von Überläufern gestürmt habe und SOHR berichtete im August 2020 über die Tötung eines Rekruten in Manbij (Provinz Aleppo), als er versuchte, vor dem Dienst in Selbstverteidigungseinheiten zu fliehen; SOHR, *Self-Defense Forces Shoot Dead Recruit while Trying to Escape from His Military Barracks*, 19 August 2020, <https://bit.ly/3heApjs>. Berichten zufolge eröffneten die SDF am 23. Oktober 2020 das Feuer auf einen überlaufenden SDF-Befehlshaber und seinen Bodyguard, die sich jedoch in die Türkei retten konnten; SOHR, *Defection: SDF Commander and His Bodyguard Flee from Rural Al-Darbasiyyah to Turkey*, 24 October 2020, <https://bit.ly/2TksQxg>.

⁶⁵³ “(...) the recent refusal of these Arab combatants to serve in the SDF is in line with anti-SDF and anti-Self Administration sentiments among Arab tribal communities across northeastern Syria. There are growing public manifestations of Arab discontent with the SDF and the Self Administration, throughout nearly all of northeastern Syria. (...) SDF conscription is deeply unpopular; Kurds remain the most important commanders in the SDF; Kurds are highly prominent in governance institutions throughout the Self Administration, even in predominantly Arab areas; and SDF and Asayish crackdowns, either on ISIS or on SDF defectors, look indistinct to a blanket Arab crackdown in many communities”; COAR, *Syria Update: 23 May to 29 May, 2019*, 29 May 2019, <https://bit.ly/2GCckqhu>.

⁶⁵⁴ Dies trafe wahrscheinlich auf Rekruten zu, die in Gebiete fliehen, die von „feindlichen Streitkräften“ wie der SNA oder der Türkei kontrolliert werden. Syria Call meldete, dass seit der „Operation Friedensquelle“ eine steigende Zahl angehender und derzeitiger Rekruten in Gebiete geflohen sind, die von der SNA kontrolliert werden; Syria Call, *YPG Militia Dismisses Dozens of Teachers in Raqqa for Refusing to Join Its Ranks*, 9 August 2020, <https://bit.ly/2F8suX1>. Beispielsweise meldete Syria Call im November 2019, dass 20 Rekruten aus Rekrutierungslagern in Ras al-Ain (Provinz Hassakeh) übergelaufen waren. Sie flohen in Gebiete, die de facto von der SNA kontrolliert wurden; Syria Call, *20 Recruits of YPG Militia Defect in Eastern Syria*, 21 November 2019, <https://bit.ly/3gZWX6w>. Siehe auch Syria Call, *YPG Militia Takes Revenge on Four Young Men in Hasaka Countryside who Refuse to Fight the National Army*, 7 January 2020, <https://bit.ly/329Qdym>. Shirin Qamar, die Ko-Vorsitzende der Verteidigungsbehörde der AANES, erklärte: “ISIS and the Turkish occupation are the major threats against our areas. (...) Therefore, it is necessary for us Kurds, men and women, to be well educated on patriotism and self-defense to face the challenges (...)”; *Kurdistan 24, Syrian Kurdish-Led Authorities Say They Won’t Abolish Conscription System*, 4 February 2020, <https://bit.ly/3lZHq0H>. Männer im wehrpflichtigen Alter, die an Anti-SDF-Aktivitäten teilnehmen, z. B. Protesten, können als Gegner der SDF/YPG wahrgenommen werden; siehe Kapitel II.B.2.

Familienangehörige von Personen, die sich der Zwangsrekrutierung widersetzen, gezielt festgenommen und misshandelt.⁶⁵⁵

UNHCR ist der Auffassung, dass Zivilpersonen, die einer der nachstehenden Kategorien angehören, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder ihrer religiösen oder ethnischen Identität:

- a) Personen, die tatsächlich oder vermeintlich Gegner der SDF/PYD/YPG und/oder der Institutionen der AANES sind, einschließlich Mitglieder kurdischer Oppositionsparteien, Journalisten und Bürgerjournalisten aus der Zivilbevölkerung, Mitarbeiter humanitärer Hilfsorganisationen sowie Aktivisten und Mitglieder der Zivilgesellschaft;
- b) Personen, denen aufgrund ihrer ethnischen Herkunft und/oder familiären Beziehungen eine Verbindung zu ISIS unterstellt wird;
- c) Personen, denen aufgrund ihrer ethnischen Herkunft und/oder familiären Beziehungen eine Kollaboration mit der Türkei oder der SNA unterstellt wird;
- d) Männer, die eine Ableistung des Dienstes bei den „Selbstverteidigungseinheiten“ ablehnen, wenn die Ablehnung als Ausdruck einer SDF/YPG-feindlichen Gesinnung und/oder einer Unterstützung von ISIS oder SNA wahrgenommen wird.⁶⁵⁶

Je nach den Umständen des Einzelfalls **benötigen** auch Familienangehörige und sonstige Personen, die Menschen mit diesen Risikoprofilen nahestehen, aufgrund ihrer Verbindung zu den gefährdeten Personen **möglicherweise internationalen Flüchtlingsschutz**.

Damit der zivile und humanitäre Charakter von Asyl gewahrt bleibt, sollten Anträge auf Flüchtlingsschutz, die von bewaffneten Akteuren eingereicht werden, unberücksichtigt bleiben, sofern nicht feststeht, dass sie tatsächlich und endgültig alle militärischen Aktivitäten eingestellt haben.⁶⁵⁷ Zudem ist bei Anträgen ehemaliger bewaffneter Akteure zu prüfen, ob Ausschlussgründe bezüglich der Flüchtlingseigenschaft vorliegen.⁶⁵⁸

Angesichts der besonderen Situation und Schutzbedürftigkeit von Kindern ist bei der Anwendung der Ausschlussklauseln auf Kinder größte Zurückhaltung geboten.⁶⁵⁹ Sofern mit bewaffneten Gruppen verbundenen Kindern Straftaten vorgeworfen werden, ist dem Umstand Rechnung zu tragen, dass sie möglicherweise nicht nur Täter, sondern auch Opfer von Verstößen gegen das Völkerrecht sind.⁶⁶⁰

⁶⁵⁵ “The [YPG] militia (...) detained a number of relatives of the young man ‘Ali Hussein’ after fleeing from a military headquarters while driving to forced conscription in the village of al-Fazea”; Syria Call, *YPG Militia Arrest Dozens of Young Men from Raqqa and Hassaka Provinces in Northeastern Syria*, 19 September 2019, <https://bit.ly/3bBkFok>. “According to local sources, armed groups of the militia stormed the village in search of wanted persons for forced conscription, but were unable to arrest any of them after the villagers smuggled the guys out of the village. In response, members of the militia fired indiscriminately to intimidate the villagers and beat a 60-year old man, in addition to his son and daughter after they objected to the actions of the militia”; Syria Call, *Guys Reject Recruiting in YPG Militia, Been Arrested in Hasaka*, 29 June 2019, <https://bit.ly/3bAPHwB>.

⁶⁵⁶ Es sei daran erinnert, dass nichtstaatliche bewaffnete Gruppen, selbst wenn ein bestimmter Teil des Hoheitsgebiets *de facto* unter ihrer Kontrolle steht, nicht berechtigt sind, Rekrutierung durch Zwang oder Gewalt zu betreiben; UNHCR, *Guidelines on International Protection No. 10*, 12 November 2014, www.refworld.org/docid/529ee33b4.html, paras 7, 35. Bezüglich des Schutzbedarfs von Kindern, die von der YPG, Women’s Protection Units (YPJ) and the Shabiba al-Thawriya rekrutiert wurden, siehe Kapitel III.A.10.

⁶⁵⁷ UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. Eine Darstellung zur Erbringung des Nachweises, dass die militärischen Aktivitäten tatsächlich und endgültig eingestellt wurden, findet sich analog in UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

⁶⁵⁸ Siehe Kapitel III.D.

⁶⁵⁹ Für nähere Ausführungen zur Anwendung der Ausschlussklauseln auf Kinder siehe UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

⁶⁶⁰ Die Pariser Grundsätze bestimmen: “Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles”; UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

5) *Personen, die tatsächliche oder vermeintliche Gegner von HTS und anderen bewaffneten oppositionellen Gruppen sind und sich in Idlib und Umgebung in Gebieten aufhalten, die de facto unter der Kontrolle oder dem Einfluss dieser Gruppen stehen*

Es wurde berichtet, dass HTS⁶⁶¹ Personen aufgrund ihrer tatsächlichen oder vermeintlichen kritischen Einstellung zur Herrschaft von HTS eingeschüchtert, erpresst, entführt, zwangsverschleppt und verschwinden gelassen wurden, gefoltert und in sonstiger Form misshandelt, Verletzungen des Rechts auf ein faires Verfahren begangen und Personen außergerichtlich hingerichtet hat.⁶⁶² Politische Aktivisten und Menschenrechtsaktivisten⁶⁶³, Mitarbeiter humanitärer Hilfsorganisationen⁶⁶⁴,

⁶⁶¹ Seitdem HTS ihre Kontrolle über Idlib Anfang 2019 konsolidiert hat, beziehen sich die meisten Meldungen auf Menschenrechtsverletzungen, die von dieser Gruppe begangen wurden. Verstöße anderer Gruppen, die noch immer in dem Gebiet agieren, finden zwar weiterhin statt, werden jedoch in geringerem Umfang gemeldet.

⁶⁶² HTS “has pursued a policy of enforced disappearance in areas under its control to terrorize the community and warn the public of the consequences of opposing the groups and criticizing its policies, mainly targeting media activists, journalists, human rights activists, foreigners, humanitarian organizations’ workers, local council personnel, dignitaries, and military personnel belonging to the Armed Opposition / Syrian National Army (...), as well as targeting their families”; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/3215EgB>, p. 21. “Between November 2019 and June 2020, and in a pattern previously documented by the Commission, members of Hay’at Tahrir al-Sham in Aleppo and Idlib Governorates continued to brutally impose their stringent ideologies on local populations, including through acts of arbitrary detention of individuals expressing dissent. Moreover, they detained, tortured and executed civilians who opposed their oppressive rule”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 87. “(...) journalists, NGO workers and other civilians were often detained when criticizing HTS activities. Some of those detained were held for weeks and months in solitary confinement, in cells measuring 1.5 meters by 1.5 meters. Multiple interviewees reported being subjected to the use of stress positions, electric shocks, beaten with pipes, and punched and kicked”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 93. “Through self-appointed courts, members of the group continue to inflict harsh penalties, including death, on those who have either been perceived as being critical of those rules or accused of having affiliations with an opposing party to the conflict”; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 17. “These factions also practiced torture against critics of their policies, mainly against local media activists and civilians who oppose their decisions”; SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 10. Siehe auch SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 Februar 2021, <https://bit.ly/3rflHN3>, p. 6 (und frühere Berichte); The New Arab, *Syrian Activists Condemn Execution of Teenager for ‘Criticising HTS Leader’*, 23 April 2020, <https://bit.ly/2Yocq8W>; OHCHR, *UN Commission of Inquiry on Syria: Unprecedented Levels of Displacement and Dire Conditions for Civilians in the Syrian Arab Republic*, 2 March 2020, <https://bit.ly/3igOe1w>; und Kapitel II.E.3.

⁶⁶³ “Civil society activists also figure among the main critics of the group’s autocratic conduct, which includes arbitrary arrest and harassment of dissenters”; ICG, *Silencing the Guns in Syria’s Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, p. 23. “The former detainees we met said that they were forced to open their own accounts on Social media, and read their private messages on chat applications such as WhatsApp, Messenger, etc... and that the HTS elements print screen of activists’ publications to use them against the activists on social media websites”; Rozana Radio, *Real Hell on Earth... Detention in the Prisons of the al-Nusra Front*, 11 March 2020, <https://bit.ly/2VHRJ71>. “At least six activists were detained between August and September [2019], including one photographer who filmed members of the terrorist group and later released a video reportedly exposing corruption. (...) journalists reported that Hay’at Tahrir al-Sham maintained a list of names and pictures of activists on the basis of which the group detained individuals who had expressed dissent or disagreement”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 37, 38. Siehe auch SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 6; SOHR, *HTS Summons Student Posted ‘Paintings of Humanity’ on Social Media, amid Concerns of Arresting the Girl*, 19 August 2020, <https://bit.ly/31eM8ZO>.

⁶⁶⁴ SNHR, *HTS Arrested a Civil Society Organization Official in Salqin City in Idlib Suburbs on December 16*, 17 December 2020, <https://bit.ly/3pOzPsp>; OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, <https://shar.es/aoWkIv>; Carter Center, *Weekly Conflict Summary: 10-16 August 2020*, 21 August 2020, <https://bit.ly/3ldXZir>, p. 2; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/2VDiYju>, pp. 12, 22; STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, <https://bit.ly/2C2AHdb>. Zur gemeldeten Entführung von Aktivisten und Mitarbeitern humanitärer Hilfsorganisationen durch HAD siehe SNHR, *Hurras al Din Group Is Responsible for Kidnapping and Forcibly Disappearing Six Activists Working for Relief Organizations in Idlib*, 19 March 2020, <https://bit.ly/3e4PTEa>.

medizinische Fachkräfte⁶⁶⁵ sowie Journalisten und Bürgerjournalisten⁶⁶⁶ zählen zu den Zivilpersonen, die am häufigsten ins Visier von HTS geraten. HTS hat überdies Gewalt angewandt, um Proteste der Zivilbevölkerung gegen ihre Herrschaft/Maßnahmen zu unterdrücken, und Aktivisten, Journalisten sowie Protestierende bedroht, geschlagen und festgenommen.⁶⁶⁷ Auch die Familienangehörigen der vorgenannten Personen wurden Berichten zufolge Opfer von Übergriffen.⁶⁶⁸

Personen, die tatsächlich oder vermeintlich in Opposition zu HTS stehen, werden laut Berichten häufig unter dem Vorwand konstruierter Beschuldigungen bestraft, z. B. „Spionage“ für die Regierung, das Ausland oder rivalisierende bewaffnete Gruppen, „Blasphemie“ oder „Ehebruch“.⁶⁶⁹ Frauen, die sich aktiv in Politik und Gesellschaft engagieren, einschließlich Menschenrechtsaktivistinnen und Journalistinnen, sind Berichten zufolge aufgrund ihrer tatsächlichen oder vermeintlichen kritischen

⁶⁶⁵ SNHR, *Hay'at Tahrir al Sham Arrested a Nurse in Binnesh City in Idlib Suburbs on January 15*, 16 January 2021, <http://bit.ly/3pJ8jAb>; SNHR, *Hay'at Tahrir al Sham Arrested the Director of al Hekma Hospital in Idlib City, on June 17*, 20 June 2019, <https://bit.ly/2YITV6z>; OCHA, *Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Ursula Mueller: Briefing to the Security Council on the Humanitarian Situation in Syria*, 19 September 2019, <https://bit.ly/2kYGFUi>, p. 1; SOHR, *Tahrir al-Sham Violates the Sanctity of a Hospital and Arrests a Doctor after He Was Shot and Beaten North of Idlib amid Increased Popular Discontent Against It*, 4 September 2019, <https://bit.ly/3eViDR4>.

⁶⁶⁶ "Al-Qaeda offshoot Hayat Tahrir al-Sham, which controls large areas in northwestern Syria, has detained journalists, at least one of whom is still being held; the group is suspected of having killed at least two"; CPJ, *Ten Years after the Arab Spring, the Region's Media Faces Grave Threats. Here Are the Top Press Freedom Trends*, 21 January 2021, <https://cpj.org/?p=77642>. "Journalists and media activists, including those aligned with the regime, were reportedly abducted and detained by HTS during the reporting period, and others have been tortured while in detention" (mit Beispielen); Freedom House, *Freedom on the Net 2020: Syria*, 14 October 2020, www.ecoi.net/en/document/2039121.html. HTS "has also routinely persecuted citizen journalists in the areas under its control, killing and assassinating all those who it felt might pose a threat to its extremist ideologies and policies. We have also documented the arrests of dozens of citizen journalists by Hay'at Tahrir Al Sham's forces in retaliation for publishing material contrary to its policies or for participating in activism without obtaining permission"; SNHR, *On World Press Freedom Day, We Demand the Release of 422 Citizen Journalists Detained in Syria, Mostly by the Syrian Regime, and now also Threatened by COVID-19 Pandemic*, 3 May 2020, <https://bit.ly/3iU2nSK>, p. 4. Siehe auch SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rfIHn3>, p. 6; Syria Direct, *Like Being in Assad's Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, <https://bit.ly/3b1Au9u>; SNHR, *Hay'at Tahrir al Sham Arrested a Media Activist in al Ghazawiya Village in Aleppo on December 22*, 23 December 2020, <http://bit.ly/2MlnK6>; SOHR, *Nearly 750 Activists and Journalists Killed, while Hundreds Forcibly Disappeared*, 24 November 2020, <https://bit.ly/3lI2VB7>; SNHR, *The Public Prosecution of HTS's Salvation Government Arrested Two Brothers, a Reporter & a Media Activist, in Idlib City on October 24*, 25 October 2020, <https://bit.ly/35w5dr6>; SNHR, *The Public Prosecution of HTS's Salvation Government Arrested a Media Activist in Idlib City on October 4*, 5 October 2020, <https://bit.ly/2StGQUS>; SNHR, *HTS Arrested a Media Activist in Idlib City on August 24*, 29 August 2020, <https://bit.ly/3bgi3fB>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 103-104; SNHR, *Hay'at Tahrir al Sham Abuses 13 Citizen Journalists at Work in Idlib Suburbs on June 10*, 10 June 2020, <https://bit.ly/3e3F7Ox>; Enab Baladi, *Journalism in Northwestern Part of Syria...Between Violations and Obstacles*, 25 June 2020, <https://bit.ly/38yQFZ6>. HAD wurde auch beschuldigt, Medienaktivisten und humanitäre Helfer entführt zu haben; STJ, *Idlib: Arrests of Civilians and Activists Mark First Three Months of 2020*, 13 April 2020, <https://bit.ly/2C2AHdb>.

⁶⁶⁷ "During demonstrations between 29 April and 1 May [2020], Hay'at Tahrir al-Sham beat and detained participants. On 1 May [2020], a van drove into a group of protestors, injuring at least one, whereupon members of Hay'at Tahrir al-Sham opened fire, killing one protestor and injuring two others"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 88. Als Reaktion auf Proteste gegen eine „Steuer“ auf Olivenölproduktion im Ort Kafr Takharim hat HTS am 7. November 2019 "launched a rocket attack on Kafr Takharim" und "shot at fighters and civilians while entering the town." Bei einer Razzia in dem Ort wurden mindestens 3 Personen getötet und 10 weitere verletzt. HTS "also prevented injured civilians from leaving and shot at an ambulance transporting the wounded." Bei einem separaten Protest in Bab al-Hawa "members of the group took photographs of demonstrators to identify them later at checkpoints"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, paras 33-34, 38. Siehe auch SNHR, *HTS Arrested a Civilian in Atama Village in Idlib Suburbs on August 29*, 29 August 2020, <https://bit.ly/2YMPoKi>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 92; SOHR, *HTS Uses Extreme Violence Against Idlib's Demonstrations Opposing the Opening of Commercial Crossing*, 30 April 2020, <https://bit.ly/2ZGSaAm>.

⁶⁶⁸ SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/32l5EgB>, p. 21.

⁶⁶⁹ "The pretexts and charges under which women were detained and killed, however, were various, including 'insulting deity' and 'espionage' for the benefit of the Syrian regular forces, as well as 'adultery', among other accusations. (...) it appears that many of Idlib's residents were being detained on this charge [blasphemy], especially women"; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>. Siehe auch Syria Direct, *Like Being in Assad's Prisons: Female Survivors Recall Their Ordeals in HTS Cells*, 7 January 2021, <https://bit.ly/3b1Au9u>; OHCHR, *Press Briefing Note on Syria: Idlib Violations and Abuses*, 20 November 2020, <https://shar.es/aoWklv>; The New Arab, *Syrian Activists Condemn Execution of Teenager for 'Criticising HTS Leader'*, 23 April 2020, <https://bit.ly/2YQVfVp>; Syria Direct, *Hijacking of the "Freedom Revolution": HTS Imprisons Activists in Northwest Syria*, 15 September 2019, <https://bit.ly/2CXriEh>; HRW, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, www.ecoi.net/en/document/1457241.html.

Haltung gegenüber HTS und der strengen Einstellung von HTS zur gesellschaftlichen Rolle von Frauen besonders gefährdet, von HTS angegriffen zu werden.⁶⁷⁰

Zivilpersonen, die verdächtigt wurden, Verbindungen zur Regierung zu haben⁶⁷¹ oder ISIS, die SDF/YPG oder rivalisierende bewaffnete Gruppen zu unterstützen, sind Berichten zufolge entführt, gefoltert und summarisch hingerichtet worden.⁶⁷² Auch die weiblichen Familienangehörigen der vorgenannten Personen wurden Berichten zufolge Opfer von Übergriffen.⁶⁷³

UNHCR ist der Auffassung, dass Personen, die tatsächliche oder vermeintliche Gegner von HTS und anderen bewaffneten oppositionellen Gruppen sind und sich in Gebieten in Idlib und Umgebung aufhalten, die *de facto* unter der Kontrolle dieser Gruppen stehen, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe. Darüber hinaus ist UNHCR der Auffassung, dass Familienangehörige von Personen, die tatsächliche oder vermeintliche Gegner von HTS und anderen bewaffneten oppositionellen Gruppen sind, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe **möglicherweise internationalen Flüchtlingsschutz benötigen**.

6) Personen, die tatsächliche oder vermeintliche Gegner SNA-naher bewaffneter Gruppen sind und sich in Gebieten aufhalten, die *de facto* unter ihrer Kontrolle stehen

a) Gebiete der „Operation Schutzschild Euphrat“ und der „Operation Olivenzweig“

Bewaffnete Gruppen, die mit der Syrischen Nationalen Armee verbunden sind, haben Berichten zufolge Personen ins Visier genommen, die tatsächliche oder vermeintliche Gegner dieser Gruppen sind⁶⁷⁴, einschließlich Personen, die tatsächlich oder vermeintlich mit der AANES und den SDF/PYD/YPG

⁶⁷⁰ HTS *“has targeted female activists with humanitarian organizations and working in the media field, charging them in connection with their activities, with allegations including treason, in order to pressure them to stop their work or to work within the limits and proscriptions imposed by HTS”*; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 21. *“Female activists and media workers have thus been doubly victimized for exercising freedom of expression or daring to speak out against the group’s fragile rule”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 103. Siehe auch ICG, *Silencing the Guns in Syria’s Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, footnote 114; Syria Direct, *Assad Regime, HTS, and ISIS Attempt to Silence Female Journalists in Idlib*, 30 March 2020, <https://bit.ly/38k1nlw>.

⁶⁷¹ Siehe Kapitel III.A.3.

⁶⁷² Beispielsweise meldete SOHR, dass HTS am 30. April 2020 eine Zivilperson in Nord-Aleppo hingerichtet hat, *“for belonging to the Kurdish People’s Protection Units (YPG) and carrying out criminal acts with regime forces in Aleppo city”*, und am 20. April 2020 meldete SOHR, dass HTS eine Zivilperson wegen *„mehrerer Anklagepunkte“*, einschließlich der angeblichen Regimetreue, hingerichtet hat, obwohl lokale Quellen angeben, dass die betreffende Person keine Verbindungen zum Regime hatte und das Regime nicht unterstützt hat; SOHR, *Idlib: HTS Executes Former ISIS Commander*, 11 June 2020, <https://bit.ly/3hqMQJc>. *“HTS has launched security campaigns that have resulted in numerous arrests, which the group says only target members of IS cells, those working for the Syrian government and Kurdish agents”*; Syria Direct, *Hijacking of the “Freedom Revolution”: HTS Imprisons Activists in Northwest Syria*, 15 September 2019, <https://bit.ly/2kpl3jL>. Siehe auch SNHR, *On the 9th Anniversary of the Popular Uprising, the Deaths of 226,247 Civilians Have Been Documented, Including 14,391 Due to Torture, along with the Enforced Disappearance of 100,000, and the Displacement of 15.2 Million Syrians*, 15 March 2020, <https://bit.ly/3dsUiAC>, p. 7; The New Arab, *Syria’s HTS Publicly Execute Ten Suspected IS Militants Following Idlib Suicide Bombing*, 3 March 2019, <https://bit.ly/2m2g1tQ>.

⁶⁷³ *“HTS targeted women simply for their kinship with their opponents in opposition factions, Syrian Democratic Forces, or ISIS”*; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 21.

⁶⁷⁴ *“In areas under the effective control of various non-State armed groups in the northern part of the Syrian Arab Republic, such groups have continued to systematically target civilians, journalists and health service providers perceived as affiliated to an opposing party or allegedly critical of the armed group in control of the territory. The whereabouts and fate of many deprived of their liberty remain unknown”*; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 23 April 2020, www.ecoi.net/en/document/2028879.html, para. 12. *“Individuals who do not align themselves with Turkish-backed factions are at high risk of kidnap, attack or execution”*; RIC, *Turkey’s Track Record: The Occupation of Afrin*, 7 November 2019, <https://bit.ly/2S5szO8>, p. 18. Laut Elizabeth Tsurkov vom Foreign Policy Research Institute *“[H]atred of Kurds, a sense of Arab chauvinism, complete intolerance for any dissent, and just a desire to make a profit is what’s driving most of the abuses”*; AP, *Money and Hatred for the Kurds Drives Turkey’s Syrian Fighters*, 15 October 2019, <https://lat.ms/2UxYkRE>. Siehe auch SNHR, *Turkish-Backed Factions Arrest more Civilians Participated in Yesterday’s Demonstration in Afrin*, 15 November 2020, <https://bit.ly/2UvecdW>.

verbunden sind⁶⁷⁵, sowie allgemein kurdische und jesidische Zivilpersonen⁶⁷⁶, Journalisten und Aktivisten.⁶⁷⁷ Im gesamten Gebiet der Operation „Schutzschild Euphrat“ und der Operation „Olivenzweig“ sind Zivilpersonen mit diesem Profil gezielt zum Opfer von Erpressungen, Entführungen,

⁶⁷⁵ Beispielsweise am 9. Juli 2020 "(...) *Jaish al Islam announced that they had captured two women in Afrin city, accusing them of terrorism and connections with the Syrian Democratic Forces. Such false charges are a common pretext for kidnappings and disappearances of both men and women in occupied Afrin, including those with no political affiliation or military background*"; Missing Afrin Women Project, July 2020: *Five Women Reported Kidnapped, Violence Increasing*, July 2020, <https://bit.ly/2EexpER>. Siehe auch, STJ, *Afrin: 135 Persons Arrested and Forcibly Disappeared in October 2020*, 24 November 2020, <http://bit.ly/3hbAp4n> (und frühere Berichte); OHCHR, *Syria: Violations and Abuses Rife in Areas under Turkish-Affiliated Armed Groups – Bachelet*, 18 September 2020, www.ecoi.net/en/document/2037973.html; SNHR, *At least 947 Cases of Arbitrary Arrests/ Detention Documented in Syria in the First Half of 2020*, 2 July 2020, <https://bit.ly/3eE2X3C>, p. 16; ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, p. 10; Amnesty International, *Report on the Human Rights Situation (Covering 2019): Syria*, 18 February 2020, www.ecoi.net/en/document/2025845.html. Eine Verbindung zur AANES und den SDF/YPG wird Berichten zufolge anhand weit gefasster Kriterien unterstellt, z. B. „Kommunikation“ oder „Umgang“ mit diesen Akteuren oder der Umstand, dass für die Institutionen der AANES gearbeitet wurde, dass bei lokalen Wahlen eine Stimme abgegeben wurde oder dass die „Pflicht zur Selbstverteidigung“ bei den SDF abgeleistet wurde, als die Gebiete von der AANES kontrolliert wurden. Zwar werden einige Personen – oft gegen Bezahlung – nach einem kurzen Zeitraum freigelassen, andere bleiben jedoch Berichten zufolge unauffindbar; siehe z. B. SOHR, *Accused of "Dealing Previously with Autonomous Administration": Turkish-Backed Military Police Arrest Two Civilians from Afrin*, 22 February 2021, <http://bit.ly/3ukKP7X>; SOHR, *Turkish-Backed Police Arrest Old Man from Idlib for "Dealing with SDF"*, 3 December 2020, <https://bit.ly/3oqjDks>; SOHR, *For "Dealing with SDF": "Ahrar al-Sham" Arrests Women from Raju Area in Afrin Countryside, Northwest of Aleppo*, 26 November 2020, <https://bit.ly/3fkKGG6i>; SOHR, *Azaz Intelligence Service Arrests Eight People for "Dealing with SDF"*, 9 November 2020, <https://bit.ly/3qe0kMM>; SOHR, *Military Police Arrest Head of "Jendires Civil Council", Handing Him Over to the Turkish Intelligence for "Dealing with the Kurds"*, 9 September 2020, <https://bit.ly/3ijBS8w>; SOHR, *Turkish-Backed Militiamen Ask Civilian to Evacuate His House and Threaten to Expel Him from the Canton*, 23 August 2020, <https://bit.ly/2QjmwV6>; SOHR, *Turkish-Backed Factions Arrest Ten Civilians from Afrin*, 18 August 2020, <https://bit.ly/3kSj1Dj>.

⁶⁷⁶ "(...) *Turkish-backed factions clamped down on Kurdish civilians in particular, arresting thousands of people, since they took control of the area, sometimes on charges for previously working within the institutions of the 'Self-Administration', and sometimes for communicating with leaders and members of the Kurdish forces*" (Hervorhebung nur hier); SOHR, *SOHR Highlights Ankara-Backed Factions' Prisons in Afrin Area, North-West of Aleppo*, 12 January 2021, <http://bit.ly/3kbhNmQ>. "The Armed Opposition and the Syrian National Army have also escalated their arrests and detentions of civilians on the pretext of their former affiliation with the SDF (...) and in many cases targeted several members of the same families, **with most of these arrests being characterized by an ethnic bias** and, in the manner of kidnapping, forcibly disappearing those arrested. We also recorded many incidents during which the faction responsible for the arrest requested money in exchange for the release of the detainee (...)" (Hervorhebung nur hier); SNHR, *The Most Notable Human Rights Violations in Syria in the First Half of 2020*, 3 July 2020, <https://bit.ly/3h9L4eC>, p. 10. "In Afrin and adjacent areas, armed groups operating under the umbrella of the SNA regularly arrest, detain, torture and extort residents of Kurdish origin (...)" OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at 43rd Human Rights Council Session*, 9 March 2020, <https://bit.ly/2Mt1W2B>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 40.

⁶⁷⁷ Im Januar 2021 verzeichnete SNHR die Festnahme von Aktivisten "under the pretext of having kinship with ISIS, before releasing them later"; SNHR, *The Most Notable Human Rights Violations in Syria in January 2021*, 4 February 2021, <https://bit.ly/3rflHN3>, p. 6. "In northern and eastern rural Aleppo, armed groups continued to target some humanitarian and health-care services and personnel, in addition to media professionals"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 20 August 2020, www.ecoi.net/en/document/2036556.html, para. 21. "Both the journalist and STJ field researcher confirmed that if any media worker reported violations committed by the armed groups in Afrin, he/she would be subjected to arrest, torture, insults or the confiscation and break of his equipment at best. (...) As for the conditions of media work in northern rural Aleppo, specifically in the Euphrates Shield areas, the assessment of freedom of the media differs from one city to another. In the cities of Azaz and Jarabulus media workers given greater flexibility than those in other cities and towns. Still, workers in media face many difficulties like being impeded by the Free Police and armed group agents who sometimes beat and insult them or seize and break their equipment"; STJ, *Syria: Silencing and Abusing Media Workers*, 6 July 2019, <https://bit.ly/3hjmBDV>. Siehe auch SNHR, *Syrian National Army Arrested a Media Activist in Izaz City in Aleppo Suburbs on January 21*, 22 January 2021, <http://bit.ly/2Nlu3oJ>; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 25; SOHR, *Displaced Activist Beaten Brutally and Another Prosecuted in Afrin*, 7 November 2020, <https://bit.ly/36hdxeQ>; SOHR, *Turkish-Backed Factions' Judicial Authorities Sentence Displaced Activist to Three Months Imprisonment for "Insulting the Free Army"*, 25 August 2020, <https://bit.ly/3huE24D>; SOHR, *Al-Sham Corps Arrests Aid Worker in Afrin for "Critical Post on Social Media"*, 21 July 2020, <https://bit.ly/3eRrZfA>; SOHR, *After Their Arrest and Deleting Videotapes: "Al-Sham Corps" Releases Two Activists Covering Closure of Crossings with Afrin on Media*, 17 July 2020, <https://bit.ly/2BgCDIs>; Enab Baladi, *Journalism in Northwestern Part of Syria...Between Violations and Obstacles*, 25 June 2020, <https://bit.ly/38yQFZ6>; STJ, *Afrin: 43 Arrested by the National Army in April 2020*, 20 May 2020, <https://bit.ly/2YGy0XF>; SNHR, *Syrian National Army Arrested a Media Activist in Jendires Town in Aleppo Suburbs, on May 18*, 20 May 2020, <https://bit.ly/2U8QE89>.

rechtswidrigem Freiheitsentzug, Folter und sonstigen Formen der Misshandlung⁶⁷⁸ sowie Plünderungen und rechtswidriger Beschlagnahme von Eigentum geworden.⁶⁷⁹ Beobachter stellen fest, dass SNA-nahe Gruppen versuchen, die ethnische und religiöse Zusammensetzung kurdisch dominierter Gebiete zu verändern.⁶⁸⁰

Berichten zufolge werden mitunter Personen aufgrund ihrer familiären Beziehungen Opfer von Angriffen SNA-naher Gruppen.⁶⁸¹

b) Gebiete der „Operation Friedensquelle“

Bewaffnete Gruppen, die mit der SNA verbunden sind, haben Berichten zufolge Personen, die tatsächlich oder vermeintlich mit der AANES und den SDF/PYD/YPG verbunden sind⁶⁸², gezielt

⁶⁷⁸ “(...) since the beginning of 2019, we have recorded the opposition factions to kidnappings and torture of the kidnapped to force their families to pay ransom money in exchange for their release, mainly in areas under their control in the northern suburbs of Aleppo governorate. Torture has often been practiced on the basis of ethnic prejudice and has been practiced against civilians, including women and children, to force them to agree to requests by opposition factions’ members, such as the use or seizure of these people’s property”; SNHR, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture*, 26 June 2020, <https://bit.ly/3iojagr>, p. 41. “Individuals, including activists openly critical of the armed groups and those perceived to be supporters of the former administration, were regularly arrested, detained, tortured and extorted”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 60. Siehe auch Kapitel II.E.4.

⁶⁷⁹ “Control over Afrin city is shared by a number of armed groups, which constantly seek to expand their areas of influence to access further material gains. The armed group in control of one neighborhood or street, for example, maintains a monopoly over all real estate belonging to the street’s original Kurdish population, who are now displaced. The groups lease, sell, or even invest in these properties, with the profits claimed by personnel or commanders”; STJ, *Afrin: Clashes Between Jaysh al-Islam and al-Jabha al-Shamiya Lead to Civilian Deaths*, 24 February 2021, <http://bit.ly/3pZSvcj>. “All the factions have economic offices to manage the properties of residents displaced from Afrin, especially those belonging to people affiliated with the Kurdish People’s Protection Units (YPG), or those who cooperated with them”; Syria Report, *Afrin: Opposition Factions Fight over Properties of Displaced Residents*, 23 December 2020, <http://bit.ly/3q1Zphe>. “According to reliable SOHR sources, Turkish-backed factions of the ‘Syrian National Army’ are selling the houses of displaced Kurds who were forced to flee the Turkish military operations in their areas”; SOHR, *Coercive Selling of Civilian Houses... Imposing of Levies... Looting and Thefts... Kidnapping and Arbitrary Arrest, Turkish-Backed Factions Wreak Havoc in Afrin Canton*, 2 April 2020, <https://bit.ly/3ihwlja>. “(...) large-scale property confiscation and looting of properties have been widely reported. Syrian National Army fighters have placed family members in some of the homes of Kurdish owners who fled the area and provided ‘rental contracts’ to newly accommodated individuals. In other cases, Syrian National Army fighters went to civilians’ houses and requested property deeds from Kurdish owners who had stayed. On occasions, returnees were left with no other option but to share their homes with family members of Syrian National Army fighters who had moved into their residences. When civilians complained to senior members of the Syrian National Army to reclaim their property, they were met by threats and violence. The magnitude of property confiscation prompted the establishment of a complaint mechanism within the structures of the Syrian National Army, although residents indicated that it was largely ineffective”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 41. Die Beschlagnahme von Eigentum verhindert auch, dass Vertriebene wieder zurückkehren: “In some areas, such as in the village of Balanta in rural western Aleppo, Turkish forces occupied only some houses, using them as military facilities, while in other areas they captured entire villages, as in the case of Abin Samaan village in rural western Aleppo governorate. In each of these villages they have barred homeowners, who had already been displaced due to the battles, from returning”; Syria Report, *Northwestern Syria: Do Turkish Forces Pay Rent for Their Sites?*, 3 February 2021, <http://bit.ly/2MBeDfv>. Siehe auch FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 120-140; und Kapitel II.E.4.a.

⁶⁸⁰ Siehe Kapitel III.A.8.d.

⁶⁸¹ “The Syrian National Army also carried out arrests and kidnappings in October [2020], most of which occurred on a mass scale, in many cases targeting several members of the same families, including elderly people”; SNHR, *The Most Notable Human Rights Violations in Syria in October 2020*, 4 November 2020, <https://bit.ly/3nn9MLV>, p. 6 (und frühere Berichte). Siehe auch SOHR, “*Al-Jabha Al-Shamiyyah*” *Arrests Woman and Her Son in Ma’batli, a Few Days after Arresting Her Husband*, 30 December 2020, <http://bit.ly/3pHYVNr>.

⁶⁸² “Areas under the control of ‘Peace Spring’ factions have witnessed widespread violations, starting with theft, kidnapping for ransoms, to the most heinous forms of torture of civilians under the flimsy pretext of ‘dealing with the self-administration’ [AANES] that once governed the region. (...) Those factions also stole/confiscated the mobile phones of residents under the pretext that ‘they were used to communicate with SDF’”; SOHR, “*Peace Spring*” *a Year on: A New Map of influence... Growing Humanitarian Disaster and Continuous Turkish Violations*, 9 October 2020, <https://bit.ly/2GmVrm>. “Regarding incidents of detention, civilians in both Ra’s al-Ayn and Afrin were most often detained by Syrian National Army members for their alleged past links to the self-administration [AANES], and were deprived of access to legal counsel, and on some occasions, interrogated by Turkish officials with the assistance of interpreters prior to or while in detention”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 53. “Most detainees are arrested for allegedly joining or communicating with the Kurdish-led Self Autonomous Administration, and most detainees are reportedly released after paying a ransom or bail of USD \$150 to \$400”; ICTJ, *Syria’s Detained, Abducted, and Forcibly*

entführt, erpresst, rechtswidrig ihrer Freiheit beraubt⁶⁸³, gefoltert und in sonstiger Weise misshandelt und in einigen Fällen getötet⁶⁸⁴ sowie ihr Eigentum geplündert, rechtswidrig beschlagnahmt und zerstört.⁶⁸⁵ Unter den Festgenommenen befanden sich laut Meldungen auch Zivilpersonen, die gegen

Disappeared, May 2020, <https://bit.ly/2Bzsqx9>, p. 10. Z. B. im Juni 2020 "Turkish-backed armed opposition groups conducted a series of arrests throughout Ar-Raqqa Governorate targeting alleged SDF-affiliated individuals"; Carter Center, *Weekly Conflict Summary: 8 June - 14 June 2020*, 19 June 2020, <https://bit.ly/3doGI0k>, p. 6. "A local Syrian source working with NGOs in northern Syria told Kurdistan 24 on condition of anonymity that not only Kurds, but 'everyone who worked within the Self Administration, including Arabs, are subjected to arrests, kidnappings, and ransoms by [Turkish-backed] factions'"; Kurdistan 24, *Turkish-Backed Faction in Syria Accused of Human Rights Abuses in Arab-Majority Region*, 29 April 2020, <https://bit.ly/3hu7Dvo>. Siehe also STJ, *Syria: 38 Arrests in "Peace Spring" During the Second Half of 2020*, 15 February 2021, <https://bit.ly/3022kfb>; SOHR, *Demographic Change: Turkish-Backed Factions Continue Violations in "Peace Spring" Areas, Attempting to Force Remaining Locals Leave*, 24 September 2020, <https://bit.ly/3kKHRnG>; SOHR, *Tal Abyad: Turkish-Backed Factions Kidnap Arab Tribal Chief*, 13 June 2020, <https://bit.ly/3htAdwY>; SOHR, "Al-Jabha Al-Shamiyyah" Arrests 35 Persons in Rural "Tal Abyad", 9 June 2020, <https://bit.ly/2YwsDsR>.

⁶⁸³ SOHR "documented over 48 arbitrary arrests in January [2021] carried out by factions operating in 'Peace Spring' areas, mainly 'Al-Hamzah Division'. Those arrested were accused of 'dealing with SDF'"; SOHR, "Peace Spring" Areas in January 2021, 5 February 2021, <http://bit.ly/2Ns943w>. Siehe beispielsweise, SOHR, *For "Dealing and Collaborating with SDF": Ankara-Backed "Al-Hamza Division" Arrests Nearly Ten People in Ras al-Ain Countryside (Sere Kaniye)*, 15 January 2021, <http://bit.ly/2OWDZ0v>; SOHR, *Turkish-Backed Factions Arrest over 30 People in Ras al-Ain (Sere Kaniye)*, 29 December 2020, <http://bit.ly/3p00KJ1>; SOHR, *Turkish-Backed Factions Arrest Five Young People for "Dealing with SDF"*, 24 September 2020, <https://bit.ly/2HzFVAh>; SOHR, *Turkish-Backed Fighters Kidnap Civilian and His Son in Ras al-Ain Countryside*, 4 September 2020, <https://bit.ly/3i5mk8b>; SOHR, *Five Civilians from Tal Tamr Arrested for "Dealing with SDF"*, 5 September 2020, <https://bit.ly/2Z806ek>; SOHR, *Two People Injured in Indiscriminate Gunfire by Ahrar al-Sharqiya, Following Raid on Village Houses*, 10 August 2020, <https://bit.ly/3haluGZ>; SOHR, *Young Man and His Little Brother Arrested in Northern Al-Raqqa for "Belonging Previously to SDF"*, 30 July 2020, <https://bit.ly/33hivZ7>; SOHR, *The "National Army" Arrests Three Persons in Ras Al-Ain (Sere Kaniye) for "Dealing with SDF"*, 24 July 2020, <https://bit.ly/30OCr2t>; SOHR, *Ras Al-Ain (Sere Kaniye): Turkish-Backed Factions Arrest Several Young People for "Communicating with SDF and Facilitating Entry of Booby-Trapped Vehicles"*, 13 May 2020, <https://bit.ly/3d1RQ3M>; SOHR, *Turkish Forces and Turkish-Backed Military Police Arrest Tribal Leader of Al-Nu'aym Tribe in Rural Tal Abyad*, 22 April 2020, <https://bit.ly/2UISyMR>; und Quellenangaben in Kapitel III.A.6.a, die sich auf SNA-nahe bewaffnete Gruppen ohne geografische Unterscheidung beziehen.

⁶⁸⁴ SOHR, *Ankara-Backed Factions Kill a Person for "Communicating with SDF" in Tal Abyad, North of Raqqa*, 13 April 2020, <https://bit.ly/2MUaMqj>.

⁶⁸⁵ "In the north-west and north-east of the country, non-State armed groups seized houses of other displaced civilians and of individuals accused of having affiliations with other armed groups and occupied them with their own families. OHCHR received reports that, in April [2020], owing to the COVID-19 pandemic, scores of families of non-State armed group fighters were transferred from the Jarabulus area, in eastern rural Aleppo, to areas in Tall Abyad, in northern rural Raqqa, and Ra's al-Ayn, in western rural Hasakah, and placed in houses of civilians who had fled or who had been forcibly evicted"; UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018) and 2504 (2020)*, 24 June 2020, www.ecoi.net/en/document/2032945.html, para. 18. "Those accused of working with the SDF or AANES are also singled out for other forms of abuse and collective punishment besides abduction for ransom. Between 22 October 2019 and 30 March 2020, TAF and SNA have carried out 127 home demolitions in the area under their control, in particular targeting villages and homes belonging to people with suspected links to the former administration in the region"; RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, <https://bit.ly/32gZ2az>, p. 27. "The civilian houses in Umm al Asafir, Faysaliyya, Daoudiyeh, Arshet Ras El Ein, and Malla Suleiman [Hassakeh Governorate] were looted by Turkish-backed armed opposition groups. The armed groups burnt down houses owned by individuals affiliated with the Autonomous Administration"; Carter Center, *Weekly Conflict Summary: 13 - 19 April 2020*, 19 April 2020, <https://bit.ly/3dMT4Rr>, p. 4. Siehe auch SOHR, *Ankara-Backed "al-Hamzat Division" Deizes Agricultural Land Owned by Civilians*, 9 November 2020, <https://bit.ly/38vd37l>; SOHR, *For \$2000: "Al-Hamza Division" Releases Former SDF Member after Torturing Him in Its Prisons in "Peace Spring" Areas*, 14 September 2020, <https://bit.ly/3c2bcGQ>; SOHR, *For "Dealing" with SDF: Former ISIS Security Official Participates in Arrest and Torture of Civilian in Tel Abyad*, 12 September 2020, <https://bit.ly/33sjpjl>; SOHR, *Factional Clashes, Displacement of Families, Looting Houses and Clamping Down on People in Ras Al Ain*, 10 September 2020, <https://bit.ly/3is5qke>; SOHR, "Sultan Murad" Steals Civilians' Homes in "Peace Spring" Areas, 23 July 2020, <https://bit.ly/32U8Vv5>; SOHR, *After Stealing the Contents of Houses: Turkish-Backed Factions Set Civilian Homes on Fire in Ras al-Ain Countryside*, 8 July 2020, <https://bit.ly/2VVsRtd>; Kurdistan 24, *Turkish-Backed Forces Continue Targeting Arab Tribal Leaders Who Cooperate with the SDF*, 23 June 2020, <https://bit.ly/38V8ceb>; SOHR, *Turkish-Backed Factions Loot and Burn Down Properties Belonging to Autonomous Administration's Affiliates in Rural Ras Al-Ain*, 18 April 2020, <https://bit.ly/3hhfdtf>; und Kapitel II.E.4.b.

SNA-nahe bewaffnete Gruppen protestiert hatten.⁶⁸⁶ Berichten zufolge werden mitunter Personen aufgrund ihrer familiären Beziehungen Opfer von Angriffen SNA-naher Gruppen.⁶⁸⁷

Personen, die durch die „Operation Friedensquelle“ vertrieben wurden, haben laut Meldungen Angst, in ihre Heimatgebiete zurückzukehren⁶⁸⁸, und einige der Rückkehrer wurden erpresst, körperlich misshandelt, entführt und getötet⁶⁸⁹ oder stellten bei ihrer Rückkehr fest, dass ihre Häuser von SNA-nahen Kämpfern und deren Familien beschlagnahmt worden waren.⁶⁹⁰

UNHCR ist der Auffassung, dass Personen, die tatsächliche oder vermeintliche Gegner SNA-naher bewaffneter Gruppen sind und sich in Gebieten aufhalten, die *de facto* unter der Kontrolle dieser Gruppen stehen, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung sowie ihrer ethnischen Zugehörigkeit und/oder Religion. UNHCR ist ferner der Auffassung, dass Familienangehörige von Personen mit diesem Profil aufgrund ihrer vermeintlichen politischen Meinung sowie ihrer ethnischen Zugehörigkeit und/oder Religion je

⁶⁸⁶ Es wurde von Protesten gegen Menschenrechtsverletzungen durch SNA-nahe bewaffnete Gruppen berichtet, die bisweilen gewaltsam unterdrückt wurden, einschließlich durch Einsatz scharfer Munition gegenüber den Protestierenden und Festnahmen von Demonstranten. Die SNA *“also continued carrying out arbitrary detentions and kidnappings in November [2020], targeting civilians who took part in protests criticizing opposition policies in the areas under their control and in protest against the poor living conditions”*; SNHR, *The Most Notable Human Rights Violations in Syria in November 2020*, 4 December 2020, <https://bit.ly/3mZNCzv>, p. 5. Siehe auch SOHR, *“Peace Spring” a Year on: A New Map of influence...Growing Humanitarian Disaster and Continuous Turkish Backed Factions*, 9 October 2020, <https://bit.ly/2GrmVrm>; SOHR, *After Arresting Some 20 Protesters in Ras al-Ain: “Sultan Murad Division” Accuse Them of Carrying Out Terrorist Acts, and Hold Them Responsible for Bombings in the Region*, 3 October 2020, <https://bit.ly/3nmTiUy>; SOHR, *Al-Hasakeh: Turkish-Backed Factions Storm and Loot Assyrian Village near the Dividing Line with “Peace Spring” Areas*, 19 June 2020, <https://bit.ly/2V6v5Wh>; SOHR, *Rural Ras al-Ain: Civilians Demonstrate Against Turkish-Backed Factions, As Violations Continue*, 15 June 2020, <https://bit.ly/2C5usW8>; Carter Center, *Weekly Conflict Summary: 25-31 May 2020*, 5 June 2020, <https://bit.ly/3clDogM>, p. 3.

⁶⁸⁷ SOHR, *“Sultan Murad Division” Prosecutes Relatives of Young People Fled from Ras Al-Ain to Turkey and SDF-Held Areas for Fear of Arbitrary Arrests*, 14 December 2020, <https://bit.ly/37iHJaV>. Siehe auch Fußnote 680.

⁶⁸⁸ *“Civilians narrated consistent accounts to the Commission conveying their fears about remaining and their inability to return to their homes, which had been looted and occupied by the brigades or their families in the immediate aftermath of hostilities. On two occasions, civilians recalled being instructed not to return by Syrian National Army commanders and fighters.”* Weiter heißt es: *“The Commission received further information that families from Tall Abyad chose not to return to their homes, fearing rape and sexual violence perpetrated by Syrian National Army members. At least 30 women had reportedly been raped in February [2020] alone”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, paras 49, 51. *“The DoS [Department of State] said it was ‘concerned’ that the actions of some TSO groups under the Syrian National Army umbrella have prevented the return of many displaced Kurdish residents of northeast Syria. The DoS said it was particularly ‘troubled’ by reports of property seizures, looting, and intimidation that have led to a climate of fear”*; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: January 1, 2020 - March 31, 2020*, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 67. Siehe auch IDMC, *Global Report on Internal Displacement 2020*, 28 April 2020, www.ecoi.net/en/document/2028844.html, p. 36; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 57. Beobachter stellen fest, dass SNA-nahe Gruppen versuchen, die ethnische und religiöse Zusammensetzung der von ihnen de facto kontrollierten Gebiete zu verändern; siehe Kapitel III.A.8.d.

⁶⁸⁹ OHCHR äußerte sich besorgt in Bezug auf *“people recently displaced during the military offensive who have subsequently been subjected to arbitrary detention, in addition to enforced disappearances, after returning to their homes. This is occurring both in areas controlled by Turkish forces and Turkish-affiliated armed groups, and in areas controlled by Kurdish armed groups”*; UN Geneva, *Regular Press Briefing by the Information Service*, 8 November 2019, www.ecoi.net/en/document/2019944.html. Siehe auch SOHR, *Tal Abyad: Turkish Forces Kill Two Women Returning to Their Village in Countryside*, 18 August 2020, <https://bit.ly/3gcixnl>; SOHR, *“Al-Sultan Murad” Blackmails Civilians Returning to Their Homes, and the People of Ras al-Ain Fear Factions’ Violations*, 4 August 2020, <https://bit.ly/3frWn0F>; SOHR, *Civilian with Special Needs Dies in “Al-Hamzat Division” Prison in Ras Al-Ain (Sere Kaniye)*, 17 July 2020, <https://bit.ly/3jdfChz>; SOHR, *Rural Tal Abyad: Turkish-Backed Factions Target Civilians, while Checking Their Homes near Frontlines*, 24 May 2020, <https://bit.ly/2RjmMnJ>; Kurdistan 24, *Turkish-Backed Militia Detains, Tortures Disabled Civilian in North Syria*, 4 January 2020, <https://bit.ly/2UQycBF>.

⁶⁹⁰ *“Civilians who have returned to check on their property variously report that their home has been completely looted; that they have returned to find Arab families living in their property; or that their homes have been turned into military bases. In some instances, the SNA factions in charge of neighborhoods have offered to sell residents’ own property back to them”*; RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey’s 2019 Invasion of North and East Syria*, 22 May 2020, <https://bit.ly/32gZ2az>, p. 25. *“TSOs also reportedly continued to bar returnees from their properties in northwest Syria and informed them that their real or presumed support for the YPG precluded them from living in the area. Confiscated homes were marked with graffiti and then used by armed groups for military purposes or as housing for fighters and their families”*; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch SOHR, *Demographic Change in NE Syria: Dozens of Families of Turkish-Backed Fighters Arrive in Tal Abyad*, 21 April 2020, <https://bit.ly/2ZCDkeP>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 57; NRC, *Desperate Measures: Syrians Fleeing Turkey’s Military Operation*, 17 December 2019, <https://bit.ly/2MMPSp>, p. 16.

nach den Umständen des Einzelfalls gegebenenfalls internationalen Flüchtlingsschutz benötigen.

7) Personen, die tatsächliche oder vermeintliche Gegner von ISIS sind und sich in Gebieten aufhalten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt

In Gebieten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt, richtet die Gruppe ihre Aktionen in Form von USBV-Angriffen, Überfällen aus dem Hinterhalt, Entführungen und Ermordungen vor allem gegen Anführer und Mitglieder der Regierungstruppen⁶⁹¹ und der SDF.⁶⁹² ISIS hat auch gezielt Zivilpersonen entführt und getötet, die tatsächlich oder vermeintlich die Regierung⁶⁹³ oder die SDF/AANES unterstützen, einschließlich Stammesführern⁶⁹⁴, örtlichen Bürgermeistern, Mitgliedern lokaler Räte, Kommunalbeamten und Kollaborateuren.⁶⁹⁵ Darüber hinaus wurde gemeldet, dass ISIS Geschäftsleute, Fachkräfte, Ladenbesitzer und Ölarbeiter, die sich geweigert haben, die Gruppe finanziell zu unterstützen („zakat“), bedroht, angegriffen und ermordet hat.⁶⁹⁶

⁶⁹¹ Siehe Kapitel II.B.1.b.

⁶⁹² Siehe Kapitel II.B.2.

⁶⁹³ Siehe Kapitel III.A.3.

⁶⁹⁴ “Likely ISIS militants killed a sheikh of the Bakir tribe’s Rakywat clan – Ali Wahab al-Wais – in Tawamiya and seriously wounded an unknown elder of the Mashadeh tribe in al Sabha, Deir e-Zor Province. Members of both tribes strongly support the SDF”; ISW, Syria Situation Report: October 14 - 27, 2020, 30 October 2020, <https://bit.ly/34Oemw9>. Laut SOHR, “ISIS cells adopted a new strategy by attacking tribal dignitaries and elders, as gunmen opened fire on a vehicle carrying dignitaries of ‘Ekaydat’ tribe on the outskirts of Hawayij village in the eastern countryside of Deir Ezzor (...)”; SOHR, 73 Months since the Declaration of Caliphate State: ISIS Adopts New Strategy, Assassinating Tribal Elders... Death of Russian Commander Spurs Military Campaign... Mass Grave Discovery Uncovers New Field Executions, 29 August 2020, <https://bit.ly/2QBtlS9>. “The DIA [Defense Intelligence Agency] further reported that since Turkey’s military incursion into northern Syria, ISIS has focused on targeting local tribal leaders for assassinations, and intimidating the local populace to influence and recruit among Arab populations in the province who are dissatisfied with SDF counter-ISIS measures”; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 29. Siehe auch SOHR, Unidentified Gunmen Assassinate One of Dignitaries of Al-Musharraf Clan, 29 October 2020, <https://bit.ly/3oNZfun>.

⁶⁹⁵ Die syrische Journalistin Zain al-Abidin berichtet: “IS cells target SDF members, especially in the area between southern Raqqa and the southeastern countryside of Hasakah, reaching al-Baghouz. First, they target SDF or its operatives, as well as employees at SDF agencies or persons suspected of collaborating with the SDF, in addition to tribal leaders”; Al-Monitor, Islamic State Regroups in Syrian Kurdish Region, 10 November 2020, <https://bit.ly/2JZKmpr>. Laut CJTF-OIR, “ISIS also regularly claimed through social media to have assassinated ‘spies’ who it believed reported on its activities, including civilians, pro-regime forces, and SDF personnel”; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 27. “(...) in Syria’s Deir al-Zor province, Islamic State militants appear to be focusing on assassinating civilians working with the local Civil Council to drive the Arab population away from the SDF-affiliated Autonomous Administration of North and East of Syria (AANES).” Laut Robin Fleming, einem in Syrien lebenden Forscher beim RIC, “ISIS was seen distributing flyers threatening individuals connected on any level to the SDF or AANES”; Kurdistan 24, Kurdish-Led SDF Launches Large-Scale Operation Against ISIS in Syria, 5 June 2020, <https://bit.ly/3cPEAPK> (mit Beispielen). “The organization [ISIS] carried out assassination operating targeting a local council official in the eastern countryside of Deir Ez-Zor as well as attempting to assassinate other officials including the mayor of the town of al-Susah, a sub-district of Hajin in Deir Ez-Zor, ISIS’s focus on targeting SDF forces and their collaborators”; Jusoor for Studies, The Map of ISIS Operations and Activities in Syria During April 2020, 7 May 2020, <https://bit.ly/3f3eZ7o>. Siehe z. B. SOHR, After Sending Video of His Execution to His Wife: ISIS Blackmails the Family’s Victim in al-Hasakah, Asking for \$100,000 for His Body, 16 February 2021, <https://bit.ly/3k9gKU5>; SOHR, ISIS Executes Two Female Officials in the Autonomous Administration in Southern Al-Hasakah, 23 January 2021, <http://bit.ly/37CJlqp>; SOHR, Gunmen Assassinate Civilian in Deir ez-Zor Countryside, 28 December 2020, <http://bit.ly/3897lrt>; SOHR, Head of Village Assassinated in Northern Deir ez-Zor Countryside, 27 December 2020, <http://bit.ly/3nbxQR4>; SOHR, IED Attack: Assassination on Head of Local Council in Western Deir ez-Zor Countryside, 22 December 2020, <http://bit.ly/37G4Oop>; SOHR, Unknown Gunmen Shoot Dead “Village Headman” in Eastern Deir Ezzor, 19 November 2020, <https://bit.ly/2Vc4DtS>; SOHR, Two Unidentified Gunmen Target Civilian in Deir ez-Zor Countryside, 7 October 2020, <https://bit.ly/3jYv6W>; SOHR, Assassination on Municipal Employee, and Throwing Grenade at the House of Diban Mayor, 11 September 2020, <https://bit.ly/3hrkxJm>; SOHR, Two Brothers Found Dead a Few Days after Being Kidnapped by ISIS Cells, 16 June 2020, <https://bit.ly/3fuZYvd>; SOHR, ISIS New Execution: Cells Storm “Municipality of The People” Building in Al-Tayyanah, and Execute Municipality’s Head, 15 June 2020, <https://bit.ly/2BeYvdr>.

⁶⁹⁶ “ISIS militants routinely threaten shop owners, heads of factories, directors and major suppliers of non-governmental organisations, doctors, landowners and others perceived to be well-off to pay it zakat (notionally, gifts to charity)”; ICG, The SDF

Ferner wurde berichtet, dass ISIS landwirtschaftliche Anbauflächen aus Rache oder zur Erpressung eines Schutzgeldes in Brand gesetzt hat.⁶⁹⁷

UNHCR ist der Auffassung, dass Personen, die tatsächliche oder vermeintliche Gegner von ISIS sind und sich in Gebieten aufhalten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt, **wahrscheinlich internationalen Flüchtlingsschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder anderer maßgeblicher Gründe.

8) Mitglieder religiöser und ethnischer Minderheiten und Personen, die gegen strenge islamische Vorschriften verstoßen

In Syrien ist eine Vielzahl von Ethnien beheimatet, einschließlich Arabern, Kurden, Turkmenen, Armeniern, Assyrern, Tscherkessen und Dom.⁶⁹⁸ Die Mehrzahl der Bevölkerung gehört dem

Seeks a Path Toward Durable Stability in North East Syria, 25 November 2020, www.ecoi.net/en/document/2041372.html. "(...) there is reported to be a heightened level of confidence among ISIS in Dayr al-Zawr and Hasakah, where local businesses and wealthy individuals are being extorted openly and targeted for reprisals should cooperation not be forthcoming"; UNSC, Letter Dated 20 January 2020, www.ecoi.net/en/document/2024173.html, para. 72. Siehe z. B. SOHR, *ISIS Members Inform Workers of Primitive Oil Refineries to Pay Zakat in US Dollars*, 14 December 2020, <http://bit.ly/3gRvCVM>; SOHR, *Cells Demand Civilians Pay Zakat in Eastern Countryside of Deir ez-Zor*, 8 December 2020, <https://bit.ly/3a3ryjw>; SOHR, *Cells Kill Member of Internal Security Forces, and Others Threaten Doctor to Pay Zakat*, 5 December 2020, <https://bit.ly/2llcAKw>; SOHR, *Cells Kidnap Merchant in Hasakeh Countryside, as He Refuses to Pay Zakat*, 4 December 2020, <https://bit.ly/33OF86v>; SOHR, *Gunmen Pretend to be ISIS Members and Open Fire on Civilian House in Eastern Deir Ezzor, Asking for "Zakat"*, 3 December 2020, <https://bit.ly/2VHdNyC>; SOHR, *ISIS Resurgence: Cells Target Civilian Home in Eastern Deir ez-Zor Countryside*, 17 November 2020, <https://bit.ly/3pFGn1q>; SOHR, *Unknown Gunmen Blow Up IED near the House of a Person in Eastern Deir Ezzor for "Refusing to Pay Zakat"*, 14 November 2020, <https://bit.ly/3nsMKDi>; SOHR, *Manbij: Five People Killed and Injured in Explosion of Car Belonging to Doctor who Refused to Pay "Zakat" to ISIS Cells*, 20 October 2020, <https://bit.ly/34fkr16>; SOHR, *ISIS Members Detonate Grenade Asking for Zakat, Unknown Assaulters Attack Headquarters of Local Council, and Internal Security Forces Arrest Physical Therapist*, 3 September 2020, <https://bit.ly/2Zn4PsX>; SOHR, *Unknown Gunmen Attack Civilian's House in Al-Shuhayl for "Refusing to Pay Zakat"*, 19 August 2020, <https://bit.ly/323FowV>.

⁶⁹⁷ Berichten zufolge bekannte sich ISIS dazu, landwirtschaftliche Flächen in Brand gesetzt zu haben, um sich für Militärkampagnen der Regierungstruppen und der SDF gegen Sunniten in zuvor von ISIS kontrollierten Gebieten zu rächen, und ISIS rief seine Anhänger dazu auf, die „abtrünnigen“ Anbaufelder im Irak und in Syrien zu sabotieren. In verschiedenen Quellen wurden unterschiedliche andere Akteure, einschließlich der syrischen Regierung, der SDF und SNA-naher Gruppen, für die abgebrannten Felder verantwortlich gemacht, und einige Brände sind möglicherweise auch dem heißen Wetter zuzuschreiben; VOA, *IS Threatens 'Hot Summer' by Scorching Iraq, Syria Farmlands*, 24 May 2019, <https://bit.ly/2AuA0O3>. Laut Peter Schwartzstein vom Center for Climate and Security: "[M]any of the fires are almost certainly the work of the Islamic State, or ISIS, in keeping with the scorched-earth strategy the group adopted after it began to lose territory." Nicholas Heras vom Center for a New American Security erläutert: "[A]t this point in time the most logical aspect of the burning of wheat fields is that ISIS is using it as a tactic to punish its enemies"; Washington Post, *Mystery Crop Fires Scorch Thousands of Acres in Syria and Iraq – and ISIS Claims Responsibility*, 7 June 2019, <https://wapo.st/3dszYQm>. Siehe auch The Telegraph, *Crop Fires Are Destroying Syria's War-Ravaged Farmers – but Who Is Starting Them and Why?*, 9 July 2019, <https://bit.ly/3eMpn3f>; NPR, *How Crop Fires Have Become the Latest Weapon of War in Syria*, 26 June 2019, <https://n.pr/2XZiiWm>.

⁶⁹⁸ USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 9; Minority Rights Group International (MRGI), *Syria: Minorities and Indigenous Peoples*, letzte Aktualisierung im Mai 2018, <https://bit.ly/2S0bTYa>. Siehe auch RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>.

sunnitischen Islam an.⁶⁹⁹ Außerdem gibt es verschiedene christliche Gemeinden⁷⁰⁰, Zwölfer-Schiiten, Alawiten, Drusen, Ismailis und Jesiden.⁷⁰¹

Seit 2011 haben die Spannungen zwischen den Religionen und Ethnien Berichten zufolge zugenommen, da sich die Mitglieder religiöser und ethnischer Gruppen tatsächlich oder allem Anschein nach in zunehmendem Ausmaß Kriegsparteien angeschlossen haben. Die bewaffnete Opposition wird überwiegend von sunnitischen Arabern dominiert⁷⁰², einschließlich islamistischer und extremistischer

⁶⁹⁹ Zur sunnitischen Bevölkerungsgruppe zählen ethnische Araber, Kurden, Tscherkessen, Turkmenen und Dom. Die Dom sind eine eigenständige ethnische Gruppe, die aus Indien stammt und infolge mehrerer Migrationswellen seit vielen Jahrhunderten in Syrien lebt. Berichten zufolge werden Dom gesellschaftlich, kulturell und wirtschaftlich diskriminiert und marginalisiert, und viele von ihnen leben in extremer Armut; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; MRGI, *Syria: Minorities and Indigenous Peoples*, letzte Aktualisierung im Mai 2018, <https://bit.ly/2S0bTYa>. Zur Ethnie Dom siehe Victoria Williams, *Indigenous Peoples: An Encyclopedia of Culture, History, and Threats to Survival*, 24 February 2020, pp. 310-313; Kirkayak Kùltür-Dom Research Workshop, *Syrian Dom Asylum Seekers in the Crossfire*, 20 September 2017, <https://bit.ly/3iF5LiZ>.

⁷⁰⁰ Christen in Syrien gehören verschiedenen Gemeinden an, einschließlich der griechisch-orthodoxen Kirche von Antiochien, der griechisch-katholischen Kirche, der syrisch-orthodoxen Kirche, der syrisch-katholischen Kirche, der assyrischen Kirche des Ostens, der Alten Kirche des Ostens, der chaldäischen katholischen Kirche und verschiedener armenischer Kirchen. Darüber hinaus gibt es eine kleine Gemeinde maronitischer Christen vor allem in der Region Aleppo sowie eine geringe Anzahl römisch-katholischer und protestantischer Christen. Die größte christliche Gemeinschaft in Syrien ist die griechisch-orthodoxe Kirche von Antiochien, gefolgt von der melkitischen griechisch-katholischen Kirche und der syrisch-orthodoxen Kirche. Die Christen sind mehrheitlich ethnische Araber, außerdem gibt es eine signifikante Zahl ethnischer Assyrer und Armenier. Christen leben in allen Provinzen, und ein beträchtlicher Anteil von ihnen lebt in großen Städten wie Aleppo, Damaskus, Homs, Lattakia, Hama, Qamishli, Hassakeh und Tartus. Griechisch-orthodoxe Christen und griechische Katholiken sind vor allem in und um Damaskus (z. B. im Qalamun-Gebirge), in Lattakia und der angrenzenden Küstenregion sowie in den ländlichen Gebieten der Provinzen Homs (z. B. Wadi Al-Nasara, das Tal der Christen) und Hama zu finden. Christen der syrischen und assyrischen Gemeinden finden sich vor allem in der Provinz Hassakeh, aber auch in Homs, Aleppo und Damaskus. Ab Anfang des 20. Jahrhunderts ist der Anteil der Christen an der Bevölkerung laut Meldungen kontinuierlich zurückgegangen. Seit 2011 hat sich der Exodus der Christen aus Syrien beschleunigt: *“Before the war, an estimated 10% of Syria’s population was Christian, with Greek Orthodox being the largest denomination. Because of the conflict and widespread flight of Syria’s Christians it is hard to estimate their numbers today, but some figures place them below half of pre-war levels”*; Al-Monitor, *Athens Reaches Out to Syria via Greek Orthodox Community*, 20 October 2020, <https://bit.ly/2HvLz67>. *“In Aleppo, some media outlets have reported that Aleppo’s Christian population had fallen from 250,000 to 30,000 by the end of 2016. The exact size and location of many Syrian Christians is therefore difficult to verify in the current context”*; MRGI, *Syria: Christians, Armenians and Assyrians*, letzte Aktualisierung im März 2018, www.refworld.org/docid/49749ca133.html. Siehe auch USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; Thomas Pierret, *“Syrian Arab Republic”*, in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 9.

⁷⁰¹ Da es keine Erhebungsdaten zur ethnischen und religiösen Zusammensetzung der Bevölkerung gibt, lassen sich die demografischen Merkmale Syriens nur schätzen. Vor dem Konflikt machten Sunniten etwa drei Viertel der Bevölkerung aus. In allen Großstädten Syriens und allen Provinzen mit Ausnahme der Stadt Suweida und der gleichnamigen Provinz war die Bevölkerung mehrheitlich sunnitisch. Auf dem Land bildeten Sunniten in allen Gebieten die Mehrheit, mit Ausnahme der ländlichen Gebiete von Lattakia und Tartus (überwiegend alawitisch) sowie des Gebiets Wadi Al-Nasara (Homs), in dem mehrheitlich Christen lebten. Andere muslimische Gruppen, einschließlich Alawiten, Ismailis und Zwölfer-Schiiten, machten vor dem Konflikt etwa 13 % der Bevölkerung aus. Der Anteil verschiedener christlicher Gemeinden betrug etwa 10 %, einschließlich griechisch-orthodoxer, syrisch-orthodoxer, maronitischer, syrisch-katholischer, römisch-katholischer und griechisch-katholischer Christen. 3 % der Bevölkerung waren Drusen, und etwa 80.000 Personen gehörten der jesidischen Bevölkerungsgruppe an. Außerdem lebten schätzungsweise 100 bis 200 Juden in Syrien, vor allem in Aleppo, Damaskus und Qamishli. Aufgrund der Massenvertreibungen seit 2011 basieren aktualisierte demografische Schätzungen auf einer sehr unsicheren Grundlage; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; MRGI, *Syria*, Aktualisierung im Mai 2018, <https://bit.ly/2S0bTYa>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, A/HRC/S-17/2/Add.1, www.refworld.org/docid/4edde9d02.html, para. 15.

⁷⁰² Seit Beginn des Konflikts hat die Regierung behauptet, dass „Extremisten“ und „Terroristen“ zur bewaffneten Opposition zählten. Sie hat diese Einschätzung auf zivile Bevölkerungsgruppen erweitert, die die politische und/oder bewaffnete Opposition tatsächlich oder vermeintlich unterstützen. *“According to media and NGO sources, the government continued its widespread and systematic use of unlawful killings, including through the repeated use of chemical weapons, persistent attacks on civilians and civilian infrastructure, enforced disappearances, torture, and arbitrary detention to punish perceived opponents, including civilians, the majority of whom were Sunni Muslims. As the insurgency continued to be identified with the Sunni population, the government reportedly targeted largely Sunni opposition-held towns and neighborhoods for siege, mortar shelling, chemical weapons attacks, and aerial bombardment (...)”* Allerdings *“[A]ccording to many observers, including academic experts, the government’s policy, aimed at eliminating opposition forces that threatened its power, was sectarian in its impact, although it*

Gruppen.⁷⁰³ Dagegen haben sich die Mitglieder religiöser Minderheiten größtenteils tatsächlich oder augenscheinlich der Regierung und ihren ausländischen Verbündeten angeschlossen⁷⁰⁴, allerdings war ihre Haltung im Konflikt niemals monolithisch.⁷⁰⁵ Der überproportionale Anteil von Alawiten im Staats-

was not motivated primarily by sectarian ideology" (Hervorhebung nur hier); USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "To ensure the allegiance of Assad's base, the Alawi community, the regime employed several tactics. First, in speeches during the early days of the uprising, he portrayed the protesters as Sunni extremists and armed terrorists (...);" New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>. "Many among religious minorities (in particular Alawite and Christians) opposed the uprising out of fear of a takeover by the Sunni majority (...). The regime played on these sectarian and class fears by portraying protesters as Salafi extremists and peasant riffraff"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 5. Zur bewaffneten Opposition zählen auch mehrere sunnitisch-turkmenische bewaffnete Gruppen, insbesondere im Nordwesten Syriens (Provinzen Latakia und Aleppo): "Throughout the civil war, Turkmen began to form their own predominately Turkmen brigades to defend areas traditionally considered to be Turkmen and to fight in opposition to the Syrian government. The Sultan Murad brigade was one of the first Turkmen brigades to establish itself in 2013. The group later became one of Turkey's main allied groups in its Euphrates Shield and Olive Branch operations"; Bellingcat, *Syrian Turkmen Groups in Latakia: An Overview*, 7 February 2019, <https://bit.ly/3j0HMMf>. Siehe auch RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, pp. 15-16; Al-Monitor, *Syrian Turkmen Groups Return from Turkey to Support Opposition*, 6 August 2019, <https://bit.ly/3cpMT6b>.

⁷⁰³ "Most opposition groups and terrorist groups identified themselves explicitly as Sunni Arab or Sunni Islamist in statements and publications. According to observers, these groups drew on a support base made up almost exclusively of Sunnis, giving government targeting of the opposition a sectarian element"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "(...) as Sunnis continued to suffer the brunt of the violence, and religiously extremist rebel groups emerged and gained increasing power, the conflict has displayed ever more sectarian dynamics"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, pp. 8-9. "The opposition, for its part, gradually militarized and radicalized, confirming the worst fears of the Alawis and turned the initial false narrative of the regime [of a 'terrorist' uprising] into a reality"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>.

⁷⁰⁴ "The regime is (...) avowedly secular, and, as such, has enjoyed support from minority communities, including Christians and various other Shiite sects (including Druze and Ismailis), who fear rising Islamist sentiment amongst the country's Arab Sunnis, who comprise perhaps 65 percent of the population"; Fanack, *Syria: Governance & Politics*, last updated 23 February 2021, <https://bit.ly/361JgJy>. "Russian intervention to save the government of President Bashar al-Assad has been cast, in part, as a move to defend Orthodox Christians in Syria and those who remained have generally stood by the regime as a guarantor of minority rights and stability"; Al-Monitor, *Athens Reaches Out to Syria via Greek Orthodox Community*, 20 October 2020, <https://bit.ly/2HvLz67>. "There are some 2 to 2.5 million Alawites in Syria, i.e., 9 to 11% of the population. Even if there have always been among them opponents of the regime, the rise of jihadism and especially the Islamic State Organisation (ISIS) has forced them to support the official power structure. Many of them are involved in the State apparatus and in the Shabiha militias. (...) Like other minorities, a part of the Christian population was involved in the 2011 protests, but the confessional turn taken by the rebellion and the events in Iraq prompted a majority to support the regime again. (...) [The Ismailis'] increasing fear of the Islamists ultimately led them to adopt a neutral stance or even to sympathise with the central government"; Orient XXI, *Syria: Communitarianism as a Combat Strategy*, 1 April 2020, <https://bit.ly/3j59g3q>. "Years of polarizing propaganda by the regime have encouraged minorities to think of self-preservation, presenting a narrative where the regime is fighting a radical Islamist threat bent on eradicating Christians, Druze, Alawites, and others – and the only recourse for those seeking protection is loyalty to Bashar al-Assad." Weiter heißt es: "Christian leadership in Damascus and elsewhere has, on numerous occasions, publicly displayed loyalty and gratitude to Assad. In this way, church leaders have come to play a key part in the regime's propaganda machine regarding the defense of minorities"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, <https://bit.ly/341fgE3>, pp. 8, 11. "(...) a number of minority religious groups, including some Christians, viewed the government as their protector against violent Sunni extremists. (...) Some NGO sources stated that the government tried to mobilize sectarian support by branding itself as a protector of religious minorities from attacks by Sunni extremist groups. Other NGO sources said that some minority religious groups viewed the government as protecting them from violent Sunni extremists. (...) According to observers, the Sunni Islamist character of the opposition continued to drive members of the Christian community to maintain support for the government"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "Most Druze – who are adherents of a secretive, breakaway sect of Islam – have stayed loyal to Mr Assad, fearing that religious minorities would be targeted if he was overthrown"; BBC, *Assad Sacks PM as Economic Crisis Sparks Protests*, 11 June 2020, <https://bbc.in/3cnuerq>. Missionierende Aktivitäten in Gebieten, die unter dem Einfluss pro-iranischer bewaffneter Gruppen stehen, "increased the possibility of armed clashes between Sunnis on the one hand, and Shia and Alawites, perceived as being aligned with Assad, on the other"; Carnegie MEC, *Homs, a Divided Incarnation of Syria's Unresolved Conflict*, 15 May 2020, <https://bit.ly/3iZgWEi>. Siehe auch SOHR, *Iran Continues "Shi'ism" Proselytizing Operations in Southern Syria and Western Euphrates, Recruiting 16,000 Volunteers so Far*, 10 December 2020, <https://bit.ly/3bNaYUt>.

⁷⁰⁵ "The Alawis are most commonly labeled as 'loyalists' of the Assad regime, but interviews I have conducted remotely over the past several months with members of this closed community, as well as with Sunnis who live side by side with them, present a more complex picture. Interviews with Alawis reveal their deep dissatisfaction with the rule of the Assad government, but it is a dissatisfaction tempered by the widespread belief that any threat to the regime and its cronies would inevitably also become a threat to the sect itself"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>.

und Sicherheitsapparat⁷⁰⁶ und die Mobilisierung von Mitgliedern religiöser Minderheiten in den Regierungstruppen und regierungsnahen Truppen haben den Eindruck weiter verstärkt, dass diese Minderheiten die Regierung insgesamt unterstützen.⁷⁰⁷ Einige Parteien des Konflikts, einschließlich ISIS und HTS, haben Mitglieder religiöser und ethnischer Minderheiten absichtlich und gezielt, sowohl aufgrund ihrer Religion, als auch aufgrund ihrer vermeintlich regierungsfreundlichen Haltung angegriffen⁷⁰⁸, was zusätzlich dazu beiträgt, dass die Minderheiten den Schutz der Regierung suchen.⁷⁰⁹ SNA-nahe Gruppen in Nordsyrien haben Kurden und Mitglieder anderer Minderheiten vor allem wegen ihrer vermeintlichen Unterstützung der SDF/YPG⁷¹⁰ und/oder aus religiösen Gründen gezielt angegriffen.⁷¹¹

⁷⁰⁶ Auch wenn es zutrifft, dass herausragende Positionen in der Regierung und beim Militär auch von Sunniten und Mitgliedern religiöser Minderheiten eingenommen werden und Sunniten die Mehrheit der einfachen Soldaten der syrischen Streitkräfte stellen, werden die Schlüsselpositionen des Staatsapparats Berichten zufolge dennoch von Alawiten dominiert, einschließlich des Offizierskorps bei den Streitkräften, der Republikanischen Garde und der Vierten Division; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "While secular on the surface, the Alawite minority to which the Assad family belongs is over-represented at the highest, and most sensitive, levels of the political and security sector"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 8. "The Alawite sect has been mobilized by the regime to participate in battles against the opposition across the country (...). Due to the sectarian and nepotistic nature of the Assad regime, Alawites are often favored for high level positions in the regime and military, in addition to public sector jobs"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, <https://bit.ly/341fgE3>, p. 15. "(...) this predominance of the [Alawite] sect in the military – combined with the atrocities that some fighters perpetrated, at times in front of cameras – have, in the eyes of many Sunni Syrians, tainted all Alawis with guilt by association"; New York Review of Books, *Between Regime and Rebels: A Survey of Syria's Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>.

⁷⁰⁷ In den regierungsnahen bewaffneten Gruppen findet sich ein hoher Anteil religiöser Minderheiten, einschließlich Alawiten, Schiiten, Christen und Drusen. Darüber hinaus hat sich die Regierung in hohem Maß auf schiitische Kämpfer verlassen, die aus Iran, Irak und Afghanistan geschickt wurden, was die interreligiösen Spannungen verschärft hat; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. Beispiel Südwestsyrien: "[T]he regime's strategy of transforming minority communities into sources of militia fighters has not only led to the deaths of thousands of young Alawite and Shi'a men, but also created sectarian tensions between formerly interconnected communities." Weiter heißt es: "The weaponization of Daraa's Shi'a community has pushed many local Syrians to associate the sect's members with Hezbollah or the regime, further dividing the once largely homogenous south-west along sectarian lines"; MEI / Etana, *Manufacturing Division: The Assad Regime and Minorities in South-West Syria*, 11 March 2020, <https://bit.ly/35Y4I0e>, pp. 3, 13. "Due to their close identification with the regime of Syria's President al-Assad, the Alawi face violence no matter an Alawi individual's actual support for the regime"; Victoria Williams, *Indigenous Peoples: An Encyclopedia of Culture, History, and Threats to Survival*, 24 February 2020, p. 62. Siehe auch SOHR, "Shi'ism" *Proselytising Operations Continue in Southern Syria and Western Euphrates Region, Nearly 13,500 Syrians Recruited so Far*, 13 September 2020, <https://bit.ly/3j3M0CG>; Georgetown Journal of International Affairs, *The Weaponization of Minorities in Syria and Beyond*, 9 January 2019, <https://bit.ly/2OPwpsM>.

⁷⁰⁸ "(...) ISIS' violence was particularly focused against minorities such as Christians and Yazidis. Per ISIS' ideology, Yazidis are not 'children of the book' like Christians or members of mainstream Muslim denominations, and so legitimate targets for murder and enslavement, most notably in the Sinjar genocide [in Iraq]. Christians, likewise, were specifically targeted by ISIS as non-Muslims, whose persecution served a dual purpose of sending a message to the Christian West"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 20. "The COI [IICISyria] and numerous independent sources reported nonstate actors, including a number of groups such as ISIS and HTS (...) targeted Shia, Alawite Muslims, Christians, and other religious minorities, as well as other Sunnis, including Kurds, with killings, kidnappings, physical mistreatment, and arrests, resulting in the deaths of thousands of civilians in the areas of the country they controlled since the start of the revolution"; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷⁰⁹ "The extremist ideology of ISIS and some of the other groups fighting against the government has increased Christians' fears about their future place in the country should the government fall, and has driven some to support Assad. The regime itself has also taken advantage of those fears to bolster its own support among minorities. Nevertheless, many Christians are also critical of the regime"; MRGI, *Syria: Christians, Armenians and Assyrians*, letzte Aktualisierung im März 2018, www.refworld.org/docid/49749ca133.html. "In both the IS zone and other rebel areas, however, many minorities and secular Sunnis have fled whenever extremists have sought to impose their rigorous interpretations of Islamic law. (...) Only the Druze of Jabal al-Summaq [Idlib Governorate] remained in rebel territory, but they were forced to convert to Sunni Islam, making them a fragile exception that proves the rule"; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. 24. Mitglieder religiöser und ethnischer Minderheiten, die in den von der Opposition kontrollierten Gebieten leben, waren von den Angriffen der Regierung auf diese Gebiete betroffen, und zahlreiche Kirchen und Klöster sind beschädigt oder zerstört worden. SNHR dokumentierte, dass von 124 Anschlägen auf christliche Gotteshäuser zwischen März 2011 und September 2019 die Mehrzahl (75) der Anschläge, die überwiegend in Homs und Damaskus-Umgebung stattfanden, der Regierung zuzurechnen war. Einige Stätten wurden mehrfach angegriffen. Weitere Anschläge auf christliche Gotteshäuser wurden ISIS (10), HTS (2), anderen Splittergruppen der bewaffneten Opposition (33) und sonstigen Parteien (4) zugerechnet; SNHR, *Targeting Christian Places of Worship in Syria is a Threat to World Heritage*, 5 September 2019, <https://bit.ly/2RfSVfC>, pp. 5-8.

⁷¹⁰ Siehe Kapitel III.A.6.

⁷¹¹ Siehe Kapitel III.A.8.d.

Die Kriegsparteien setzen regelmäßig religiöse Rhetorik ein, um ihre Angriffe gegen gegnerische Parteien und Personen, die als deren Unterstützer angesehen werden, zu rechtfertigen.⁷¹² Durch die Massenvertreibungen⁷¹³, einschließlich absichtlicher Umsiedlungen der Bevölkerung⁷¹⁴ und Beschlagnahmen von Eigentum⁷¹⁵, hat sich die demografische Zusammensetzung Syriens erheblich verändert, und in zuvor religiös durchmischten Gebieten ist eine zunehmende religiöse und ethnische Segregation zu beobachten.⁷¹⁶

Die Lage von Mitgliedern religiöser und ethnischer Minderheiten gestaltet sich je nach Gebiet unterschiedlich und hängt insbesondere davon ab, welche Partei(en) das jeweilige Gebiet kontrollieren, wie Mitglieder anderer religiöser und ethnischer Minderheiten von dieser Partei bzw. diesen Parteien wahrgenommen und beurteilt werden und wie sich die konkreten Auseinandersetzungen in dem betreffenden Gebiet entwickeln.

⁷¹² "Sectarian violence continued due to tensions among religious groups that according to NGO and media sources was exacerbated by government actions, ISIS and al Qaeda-linked Hayat Tahrir al Sham (HTS) targeting of religious groups, and sectarian rhetoric." Weiter heißt es: "International media reports, such as from the Independent, described how ISIS used its media arms to target, demonize, and incite violence against Shia. (...) HTS and other rebel groups also used sectarian language to describe the Kurdish-dominated People's Protection Unit (YPG) and SDF"; USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷¹³ "Prior to the ISIS attacks, some 20,000 Assyrian Christians lived along the Khabur River [Hassakeh Governorate]. Now only an estimated 1,200 remain. Prior to the war, an estimated 100,000 Armenians lived all across Syria. An estimated 70,000 of them have left Syria; approximately 25,000 went to Armenia"; Professor Amy Austin Holmes, U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria, 10 June 2020, <https://bit.ly/2FZLx62>, p. 4. In den Provinzen Dera'a und Suweida "[T]ens of thousands Syrian minorities in the south-west have fled to Damascus or left the country, causing these communities to rapidly decrease in size. Compared to pre-2011 numbers, today there are 31% fewer Christians, 69% fewer Shi'a, and 73% fewer Circassians in this area." Sie sind entweder nach Damaskus gezogen oder ins Ausland geflohen; MEI / Etana, Manufacturing Division: The Assad Regime and Minorities in South-West Syria, 11 March 2020, <https://bit.ly/341fgE3>, p. 5, siehe auch pp. 11-14, 16-17.

⁷¹⁴ "The Syrian government, Kurdish forces, and Islamist and jihadist groups have all sought to alter the ethnic composition of their territories, forcing civilians of all backgrounds to seek safety among their respective religious or ethnic groups and contributing to the demographic shifts wrought by the civil war. (...) Sunni Islamist and jihadist groups often persecute religious minorities and Muslims they deem impious. Kurdish militias have been accused of displacing Arab and Turkmen communities in the context of their fight against the IS"; Freedom House, Freedom in the World 2020: Syria, March 2020, www.ecoi.net/en/document/2030806.html. "Syria's sectarian distribution has also been modified by ethnic cleansing in different areas, whether under the aegis of the regime, the rebels, the Islamic State, or the Kurds"; Washington Institute for Near East Policy, Sectarianism in Syria's Civil War, 2018, www.ecoi.net/en/document/2026613.html, p. xv. Siehe auch, SADC, Demographic Change: The Ultimate Goal of the Syrian Regime's Policy of Forced Displacement, November 2020, <https://bit.ly/3kA55Ou>.

⁷¹⁵ "The COI [I/CISyria], SNHR, and human rights activists reported government-affiliated forces and militias continued to seize the homes of Sunnis with the explicit intention of permanently displacing these individuals and thus altering the demographics of areas held by the government. Analysts said this was evidenced by population shifts in Homs"; USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html. Siehe auch Kapitel II.D.3 und III.A.1.d.

⁷¹⁶ "Syria's religious and ethnic composition has also influenced displacement patterns in the country's conflict. When the war broke out, Alawites and other minorities fled for protection and assistance to coastal areas where their communities were already established. Religious and ethnic affiliations also determined whether people fled internally or across borders. Unlike the Sunnis and Alawites, Christians did not have community or tribal ties that might provide refuge, making them more likely to flee abroad than move to displacement camps. Nearly half of Syria's Christians did so between 2011 and 2015"; IDMC, A Decade of Displacement in the Middle East and North Africa, 15 February 2021, <https://bit.ly/3blk1Gp>, p. 23. In der Provinz Homs: "Christian families from the mixed Waer neighborhood, instead of returning to their original homes, are resettling with other minorities, consolidating demographic changes"; Carnegie MEC, Homs, a Divided Incarnation of Syria's Unresolved Conflict, 15 May 2020, <https://bit.ly/3iZgWEi>. "Once religiously diverse neighborhoods, towns, and villages were increasingly segregated between majority Sunni neighborhoods and communities that comprised religious minority groups as displaced members of religious groups relocated, seeking greater security and safety by living with coreligionists"; USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html. "Assad's cynical mobilization of communal anxieties amid the growing influence of extremist elements within the Syrian opposition forces has resulted in an increasingly sectarian landscape – accelerated, too, by the displacement of minorities by militant groups in areas under their control. As a result, the country's demographics have been redrawn, with its religious minorities concentrated in the government-held areas of central and southern Syria, while in the north the population is now largely Sunni"; MRGI, Syria: Current Issues, letzte Aktualisierung im Juni 2019, <https://bit.ly/2S0bTYa>. "True sectarian coexistence is limited, and ethnic homogenization is under way in many areas. The regime zone is heavily mixed on the whole, and is home to a Sunni majority, but individual areas within it are being increasingly segregated. And on the most basic neighborhood/village level, sectarian mixing is almost entirely absent except in areas belonging to economic and political elites. Large cities remain mixed, but communication between residents from different sects is low, and sectarian districts are often barricaded for fear of attacks from other communities (apart from the heavily secured Damascus city center)"; Washington Institute for Near East Policy, Sectarianism in Syria's Civil War, 2018, www.ecoi.net/en/document/2026613.html, p. 26. Siehe auch Orient XXI, Syria: Communitarianism as a Combat Strategy, 1 April 2020, <https://bit.ly/3j59g3q>.

a) Umgang mit Mitgliedern religiöser und ethnischer Minderheiten in Gebieten, die von der Regierung kontrolliert werden

Syrien hat keine offizielle Staatsreligion, doch schreibt die Verfassung vor, dass der Präsident dem Islam angehört und das islamische Recht eine wichtige Quelle der Gesetzgebung ist.⁷¹⁷ Insgesamt wurden die verfassungsmäßigen Garantien für die Religionsfreiheit in Bezug auf die anerkannten religiösen Minderheiten eingehalten, und diese können im Allgemeinen ihre Religion frei ausüben und an der Gesellschaft teilnehmen.⁷¹⁸ Die United States Commission on International Religious Freedom (USCIRF) hat jedoch davor gewarnt, dass verfassungsmäßige und gesetzliche Garantien zum Schutz der Rechte religiöser Minderheiten in den von der Regierung kontrollierten Gebieten aufgrund „eines Zusammenbruchs der öffentlichen Ordnung, durch den Milizen, die häufig eine bestimmte religiöse Gruppe vertreten, eine dominante Position erhalten“ möglicherweise nicht durchgehend gewahrt werden können.⁷¹⁹ Mitglieder von Minderheiten zählten ebenfalls zu den Personen, die aufgrund ihrer tatsächlichen oder vermeintlichen regierungskritischen Haltung willkürlich verhaftet wurden.⁷²⁰

Religiöse Aktivitäten werden sehr genau beobachtet, und alle Handlungen, die „Spannungen zwischen den religiösen Gemeinschaften verursachen“, sind verboten.⁷²¹ Die Mitgliedschaft in der Muslimbruderschaft oder „salafistischen“ Organisationen ist gesetzlich verboten. Die Zugehörigkeit zur Muslimbruderschaft kann mit Gefängnis- oder Todesstrafe geahndet werden.⁷²² Die Zeugen Jehovas sind seit 1964 verboten, da sie nach Auffassung der Regierung Teil einer „zionistischen Organisation“ sind.⁷²³

1962 wurde Hunderttausenden von Kurden (einschließlich Jesiden⁷²⁴) in der Provinz Hassakeh infolge einer außerordentlichen Volkszählung, die durch das Dekret Nr. 93 von 1962 angeordnet worden war, die syrische Staatsangehörigkeit entzogen, und sie wurden fortan als *ajanib* oder *maktoumeen* bezeichnet.⁷²⁵ Seitdem mussten Personen, die diesen zwei Kategorien angehören, schwere

⁷¹⁷ USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷¹⁸ Der Islam, das Christentum und das Judentum werden von der Regierung offiziell anerkannt. Im Pass und in den nationalen Identitätsausweisen ist die Religion nicht vermerkt (außer für Juden). Für Personenstandsangelegenheiten müssen sich alle syrischen Staatsbürger zumindest auf dem Papier zu einer der offiziell anerkannten Religionen bekennen. Gerichte, die über Personenstandsangelegenheiten entscheiden, sind Scharia-Gerichte für sunnitische und schiitische Muslime sowie für Angelegenheiten zwischen Muslimen und Nicht-Muslimen, *Madhhabi*-Gerichte für Drusen und *Ruhî*-Gerichte für Christen und Juden; Humanists International, *Freedom of Thought Report: Syria*, letzte Aktualisierung am 25. September 2020, <https://bit.ly/33yOO4I>; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; International Bridges to Justice, *Syria Criminal Defender Manual*, 2019, <https://bit.ly/32VVqdN>, pp. 12-14. Jesiden werden von der Regierung nicht als Religionsgemeinschaft anerkannt und gelten als „Muslime“. Deshalb „unterlagen sie den islamischen Scharia-Gerichten in Bezug auf Ehe-, Scheidungs- und Erbrecht – obwohl Jesiden keine Muslime sind“; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 4.

⁷¹⁹ USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷²⁰ Beispielsweise wurden laut SNHR seit 2014 ungefähr 450 Christen einschließlich 28 Frauen in Gebieten festgenommen, die von der Regierung kontrolliert werden. Ende 2019 waren 165 der festgenommenen Personen freigelassen worden; Syria Direct, *Syrian Christians: Exploited or Protected Minority?*, 22 December 2019, <https://bit.ly/2ZGvxN0>. Siehe auch Kapitel III.A.1.

⁷²¹ „According to human rights groups and religious communities, the government continued to monitor and control sermons and to close mosques between prayers. It also continued to monitor and limit the activities of all religious groups, including scrutinizing their fundraising and discouraging proselytizing“; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷²² Die Regierung hat nicht definiert, welche Gruppen als „Salafisten“ gelten; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷²³ Ebenda.

⁷²⁴ “[I]n 1962, about 60 percent of the Yazidis became stateless after the Syrian Government stripped residency rights from around 120,000 Kurds through Emergency Law no. 93“; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 14. „In prior decades many Yezidis had been stripped of their Syrian citizenship and had been rendered either as foreigners in their own country (*ajanib*) or entirely stateless (*maktum*)“; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 14.

⁷²⁵ Im Rahmen des Plans, einen sogenannten „arabischen Gürtel“ entlang der Grenze zur Türkei zu errichten, wurde schätzungsweise 120.000 syrischen Kurden nach einer außerordentlichen Volkszählung, die durch das Dekret Nr. 93 von 1962 angeordnet worden war, die syrische Staatsangehörigkeit entzogen. Die Volkszählung wurde damit begründet, dass „fremde Eindringlinge“ identifiziert werden sollten, die aus der Türkei nach Syrien gelangt waren. Kurden, die an der innerhalb von einem

Beschränkungen ihres Zugangs zu Rechten und Dienstleistungen hinnehmen.⁷²⁶ Im April 2011 wurde das Problem der Staatenlosigkeit von Kurden zum Teil durch das Präsidialdekret Nr. 49 angegangen. Das Dekret sieht vor, dass staatenlose Kurden, die in der Provinz Hassakeh als *ajanib* registriert sind, die syrische Staatsangehörigkeit beantragen können.⁷²⁷ UNHCR liegen Informationen vor, denen zufolge das Dekret weiterhin in Kraft ist und der Antrag auf Erteilung der Staatsangehörigkeit keiner Frist unterliegt.⁷²⁸ Berichten zufolge müssen die Anträge auf Erteilung der Staatsangehörigkeit persönlich in Syrien (konkret: Hassakeh) gestellt werden, was insbesondere für Vertriebene außerhalb von Syrien ein Hindernis darstellt.⁷²⁹ Darüber hinaus ist die Wehrpflicht laut Berichten ein wichtiger Hinderungsgrund, der staatenlose kurdische Männer davon abhält, die Staatsangehörigkeit zu beantragen.⁷³⁰

Seit Mitte 2012 steht die Provinz Hassakeh weitgehend unter der faktischen Kontrolle der AANES, die nicht zwischen syrischen Kurden, *ajanib* und *maktoumeen* unterscheidet; dennoch ist die

Tag durchgeführten Volkszählung teilnahmen und nicht beweisen konnten, dass sie seit 1945 in Syrien gelebt hatten, wurden als *Ajanib* (Ausländer) bezeichnet, während Kurden, die nicht an der Volkszählung teilnahmen oder deren Geburt, aus welchem Grund auch immer, nicht registriert worden war, als *Maktoumeen* (nicht registriert) bezeichnet wurden. Im Jahr 2010 hatte die Zahl der der staatenlosen kurdischen Bevölkerung in Syrien ungefähr 300.000 erreicht; European Network on Statelessness (ENS) / Institute on Statelessness and Inclusion (ISI), *Statelessness in Syria: Country Position Paper*, August 2019, www.ecoi.net/de/dokument/2021269.html, pp. 13-15; Syria Direct, 'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship, 18 October 2018, <https://bit.ly/2S5huMP>; International Legal Assistance Consortium (ILAC), *ILAC Rule of Law Assessment Report: Syria 2017*, April 2017, <https://bit.ly/2G6gVjx>, pp. 106-107; 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, p. 2.

⁷²⁶ "The human rights situation for *Ajanib* and *Maktoumeen* has long been precarious, with limited or irregular access to 'education, health care, livelihoods, travel, property ownership, judicial and political systems, and registration of businesses, marriages, and children.' This limited access to education is likely to have resulted in substantially lower education levels. There have been reports that *Maktoumeen* are unable to attend school beyond grade nine. Stateless Kurds do not enjoy the same rights as Syrian citizens, such as the right to vote, run for public office, the right to own property and the right to have marriages registered"; ENS / ISI, *Statelessness in Syria: Country Position Paper*, August 2019, www.ecoi.net/de/dokument/2021269.html, p. 16. *Maktoumeen* haben noch weniger Rechte als *Ajanib*, beispielsweise brauchen sie sogar eine Sicherheitserlaubnis, um innerhalb von Syrien reisen zu dürfen; ISI, *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*, January 2019, <https://bit.ly/3jaD0vr>, p. 9. "It is through these citizenship categories that the Assad regime was able to carry out repressive measures aimed at marginalizing the Kurdish population economically, politically and socially. Harsh restrictions on employment, a lack of access to financial loans and assistance as well as the expropriation of Kurdish land were all measures implemented by the regime"; KAS, *The Syrian Kurds and the Assad Regime*, September 2017, <https://bit.ly/2GkOFJW>, p. 5. Siehe auch Syria Direct, 'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship, 18 October 2018, <https://bit.ly/2S5huMP>.

⁷²⁷ Laut einer inoffiziellen Übersetzung des Dekrets 49 von 2011 („Verleihung der syrisch-arabischen Staatsangehörigkeit an Personen, die in al-Hasakah als *Ajanib* registriert sind“) bestimmt Artikel 1: „Personen, die in der Provinz al-Hasakah als *Ajanib* registriert sind, wird die syrische Staatsangehörigkeit verliehen“; Dekret Nr. 49 von 2011, abrufbar auf Arabisch auf der Website des syrischen Parlaments unter <https://bit.ly/3icsa79>. Zwar sind keine genauen statistischen Daten verfügbar, doch wird geschätzt, dass mindestens 69.000 staatenlosen Kurden infolge der Umsetzung des Dekrets Nr. 49 von 2011 die Staatsangehörigkeit verliehen wurde, sodass sich die Zahl der staatenlosen Kurden in Syrien auf etwa 160.000 verringerte. Da das Dekret weiterhin in Kraft ist, könnte sich die Zahl der staatenlosen Kurden im Land weiter reduzieren. In diesem Zusammenhang ist zu beachten, dass einige staatenlose Kurden das Land verlassen haben werden, wodurch sich die Zahl der Staatenlosen im Land ebenfalls reduziert; UNHCR information, December 2020. *Maktoumeen* werden im Dekret Nr. 49 nicht genannt und können daher keine Staatsangehörigkeit beantragen. "The *maktoumeen*, whose number is estimated by STJ to over 45,000 persons, remain stateless"; STJ, *Racial Discrimination in the Syrian Constitution*, 1 December 2020, <https://bit.ly/2WankP1>. Siehe auch STJ, *Racial Discrimination in the Syrian Constitution*, 1 December 2020, <http://bit.ly/2MBjOvX>; Thomas McGee and Zahra Albarazi, *Eight Years of Displacement: Syria's Statelessness Still Unidentified*, in *Oxford Monitor of Forced Migration*, Vol. 8(2), January 2020, <https://bit.ly/3je5iFi>, pp. 39-40.

⁷²⁸ UNHCR information, December 2020.

⁷²⁹ Anträge sind beim Direktorat für zivile Angelegenheiten in der Provinz Hassakeh einzureichen. Die Anträge der gesamten (Kern-)Familie werden gebündelt in einem Antragsformular entgegengenommen. Ergeht ein positiver Bescheid, erhalten die Antragsteller normalerweise innerhalb von drei Monaten einen Identitätsausweis. Den Behörden zufolge können *Ajanib* sowohl individuell als auch als Familie die Staatsangehörigkeit beantragen; UNHCR information, December 2020. Anderen Berichten ist jedoch zu entnehmen, dass Mitglieder derselben Familie einen gemeinsamen Antrag stellen müssen und Familienangehörige, die zunächst nicht in einem Antrag genannt waren, zu einem späteren Zeitpunkt Schwierigkeiten mit der Antragstellung haben können. "Especially the requirement for families to apply collectively and in person is a challenge as many families have been spread and many have left the country since 2011"; Danish National ID Centre, *Stateless Kurds in Syria: Maktoumin and Ajanib*, 16 January 2019, <https://bit.ly/3mY1XwG>, p. 5. "Secondly, it has been seen as necessary for people to apply collectively with their whole family otherwise individuals who were left out have found it difficult to apply afterwards"; Tilburg University, *The Stateless Syrians*, May 2013, www.refworld.org/pdfid/52a983124.pdf, p. 19. Auch finanzielle Mittellosigkeit wurde von manchen Personen als Hindernis gemeldet; UNHCR, *Lacking a Nationality, Some Refugees from Syria Face Acute Risks*, 20 December 2013, <https://bit.ly/2Gkp9o8>.

⁷³⁰ UNHCR information, December 2020. Siehe auch Danish National ID Centre, *Stateless Kurds in Syria: Maktoumin and Ajanib*, 16 January 2019, <https://bit.ly/3mY1XwG>, p. 5.

Rechtsstellung vieler *ajanib* und der *maktoumeen* bis heute ungeklärt.⁷³¹ Zudem sieht das Dekret Nr. 49 von 2011 weder Restitution noch Schadensersatz für die Enteignungen vor, die aufgrund des Verlusts der Staatsangehörigkeit 1962 vorgenommen wurden.⁷³²

Angriffe durch ISIS sind zurückgegangen, nachdem ISIS die territoriale Kontrolle verloren hat; allerdings wurde ISIS für mehrere aufsehenerregende Angriffe auf religiöse Minderheiten in den letzten Jahren verantwortlich gemacht, einschließlich eines Selbstmordanschlags vor einer christlichen Kirche in dem von der Regierung kontrollierten Teil der Stadt Qamishli (Provinz Hassakeh) im Juli 2019⁷³³ und der Massentötungen und -entführungen von Mitgliedern der drusischen Gemeinde in der Provinz Suweida im Juli 2018.⁷³⁴ Die anhaltende Unsicherheit und die angespannte Atmosphäre innerhalb der Gemeinden⁷³⁵, insbesondere in den zurückeroberten Gebieten, haben Berichten zufolge Auswirkungen

⁷³¹ *"This Administration [AANES] does not distinguish between Kurds who are citizens, Ajanib or Maktumeen in their day-to-day treatment and stateless Kurds are among those employed in the Administration. However, this does not change their status under the national level framework. Maktumeen (and non-naturalised Ajanib) remain in a precarious position, without citizenship. Although they have access to these various services, they do still face serious obstacles due to their stateless status, especially those who have been displaced into Syrian Government-controlled territory or abroad"; ENS / ISI, Statelessness in Syria: Country Position Paper, August 2019, www.ecoi.net/de/dokument/2021269.html, p. 16. "According to officials and residents who spoke to Syria Direct, ajanib and maktoumeen have equal access to the services and institutions run by the Self-Administration [AANES] – while those managed by the Syrian government remain restricted, just as they were before the war." Beispielsweise können Ajanib und Maktoumeen weiterhin keine von der Regierung ausgestellten Identitätsausweise, Pässe oder sonstigen Ausweisdokumente erhalten; Syria Direct, 'Shadow of a Human': Syria's Stateless Kurds Navigate Shifting Authorities Decades after Losing Citizenship, 18 October 2018, <https://bit.ly/2S5huMP>. Laut Thomas McGee, einem Experten für Staatenlosigkeit in Syrien, haben staatenlose Kurden auch "(...) have less freedom of movement to travel within, and to leave Syria, and are more likely to be stopped at checkpoints and potentially detained." Weiter heißt es: "While the Kurdish authorities in Syria have made school open to stateless Kurdish children, they would likely face difficulties in getting education certificates (school and university) recognized by Damascus"; Kurdistan 24, Thousands of Syrian Kurds Continue to Suffer from Statelessness, 13 September 2018, <https://bit.ly/349LMUG>. Staatenlose Kurden in Gebieten, die von der AANES kontrolliert werden, unterliegen auch dem Pflichtwehrdienst gemäß dem „Selbstverteidigungsgesetz“, das „Rekruten“ wie folgt definiert: "[A]nyone who has reached the legal age to perform the 'Self-Defense Duty'; the residents of North and East Syria, or those from outside the region who have lived there for more than five years, who are holders of Syrian nationality, or foreigners with no registration"; RIC, Translation: Law Concerning Military Service in North and East Syria, Aktualisierung am 22. Juni 2019, <https://bit.ly/3flnEm2>. Siehe auch Kapitel II.E.2 und III.A.4.*

⁷³² *"The Kurds are the second largest ethnic group in Syria after Arabs and have been singled out for discrimination based on their linguistic and cultural identity through expropriation of property and the Arabization of their areas via demographic engineering"; PAX / Impunity Watch, Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria, March 2020, <https://bit.ly/3jkWQoi>, p. 5. "One of the main criticisms of the 2011 Decree 49 was that, not being retroactive, it offered no compensation for the stripping of ownership or land rights as a consequence of the loss of nationality in 1962"; Tilburg University / Statelessness Programme, The Stateless Syrians, May 2013, www.refworld.org/pdfid/52a983124.pdf, p. 24. "As foreigners and unregistered Kurds, many faced discrimination and ineligibility for government land reform programs, and as a result, Kurdish land was forcibly taken and redistributed to Arab settlers. Overall, it is estimated that the regime expropriated around six million acres of land from Kurdish landowners as a part of this policy"; KAS, The Syrian Kurds and the Assad Regime, September 2017, <https://bit.ly/2GkOFJW>, p. 5. Siehe auch, Habitat International Coalition / Housing and Land Rights Network, Systematic Housing and Land Rights Violations Against Syrian Kurds, NGO Submission to the UN Human Rights Council, Universal Periodic Review of Syrian Arab Republic 12th Session of the UPR Working Group, 3 - 14 October 2011, <https://bit.ly/3n3dTxk>.*

⁷³³ *VOA, Syrian Christians Targeted Again by Islamic State, 12 July 2019, <https://bit.ly/3iv8wUR>; The Defense Post, Syria: Bomb Explodes Outside Church in Qamishli Christian Neighbourhood, 11 July 2019, <https://bit.ly/2ku12bS>.*

⁷³⁴ *Am 25. Juli 2018 führte ISIS gleichzeitig mehrere Offensiven in der Provinz Suweida durch, bei denen mindestens 200 Personen – überwiegend drusischen Glaubens – getötet und weitere Menschen entführt wurden. Zwei Geiseln wurden von ISIS hingerichtet. Die übrigen Geiseln wurden Berichten zufolge im November 2018 freigelassen; HRW, World Report 2019: Syria, 17 January 2019, www.ecoi.net/de/dokument/2002172.html; Asharq Al-Awsat, Joy and Grief as Freed Hostages Return to Syria's Sweida, 10 November 2018, <https://bit.ly/3285eOt>.*

⁷³⁵ *Ein Beispiel: "Homs was arguably Syria's most diverse governorate, with Alawites, Shia, Christians, and Sunnis living side by side. Yet it is difficult to imagine them coexisting again. The bloody attacks against Houleh, Talkalakh, and Baba Amr are etched in the memories of Sunnis, particularly the participation of Alawite and Christian militias (...) Homsis will now routinely attribute sect to whether or not an individual is an Assad loyalist"; Carnegie MEC, Homs, a Divided Incarnation of Syria's Unresolved Conflict, 15 May 2020, <https://bit.ly/3iZgWEi>.*

auf die Minderheiten und halten sie von einer Rückkehr ab.⁷³⁶ In einigen Fällen wird die Rückkehr auch dadurch verhindert, dass Eigentum konfisziert wurde.⁷³⁷

Die von HTS und anderen bewaffneten oppositionellen Gruppen verübten willkürlichen Raketen- und Mörserangriffe auf Mitglieder religiöser Minderheiten, die in Frontnähe leben und denen eine „regierungstreue“ Haltung vorgeworfen wird, sind aufgrund des Gebietsverlusts und der reduzierten Möglichkeiten dieser Gruppen selten geworden.⁷³⁸

b) Umgang mit Mitgliedern religiöser und ethnischer Minderheiten in Gebieten, die *de facto* von den SDF kontrolliert werden

Religiöse und ethnische Minderheiten sind in der Selbstverwaltung und den SDF vertreten⁷³⁹, doch werden die politischen und Sicherheitsangelegenheiten Berichten zufolge von den YPG dominiert.⁷⁴⁰ Grundsätzlich respektieren die örtlichen Behörden die religiösen, kulturellen und linguistischen Rechte religiöser und ethnischer Minderheiten, die durch den Gesellschaftsvertrag gewährt werden, den die AANES 2014 verabschiedet hat.⁷⁴¹ Es wurde jedoch von einigen Spannungen im Zusammenhang mit

⁷³⁶ Beispielsweise im Süden der Provinz Suweida: “[A]fter rebel-regime reconciliation in Daraa in 2018, some [Druze] residents returned home to Borid, and the local primary school was reopened. Fewer regime forces were stationed in the village. However, extensive damage, lack of services and cut-offs of water and electricity deterred many residents from returning”; Syria Report, Residents Displaced Again from Flashpoint Suweida Village near Former Rebel Stronghold, 7 October 2020, <https://bit.ly/2TIsBBY>. “Despite efforts by Russia, only 600 Christians have returned to their homes in the south-west following the July 2018 settlement deal – a fraction of the number displaced – and comparably small numbers of other minorities have returned as well. Proposals to return displaced Shi’a and Alawite communities to former opposition territory in Daraa have also been rejected by local authorities, citing concerns about Hezbollah and Iranian militias infiltration. Although the return of Syrian Christians to their homes and the rebuilding of their churches is a centerpiece of Moscow’s propaganda campaign, Russia has seen little success in the south-west.” Weiter heißt es: “Even in the absence of logistical and political barriers, the prospect of returning to their former communities is unpalatable for many displaced minorities. Growing instability in the south-west, along with economic stagnation, prevents the return of Christians, Druze, and Circassians to their homes. Valid concerns among former opposition authorities about Hezbollah and regime intelligence infiltration of Alawite and Shi’a communities – which have been heavily targeted for recruitment by these groups – also present a significant hurdle”; MEI / Etana, Manufacturing Division: The Assad Regime and Minorities in South-West Syria, 11 March 2020, <https://bit.ly/35Y4I0e>, pp. 5, 19, siehe auch pp. 8, 11-12, 14-16. Für Sicherheitszwischenfälle, die Angehörige von Minderheiten in Südsyrien betreffen, siehe z. B. SOHR, Kidnappings in Daraa: Communication Lost with Christian Young Woman in Izra’a, 19 June 2020, <https://bit.ly/3cBL3PN>; SOHR, Security Vacuum in Daraa: Unknown Assailants Assassinate Shiite Old Man in Western Countryside, 21 May 2020, <https://bit.ly/36dupVw>; SOHR, A Few Hours after the Assassination of One of the Most Prominent Promoters of “Shiism” in the Southern Area, Unidentified Gunmen Kill a “Shiite” Person in Daraa Countryside, 11 June 2019, <https://bit.ly/36duHf4>. Siehe auch Kapitel II.B.1.b.

⁷³⁷ “In many former Christian predominant areas [in the South-West], displaced Syrians or local residents have taken possession of Christian homes left abandoned for more than half a decade, and securing these homes requires either evicting those who now reside inside them or negotiating with landlords who have taken control of these properties”; MEI / Etana, Manufacturing Division: The Assad Regime and Minorities in South-West Syria, 11 March 2020, <https://bit.ly/341fgE3>, pp. 12, 17. Anfang Mai 2020 meldete SOHR, dass etliche christliche Familien in das Dorf Kharba im ländlichen Westen der Provinz Suweida zurückgekehrt sind, nachdem die Bewohner ihrer Häuser unter russischer Federführung evakuiert wurden; SOHR, Tens of Christian Families Return to Their Village after Six Years of Displacement, under Agreements with Russian-Backed Factions, 3 May 2020, <https://bit.ly/369kosg>.

⁷³⁸ Siehe Kapitel III.A.3.

⁷³⁹ Wilson Center, Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG, July 2020, <https://bit.ly/2E9AcQ6>, p. 6.

⁷⁴⁰ “In the Kurdish areas, the PYD is dominant. While paying lip-service to integrating Arab representatives in Raqqa and Deir ez-Zor, the dominance of PYD in decision-making is evident”; Bertelsmann Stiftung, BTI 2020 Country Report: Syria, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 10. “USCENTCOM reported that the SDF and SDC made ‘great strides’ toward incorporating Arab military and civil leaders, as well as Syriac Christians, into military and political deliberations. However, the DIA reported that Kurdish elements of the SDF, the People’s Protection Units (YPG), maintain control over leadership and decision-making positions within the SDF and SDC-led institutions, demonstrating an ‘unwillingness to share power with Arabs, even in the Arab-majority regions of the northeast where Arab fighters probably represent a majority of the SDF’s front line forces’”; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, Quarterly Report to the United States Congress: 1 January 1, 2020 - March 31, 2020, 13 May 2020, <https://bit.ly/2Y62Skk>, p. 6. Für eine Übersicht zu syrischen, assyrischen, armenischen und jesidischen Selbstverteidigungseinheiten, die überwiegend unter dem Dach der SDF organisiert sind, siehe RIC, After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria, September 2020, <https://bit.ly/3mWJfWc>, pp. 39-43.

⁷⁴¹ In der Präambel zum Gesellschaftsvertrag von 2016 für die Demokratische Föderation Nordsyrien erkennt die AANES “Kurds, Arabs, Syriacs, Assyrians, Turkmen, Armenians, Chechens, Circassians, Muslims, Christians, Yezidis, and the different doctrines and sects” als Teil der “peoples of Rojava-northern Syria” an; The Social Contract for the Democratic Federation of Northern Syria, 29 December 2016, <https://bit.ly/33W7smC>. “The AANES enshrines religious and ethnic minorities’ right to practice their culture and beliefs freely, openly and autonomously as a fundamental aspect of its political project. This aim has to some extent been realized, though in some instances minority groups have also experienced disagreements with the AANES”; RIC, After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria, September 2020, <https://bit.ly/3mWJfWc>, p. 3. Siehe auch Wilson Center, Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG, July 2020, <https://bit.ly/2E9AcQ6>, p. 6; Bertelsmann Stiftung, BTI 2020 Country Report: Syria, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 32.

dem von der AANES neu eingeführten Schulcurriculum berichtet, welches das staatlich anerkannte Curriculum ersetzt.⁷⁴² In faktisch von der AANES kontrollierten Gebieten werden Araber manchmal aufgrund ihrer arabischen Volkszugehörigkeit und ihrer vermeintlichen Verbindung oder Kollaboration mit der SNA oder ISIS ins Visier genommen.⁷⁴³

ISIS war während seiner Herrschaft für die Vertreibung vieler Angehöriger religiöser Minderheiten in Nordostsyrien verantwortlich.⁷⁴⁴ Trotz des Gebietsverlusts greift ISIS weiterhin Mitglieder religiöser und ethnischer Minderheiten in Gebieten an, in denen ISIS weiterhin präsent ist oder Einfluss nehmen kann, einschließlich im Nordosten. Zu den angegriffenen Personen gehören ethnische Kurden und andere Mitglieder von Minderheiten, vor allem Mitglieder der SDF, und die Angriffe sind entweder politisch (vermeintliche Unterstützung der SDF/AANES) und/oder ethnisch oder religiös motiviert (Anhänger religiöser und ethnischer Minderheiten werden von ISIS als „Ungläubige“ angesehen).⁷⁴⁵ ISIS hat sich für die Ermordung eines armenischen katholischen Priesters und seines Vaters am 11. November 2019 sowie für mehrere Explosionen von Autobomben am gleichen Tag in der Stadt Qamishli, die u. a. auf eine armenische Kirche abzielten, verantwortlich erklärt.⁷⁴⁶

Darüber hinaus wurden Christen in der Provinz Hassakeh von der „Operation Friedensquelle“ erfasst und viele wurden vertrieben.⁷⁴⁷ Während des Artilleriebeschusses der Stadt Qamishli wurde am

⁷⁴² Berichten zufolge würden manche sich lieber nach dem staatlich anerkannten Curriculum richten, während andere sich kritisch über die in ihren Augen stattfindende ideologische Indoktrinierung durch die von den YPG dominierte AANES äußern. 2018 wurden etliche assyrische und armenische Privatschulen vorübergehend geschlossen, da sie sich weigerten, das AANES-Curriculum anzuwenden; STJ, *Autonomous Administration Closes Schools Run by Christians*, 10 September 2018, <https://bit.ly/3mSVZgp>; Reuters, *No Turning Back: Syrian Kurds Reshape Region with Books and Schools*, 6 May 2019, <https://reut.rs/3mUiwvti>; AFP, *Kurds, Christians Split over Syria School Curriculum*, 12 September 2018, <https://bit.ly/3mVbrZo>.

⁷⁴³ Siehe Kapitel III.A.4.

⁷⁴⁴ „ISIS’ arrival in or near to Christian-populated regions in North and East Syria led to a large-scale emigration of Christians, and a subsequent decrease in their numbers. According to research published by the Syriac Strategic Research Center, whereas the Christian population east of the Euphrates was about 300,000 prior to ISIS’ invasion, it is now only around 100,000“; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 20. Beispielsweise sind die meisten Assyrer aus dem Khabur-Tal (Provinz Hassakeh) im Februar 2015 geflohen, als ISIS in ihre Dörfer einfiel und über 250 Assyrer entführte, einschließlich vieler Frauen und Kinder, um sie später gegen Lösegeld wieder freizulassen. Bis Anfang 2020 waren die meisten Assyrer aus Furcht vor einem Wiedererstehen von ISIS und der erneuten Unsicherheit durch die „Operation Friedensquelle“ nicht in ihre Dörfer zurückgekehrt; DW, *War in Syria Drives Out Christian Community*, 18 January 2020, <https://bit.ly/2ZnMU5f>; MRGI, *Syria: Christians, Armenians and Assyrians*, letzte Aktualisierung im März 2018, www.refworld.org/docid/49749ca133.html. „The number of the Assyrians of Khabour area and Tel Tamr before the Syrian crisis was around 15,000, but now it is limited to only 1,000“; North Press Agency, *Assyrians Recall ISIS Attack on Villages in Syria’s Tel Tamr*, 22 February 2021, <http://bit.ly/3qYv70a>. Anfang 2020 hielten sich laut Schätzungen nur noch die Hälfte der 5.000 armenischen Katholiken in der Stadt Qamishli auf; NPR, *It’s a Dangerous Time for Christians in Northeastern Syria*, 12 February 2020, <https://n.pr/2ZAgYdW>. Berichten zufolge war Ende 2019 nur eine armenisch-christliche Familie in der Stadt Raqqa geblieben, der ehemaligen Hauptstadt von ISIS; The National, *Syria’s Armenians Are under Assault yet Again*, 26 December 2019, <https://bit.ly/3c2GE7S>.

⁷⁴⁵ Siehe z. B. SOHR, *ISIS Resurgence: Cells Continue Attacks in SDF-Controlled Areas, Threatening to Slaughter “Infidels”*, 15 June 2020, <https://bit.ly/3j7tVDZ>; Kurdistan 24, *ISIS Exploits Security Vacuum amid Turkish Incursion, Attacks Syrian Kurds*, 10 October 2019, <https://bit.ly/2GH28f5>; Kurdistan 24, *ISIS Allegedly Spreads ‘Death List’ for Civilians Working with US-Backed Forces*, 10 September 2020, <https://bit.ly/36GSjO>.

⁷⁴⁶ Berichten zufolge bekannte sich ISIS am 11. November 2019 zur Tötung des Pfarrers der armenisch-katholischen Gemeinde in Qamishli, als dieser mit seinem – ebenfalls getöteten Vater – im Auto die Straße zwischen Hassakeh und Deir Ez-Zour befuhr; Rudaw, *ISIS Claims Responsibility for Murder of Armenian Priest and His Father in NE Syria*, 11 November 2019, <https://bit.ly/2Qbfh2E>. „On the same day as Father Hovsep’s assassination [on 11 November 2019], there were two car bombings in the city of Qamishli, the de-facto capital of the Kurdish-led Autonomous Administration of North and East Syria (AA). The bombings targeted churches, shops and hotels owned by local Syriac, Chaldean and Armenian Christians, according to the Democratic Union Party (PYD)“; Syria Direct, *Syrian Christians: Exploited or Protected Minority?*, 22 December 2019, <https://bit.ly/2ZGvxN0>. Siehe auch France24 (video), *Christians in Northeast Syria Living in Fear as Turkish Forces, IS Group Active in Region*, 7 February 2020, <https://bit.ly/35D1kCw>; AFP, *Bombings Kill Six Civilians in Syria’s Main Kurdish City*, 11 November 2019, <https://bit.ly/32wGdzV>; Public Radio of Armenia, *Bomb Detonates near Armenian Catholic Church in Qamishli, Casualties Reported*, 11 November 2019, <https://bit.ly/2RuEx3i>. Siehe auch Fußnote 732.

⁷⁴⁷ „When Turkey launched Operation Peace Spring in October 2019 against the Syrian Kurdish-led groups (...) civilians escaping Tell Tamer scattered across Hasakah. Now that the operation is over, they are trying to return to their homes, but they are discouraged by the artillery fire and the recent clashes have allegedly led to new displacements from some villages“; Al-Monitor, *Battles Rage in Syria Despite Coronavirus Cease-Fires*, 13 April 2020, <https://bit.ly/3c4EDZ6>. Viele Armenier und Assyrer, die

9. Oktober 2019 Berichten zufolge die Shallah-Moschee durch Granaten beschädigt, die in der Nähe der assyrischen Kirche St. Georg landeten.⁷⁴⁸ Insbesondere im überwiegend assyrischen Unterdistrikt von Tal Tamer im Khabur-Tal kommt es regelmäßig zu Auseinandersetzungen und Schusswechsell zwischen den SDF/YPG und den Regierungstruppen auf der einen Seite⁷⁴⁹ und bewaffneten, mit der SNA verbundenen Gruppen und türkischen Kräften auf der anderen Seite.⁷⁵⁰ Viele vertriebene Christen stehen einer Rückkehr in ihre Heimatgebiete noch immer skeptisch gegenüber, da ISIS weiterhin präsent ist und die „Operation Friedensquelle“ seit Oktober 2019 für Unsicherheit sorgt.⁷⁵¹

c) Umgang mit Mitgliedern religiöser und ethnischer Minderheiten in Gebieten, die *de facto* von HTS und bewaffneten oppositionellen Gruppen kontrolliert werden

Es gibt nur begrenzte aktuelle Informationen zu den Übergriffen auf die verbleibenden Mitglieder⁷⁵² religiöser Minderheiten, einschließlich Christen, Drusen und Alawiten, in Gebieten, die von HTS und anderen extremistischen und radikal-islamistischen Gruppen kontrolliert werden. Berichte haben jedoch bestätigt, dass Mitglieder der Minderheiten weiterhin zur strengen Einhaltung islamischen Rechts

Nachfahren der Überlebenden des osmanischen Völkermords Anfang des 20. Jahrhunderts, fürchten sich vor den von der Türkei unterstützten Gruppen und vor einer Situation, die in ihren Augen den Versuch dieser Gruppen darstellt, die Region ethnisch zu säubern; NPR, *It's a Dangerous Time for Christians in Northeastern Syria*, 12 February 2020, <https://n.pr/2ZAgYdW>; France24 (video), *Christians in Northeast Syria Living in Fear as Turkish Forces, IS Group Active in Region*, 7 February 2020, <https://bit.ly/35D1kCw>. Siehe auch RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, pp. 51-54; SOHR, *Assyrian Families Almost Completely Displaced from Tal Tamr Town as Turkey-Loyal Factions Reach Its Outskirts*, 15 November 2019, <https://bit.ly/2RCWKMl>.

⁷⁴⁸ USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷⁴⁹ Auf der Grundlage einer Vereinbarung mit den SDF Mitte Oktober 2019 stationierte die Regierung Truppen in Tal Tamer, um das Vorrücken der „Operation Friedensquelle“ in das Gebiet zu verhindern; Enab Baladi, *Syria's Warring Sides in a Scramble for North-Eastern Syria*, 23 November 2019, <https://bit.ly/3hzkFXu>; Reuters, *Syrian Army Deploys to Town in Country's Northeast after Kurdish Deal*, 14 October 2019, <https://reut.rs/33pgx5y>; Defense Post, *Syrian Regime Forces Push Towards Turkey Border after SDF Deal*, 14 October 2019, <https://bit.ly/35LalJa>.

⁷⁵⁰ “At the time of writing, frontlines have settled in and around Christian villages surrounding Til Temir, some of which are subjected to regular bombardment by Turkish-backed forces despite the official declaration of a ceasefire” RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 56. “There are 35 Assyrian villages in the Khabur region, which are just a few miles away from the area that Turkey and its militias [SNA] control. Tel Tamer, which is the main population center, is only six miles from the frontlines. Some villages are even closer”; Wilson Center, *Syrian Yazidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 12. Siehe auch SOHR, *Turkish Forces and “Peace Spring” Factions Shell Positions in Tal Tamr Countryside*, 13 February 2021, <http://bit.ly/2PfE7jv>; North Press Agency, *Syriac and Assyrian Fighters Fortify Tel Tamr Front in Northeast Syria*, 12 January 2021, <http://bit.ly/3kxLwGk>; *ibid.*, *Assyrians of Syria's Tel Tamr Celebrate a Lonely Christmas*, 28 December 2020, <http://bit.ly/3q0zCWL>; SOHR, *Turkish-Backed Factions Storm and Loot Assyrian Village near the Dividing Line with “Peace Spring” Areas*, 18 June 2020, <https://bit.ly/3mwVd8E>; SOHR, *Turkish Forces Renew Rocket Attacks on Villages Controlled by Syriac Military Council and Regime Forces in Rural Tal Tamr*, 15 March 2020, <https://bit.ly/33BoCpl>; MEE, *Stuck in Limbo: The Displaced Residents of Syria's Northeast*, 10 January 2020, <https://bit.ly/3clrtRW>; und Kapitel II.B.2.

⁷⁵¹ “ISIS militants continued to target Christian communities. These communities stated they feared the possibility of a broader ISIS resurgence”; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. Siehe auch Al-Monitor, *Syrian Christians on Front Line Have Sad Christmas, Again*, 27 December 2019, <https://bit.ly/2GNBlbH>; AFP, *In Northeast Syria, Last Assyrians Fear Turkish Advance*, 19 November 2019, <https://bit.ly/3m68Knv>.

⁷⁵² “Some 20,000 Druze people were estimated to be living in the area in 2015, although their numbers have now diminished to 10,000, according to estimates by local councils”; Syria Report, *In Northern Idlib, HTS Property Confiscations Threaten Small Druze Community*, 9 September 2020, <https://bit.ly/3j8awCB>. “(...) there is still a Christian presence (Armenians, Syriac Melkites and Catholics) in the area in villages such as al-Yaqoubiya, al-Qunaya, Ghassaniya and al-Jadida, and most Christians live a withdrawn life more or less in hiding out of fear of being targeted by the extremist Islamists”; Syriac Press, *Militant Islamists Terrorize Christians in Idlib Province*, 10 May 2020, <https://bit.ly/3ivDoV0>. “(...) many Christian families have left Idlib abroad or to areas inside Syria since extremist groups took over Idlib in 2015, leaving all their property. (...) Only a few numbers of Christians are still residing in the city, specifically in its western part (...)”; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, <https://bit.ly/3huzeLY>. “(...) rebel zones are almost exclusively Sunni Arab. The few minorities who lived in these areas have fled or been forced to convert to Sunnism”; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. xv.

gezwungen werden⁷⁵³, Diskriminierungen erleben und gezielt individuell angegriffen werden.⁷⁵⁴ Ferner wurde gemeldet, dass HTS, HAD und TIP Wohnungen, Geschäfte, Lagerhallen und landwirtschaftliche Anbauflächen, die vertriebenen Christen und Drusen gehören, rechtswidrig beschlagnahmt haben.⁷⁵⁵ Die einzige Kirche in der Stadt Idlib wurde Berichten zufolge 2017 von HTS beschlagnahmt und in ein privatwirtschaftliches Unternehmen umgewandelt.⁷⁵⁶ SNHR meldete, dass Christen angewiesen wurden, eine Steuer für ihren „Schutz“ als nicht-muslimische Bürger eines islamischen Staats zu zahlen („jiziya“).⁷⁵⁷

d) Umgang mit Mitgliedern religiöser und ethnischer Minderheiten in Gebieten, die *de facto* von der Syrischen Nationalen Armee kontrolliert werden

Im Rahmen militärischer Operationen in Nordsyrien in den Jahren 2018 und 2019 haben bewaffnete, mit der SNA verbundene Gruppen die Kontrolle von Gebieten übernommen, in denen verschiedene

⁷⁵³ Berichten zufolge durften die verbleibenden Christen 2020 Weihnachten feiern, allerdings verbietet HTS die öffentliche Verwendung christlicher religiöser Symbole und das Läuten von Kirchenglocken; SOHR, *Christians Celebrate Christmas in Idlib's Al-Qunya, and "Salvation Government" Seeks their Friendship*, 25 December 2020, <http://bit.ly/38UARQW>. "The factions did not allow them [the Christians] to practice their rites and religious rituals in public, hold ceremonial events or show their religious symbols, not to mention the assaults, the looting, and exploitation that have affected the churches"; Enab Baladi, "Absent Christian"... Confiscation of Real Property of Idlib's Christians, 11 July 2020, <https://bit.ly/2FzNTIA>. "HTS replaced governmental courts with sharia councils in areas it controlled, authorizing discrimination against members of religious minorities (...); USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. "Falling under the control of radical Islamic groups, most of the Christian families chose to displace toward regime-held areas or abroad. Those who remained, however, are facing harassment by the Guardians of Religion Organization [HAD] members, who restrict their religious practice and rarely allow them to visit churches"; STJ, *Syria: At least 750 Christian Houses Illegally Seized in Jisr al-Shughur, Idlib*, 23 September 2019, <https://bit.ly/2ZvQUk0>. "Sectarian and divisive statements against Alawites and Christians have remained prevalent, subject to little moderation or restriction"; Al Shahid, *Is Joulani's Shifting Rhetoric an Attempt to Cover Up HTS' Past Crimes?*, 14 August 2019, <https://bit.ly/2kkA1aG>. "In opposition-controlled areas, Christians have reportedly concealed their religious identity and dress as Muslims to avoid suspicion"; MRGI, *Syria: Current Issues*, last updated June 2019, <https://bit.ly/2S0bTYa>. "Minorities such as Druze and Christians in areas such as Idlib province have, for the most part, left these areas rather than be forced to convert to Islam, follow dress codes, or movement restrictions imposed on females"; UN Human Rights Council, "I Lost My Dignity": Sexual and Gender-Based Violence in the Syrian Arab Republic, 8 March 2018, A/HRC/37/CRP.3, www.ecoi.net/en/document/1433339.html (im Folgenden: UN Human Rights Council, "I Lost My Dignity", 8 March 2018, www.ecoi.net/en/document/1433339.html), para. 58. Siehe auch STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, <https://bit.ly/2uJ29ZU>.

⁷⁵⁴ "A Syrian activist told RI that religious minorities including a Christian and an Ismaili deported from Turkey were being held by Hay'at Tahrir As-Sham, the extremist group controlling large swaths of the province"; Refugees International, *Turkey Should Immediately Halt Deportation of Syrians to Syria*, 24 July 2019, <https://bit.ly/2mhl21Q>. Siehe auch SOHR, *Unknown Gunmen Kidnapped a Civilian in al Ya'qoubiya Village in Idlib Suburbs, on May 7*, 8 May 2020, <https://bit.ly/3k8gV0c>; The New Arab, *Retired Syrian Christian Woman Brutally Tortured and Murdered in Idlib*, 20 July 2019, <https://bit.ly/2m3SRmT>.

⁷⁵⁵ "(...) in mid-2017, HTS began to seize the homes and farmlands of Druze villagers who had fled, using the captured homes to house the families of the group's fighters, as well as internally displaced people who had been forcibly driven from the Damascus Countryside and Homs. (...) HTS officials have justified confiscations by saying that the targeted properties belong to employees in the Syrian government's security and military institutions, and that such procedures are also in force in other areas of Idlib that have seen residents flee to government territory"; Syria Report, *In Northern Idlib, HTS Property Confiscations Threaten Small Druze Community*, 9 September 2020, <https://bit.ly/3j8awCB>. "HTS continues seizing the homes of civilians of the Christian community in Idlib, Jisr al-Shughour, the villages of Yacoubiya, Ghassania, Al-Qounaya and Al-Jadida, as well as the properties of communities in Darkush, Zabaqi, Jumailya, Shandrish, Al-Alia and Hallouz. HTS are renting these houses to displaced civilians and fighters at nominal prices. On August 20 [2020], Observatory sources said that HTS marked with numbers the property it seized, estimated by 130 houses in the village, owned by the Druze community, and migrated to the Syrian regime-controlled areas and to neighbouring countries and Europe, coinciding with the outbreak of the Syrian revolution"; SOHR, *HTS Seizes Property and Real Estate of Civilian and Pro-Regime Military in Countryside*, 10 September 2020, <https://bit.ly/2FfYV61>. Der Leiter von STJ, Bassam al-Ahmad, gab gegenüber Enab Baladi an, dass HTS und andere islamistische Splittergruppen die Beschlagnahme des Eigentums von Christen damit rechtfertigten, dass die Eigentümer „Gefolgsleute von Assad“ seien oder dass sie abwesend seien; Enab Baladi, "Absent Christian"... Confiscation of Real Property of Idlib's Christians, 11 July 2020, <https://bit.ly/2FzNTIA>. Siehe auch SOHR, *HTS Forces Displaced People to Leave Homes Owned by People Living in Regime-Held Areas, and Salvation Government Dismantles Electricity Transformers in Idlib Countryside*, 16 November 2020, <https://bit.ly/38V7rng>; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html; SOHR, *HTS Confiscates Property of Christian Community in Idlib*, 25 April 2020, <https://bit.ly/2FtQy6C>; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, <https://bit.ly/3huzelY>.

⁷⁵⁶ Laut STJ hat HTS Teile der Kirche an jemand vermietet, der dort eine Bildungseinrichtung eröffnet hat; STJ, *HTS Confiscates no Less than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 January 2020, <https://bit.ly/3huzelY>. Siehe auch SNHR, *Targeting Christian Places of Worship in Syria is a Threat to World Heritage*, 5 September 2019, <https://bit.ly/2RfSVfC>, p. 9.

⁷⁵⁷ "Islamic factions are clamping down on them and imposing levies 'Jizya' in order to force them to leave their homes to regime-controlled areas"; SOHR, *HTS Confiscates Property of Christian Community in Idlib*, 25 April 2020, <https://bit.ly/2FtQy6C>.

religiöse und ethnische Minderheiten lebten, von denen viele während oder nach den militärischen Offensiven geflohen sind.⁷⁵⁸

Viele Menschen, die durch die militärischen Offensiven vertrieben wurden, haben laut Berichten Angst zurückzukehren oder sind nicht der Lage dazu, da ihre Wohnungen, Geschäfte, landwirtschaftlichen Anbauflächen und Kulturpflanzen von Mitgliedern bewaffneter SNA-naher Gruppen beschlagnahmt wurden.⁷⁵⁹

In Gebieten, die faktisch von bewaffneten SNA-nahen Gruppen kontrolliert werden, wurden Kurden und Mitglieder anderer religiöser oder ethnischer Minderheiten gezielt Opfer von Erpressungen, Entführungen, Plünderungen, rechtswidriger Beschlagnahme und Zerstörung von Eigentum, rechtswidriger Freiheitsberaubung, Verschwindenlassen, Folter und sonstigen Formen der

⁷⁵⁸ “The two Turkish interventions into Syria in 2018 and 2019, known respectively as Operation Olive Branch and Operation Peace Spring, have driven almost the entire Yezidi population in Afrin and Ras al-Ayn in Syria from their homes. All of the villages in northwest and north-central Syria with Yezidi inhabitants – some 51 villages in total – are now under occupation by the Turkish military and their affiliated militias, many of which espouse Islamist ideologies.” Weiter heißt es: “Operation Peace Spring also had a decimating impact on other religious minorities, especially Assyrians, Armenians, and Syriac Christians. At least 137 Christian families were displaced. Armenian families living in Ras al-Ayn were also evacuated”; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, pp. 1-2, 12, siehe auch pp. 7-8, 12. “The Turkish interventions in Syria, in particular in Afrin in February-March 2018 and the ‘Peace Spring’ operation between Ras al-Ayn and Tel Abyad in October 2019, have forcibly displaced hundreds of thousands of civilians. Religious minorities who were impacted by these interventions include: Yezidis, Alevis, and members of the diverse Christian community: Armenians, Assyrians, Syriacs, Chaldeans, and Evangelical Christians”; Professor Amy Austin Holmes, U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria, 10 June 2020, <https://bit.ly/2FZLx62>, p. 4. “On October 7 [2020], the Turkish army, along with Turkish-sponsored opposition groups (TSOs), some of which may include fighters from violent extremist groups, launched Operation Peace Spring (OPS) in areas of northeast Syria held by the Kurdish Syrian Democratic Forces, displacing by October 21, 154,000 persons, including Kurds, Yazidis, and Christians.” Fast alle Jesiden Syriens leben derzeit in Gebieten, die von SNA-nahen bewaffneten Gruppen kontrolliert werden; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. Siehe auch VOA, *Syria’s Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, <http://bit.ly/3ikAu6s>; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, pp. 2, 13, 47-53; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, <https://bit.ly/3n05F9c>; AFP, *In Northeast Syria, Last Assyrians Fear Turkish Advance*, 19 November 2019, <https://bit.ly/3m68Kkv>; Public Radio of Armenia, *Most Armenian Families Evacuated, as Turkey Pushes into North Syria*, 10 October 2019, <https://bit.ly/2RyFGqz>.

⁷⁵⁹ “Humanitarian observers believed many ethnic and religious minorities were hesitant to return, given a pattern of intimidation by Syrian groups aligned with Turkey.” Außerdem: “Religious minorities displaced by the Turkish and TSO seizure of Aleppo’s Afrin District remained unable to return to their homes. (...) In November [2019] the Syriac Strategic Research Center reported TSOs seized and looted the 205 houses and 120 commercial and industrial sites belonging to the 75 Christian families that had fled Ras al-Ayn as a result of the Turkish offensive.” Weiter heißt es: “Since October 17 [2019], Human Rights Watch and Syrian human rights monitors reported TSO seizures of private properties, including those belonging to Christians displaced by OPS [Operation Peace Spring]”; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. “Turkish-backed factions have seized the wheat and barley fields in the village of Rihaniya and Daoudiyet Mala in rural Tal Tamer, Tal Baidar, the village of Attia, Nadas, Tal Sakher and Aasdiyet Al-Yazidis in Ras al-Ain countryside. Observatory sources added that these villages are inhabited by a varied mixture of Christians, Kurds and Arabs, abandoned by most of the population except for a few Arabs”; SOHR, *Factions Seize Agricultural Crops in Tal Tamer and Ras al-Ain*, 9 May 2020, <https://bit.ly/3iG82eC>. “Civilians in and around Ra’s al-Ayn and Tall Abyad reported numerous cases of looting and property appropriation by members of the Syrian National Army, primarily affecting Kurdish residents and, on occasions, Yazidi owners who had fled in October [2019]. Schools and businesses, such as bakeries, were also looted or expropriated, along with land for making olive oil, agricultural tools and vehicles” (Hervorhebung nur hier); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 56. “Few male youths have returned because they are vulnerable to accusations of being ‘Kurdish fighters’. Arab IDPs living in Afrin before Operation Olive Branch generally also fled for fear of being considered as PYD collaborators.” Weiter heißt es: “(...) HLP violations in Afrin (...) serve Turkey’s objective of countering the dominant Kurdish movement’s ‘self-governance’ initiative by changing the demographics”; FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land, and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, pp. 126, 137. “Al-Jabha al-Shamiyyah (...) emptied citizens’ houses and stole their property in Tal Abyad as well as houses owned by Armenian and Christian families, were the words ‘Taken by al-Jabha al-Shamiyyah’ have been written on these houses” (Hervorhebung nur hier); SOHR, *From Violations in Afrin to Tal Abyad and Ras Al-Ayn... The Pro-Turkey Factions Reserve Civilian Houses in Ras Al-Ayn City*, 4 November 2019, <https://bit.ly/3kvpqEt>. Siehe auch Washington Institute, *The Fragile Status Quo in Northeast Syria*, 1 July 2020, <https://bit.ly/2OLUukd>; SOHR, “Peace Spring” Areas: *Turkish-Backed Factions Steal Crops and Agricultural Equipment, Asking Christians to Pay Fine for Their Return*, 28 June 2020, <https://bit.ly/3iZbyB2>; SOHR, *As a Part of Their Continued Thefts and Looting of Property North of Syria... The Pro-Turkey Factions Start to Steal Barley Owned by One of the Most Prominent Christian Families in Al-Hasakah*, 30 November 2019, <https://bit.ly/3n3Tx75>; Al-Monitor, *IS Kills Priests in Syria as Turkish-Backed Fighters Express IS Sympathies*, 18 November 2019, <https://bit.ly/3cy4V6i>.

Misshandlung, sexueller Gewalt⁷⁶⁰ und in einigen Fällen Tötungen, einschließlich aufgrund ihrer tatsächlichen oder vermeintlichen Unterstützung der AANES und der SDF/PYD/YPG,⁷⁶¹ ihrer Ethnie und/oder ihrer Religion ins Visier genommen.⁷⁶² Jesiden wurden auch gezwungen, ihren Glauben zu wechseln.⁷⁶³ Mehrere Quellen berichten, dass SNA-nahe Gruppen kurdische und jesidische Frauen gezwungen haben, Kämpfer zu heiraten, und sie in einigen Fällen entführt und getötet haben, weil sie

⁷⁶⁰ “[Kurdish] Women and girls have also been detained by Syrian National Army fighters, and subjected to rape and sexual violence – causing severe physical and psychological harm at the individual level, as well as at the community level, owing to stigma and cultural norms related to ideations of ‘female honour’; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 59. Ende Mai 2020 wurde auf den sozialen Medien ein Video veröffentlicht, in dem kurdische und jesidische Frauen in einem von der Hamza-Brigade betriebenen geheimen Gefängnis gezeigt wurden. Laut Berichten waren sie zwischen 2018 und 2020 entführt worden. SOHR zufolge wurden vier Frauen im Dezember 2020 freigelassen. Der Verbleib der übrigen sieben Frauen ist bis heute unbekannt; SOHR, “*Al-Hamza Division*” Releases Fourth Kidnapped Girl from Afrin Appeared in a Video in May, 11 December 2020, <https://bit.ly/3n9C5gZ>. Siehe auch, Missing Afrin Women Project, *View the Data*, accessed 28 February 2021, <https://bit.ly/2lp6V5y>; SNHR, *The 9th Annual Report on Enforced Disappearance*, 30 August 2020, <https://bit.ly/32l5EgB>, p. 29; Jerusalem Post, *Turkey’s Occupation of Kurdish Afrin Targets Women, Minorities*, 2 June 2020, <https://bit.ly/2XuqQWc>; Kurdistan24, *Syrian Kurds Call for Investigation into Kidnapping of Women in Afrin*, 31 May 2020, <https://bit.ly/2U6HwRw>; Rudaw, *Fate of Three Kidnapped Yazidi Women in Afrin Remains Unclear*, 1 April 2020, <https://bit.ly/3eMOhje>. VDC berichtete, dass aufgrund dieser Entführungen “[F]amilies have forced their daughters to marry relatives to ‘protect’ them from being kidnapped by armed groups, or accepted demands from the groups themselves”; Missing Afrin Women Project, *July 2020: Five Women Reported Kidnapped, Violence Increasing*, July 2020, <https://bit.ly/2ExypER>.

⁷⁶¹ Siehe Kapitel III.A.6.

⁷⁶² Im Jahr 2020, “[S]even cases targeted women specifically identified as members of religious minority communities. Five Yazidi women and two Alevi women were reportedly abducted. Several of these kidnappings took place during broader raids by armed groups on certain villages historically home to religious minorities. Five of the seven individuals were reportedly tortured in custody – a higher rate of allegations of torture than seen in general”; Missing Afrin Women Project, *2020 Report*, 16 January 2021, <http://bit.ly/3sCmCIK>. “Using information provided by locals and cross-referencing with other sources we could confirm that at least 47 Yazidis have been kidnapped in Afrin since March 2018. (...) Armed groups often demand exorbitant sums of money, as high as \$40,000, to secure the release of a single person. Even before the recent devaluation of the Syrian pound, this was an impossible amount to pay for ordinary Syrians. In June 2019, a 10-year old boy with Down syndrome was kidnapped along with his father and grandfather. The rebel group demanded \$10,000 as ransom. All three were then killed when the family was unable to pay”; Wilson Center, *Syrian Yazidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 9-10. “The DoS [Department of State] also stated its concern regarding reports of human rights abuses in Afrin, including desecration of several Yazidi shrines, kidnapping for ransom of Yazidi and Kurdish women, and looting and vandalizing of homes and archaeological sites. The DoS told DoS OIG [Office of the Inspector General of the Department of State] that ‘as we do not have a presence on the ground, we are not in the position to confirm these reports but many appear to be credible’; US Department of Defense / Lead Inspector General for Operation Inherent Resolve, *Quarterly Report to the United States Congress: April 1, 2020 - June 30, 2020*, 31 July 2020, <https://bit.ly/3hGOeY3>, p. 69. Siehe auch, SOHR, *Yazidi Woman still Detained by Ankara-Backed Factions in Afrin Countryside, North-West of Aleppo*, 11 February 2021, <https://bit.ly/37zagZU>; North Press Agency, *Armed Opposition Arrested 20 Persons from Yazidi Village in Syria’s Afrin*, 10 December 2020, <http://bit.ly/3pVAnAs>; SOHR, *2nd Corps Factions Impose Levies on Wheat and Barley Entering Turkey*, 3 September 2020, <https://bit.ly/3kJyDII>; SOHR, “*Al-Sham Corps*” Kills Yazidi Civilian in Afrin’s Shirawa, 14 August 2020, <https://bit.ly/2FJ8jPh>; SOHR, *Yazidi Civilian Killed by Turkish-Backed Gunmen while Attempting to Force Him Out of His House in Afrin*, 1 April 2020, <https://bit.ly/3hG3fby>.

⁷⁶³ “Turkish-backed forces forcibly converted a number [of] Yazidis to Islam by bringing them to the mosque, beating and torturing them if they did not pray. Some were even killed. One such victim was 60-year-old Omar Shamo from Khibari village, who was beaten by militiamen in an attempt to force him to say the ‘shahada’ of Islam – the phrase which, if spoken aloud, is believed to constitute acceptance of Islam. He refused, and so was killed”; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 49. “(...) women belonging to the Yazidi religious minority were also detained by Syrian National Army forces, and on at least one occasion were urged to convert to Islam during an interrogation. Similarly, the Commission is currently investigating reports that at least 49 Kurdish and Yazidi women were detained in both Ra’s al-Ayn and Afrin by Syrian National Army members between November 2019 and July 2020”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 56. “Some of the militias in Afrin have kidnapped Yazidis and forced them to renounce their religion.” Ein Beispiel: “On February 5, 2020 a 19-year old Yazidi woman by the name of Laura Hassan was kidnapped in the village of Qara Bash (Faqiran in Kurdish). She was reportedly tortured and forced to renounce her religion. In May 2018, Omar Shamo Mamo, a 66-year old Yazidi man, was killed for refusing to convert to Islam”; Wilson Center, *Syrian Yazidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, pp. 2, 12. Siehe auch VOA, *Syria’s Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, <http://bit.ly/3ikAu6s>; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, <https://bit.ly/3n05F9c>.

sich einer Eheschließung widersetzt hatten.⁷⁶⁴ Frauen, die religiösen und ethnischen Minderheiten angehören, müssen auch Beschränkungen in Bezug auf ihre Kleiderwahl, ihr Verhalten und ihre sozialen Interaktionen über sich ergehen lassen.⁷⁶⁵ Bewaffnete SNA-nahe Gruppen haben religiöse und kulturelle Stätten von Minderheiten absichtlich geplündert, beschädigt oder zerstört.⁷⁶⁶ Um ihre Taten zu rechtfertigen, haben diese Gruppen eine polarisierende und provozierende, religiös motivierte Sprache verwendet.⁷⁶⁷

⁷⁶⁴ "The Commission also received reports of forced marriage and the abduction of Kurdish women in Afrin and Ra's al-Ayn, which primarily involved members of Division 24 (the Sultan Murad Brigade) of the Syrian National Army. In January [2020], a woman was abducted by a member of the Brigade, who forcibly married her and divorced her shortly thereafter"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 62. Siehe auch Missing Afrin Women Project, *View the Data*, Zugriff am 28. Februar 2021, <https://bit.ly/2lp6V5y>; SOHR, *Woman and Girl Flee from Afrin after Threats by Turkish-Backed Militiamen*, 6 January 2021, <http://bit.ly/3dNjYrd>; SOHR, *Four Members of "Sultan Murad" Rape Girl from Afrin and Bring Her Home*, 30 June 2020, <https://bit.ly/3gena11>; VDC, *Girl from Afrin Found Dead after Kidnapping by Sultan Murad Division*, 8 June 2020, <https://bit.ly/2Yxh4lk>; Kurdistan 24, *Allegations of Forced Marriages Emerge in Turkish-Controlled Afrin in Syria*, 21 May 2020, <https://bit.ly/2C0IV77>.

⁷⁶⁵ Siehe Kapitel III.A.8.e.

⁷⁶⁶ "In April 2020, several Yazidi shrines and graveyards were deliberately looted and partially destroyed across locations throughout the Afrin region, such as Qastel Jindo, Qibar, Jindayris and Sharran, further challenging the precarious existence of the Yazidi community as a religious minority in Syrian National Army-controlled regions, and impacting both the tangible and intangible aspects of their cultural heritage, including traditional practices and rites"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 64. "More than half of the sacred Yezidi shrines in Afrin have been destroyed or desecrated since the Turkish intervention, making it virtually impossible for Yezidis to openly practice their faith"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 2. Während der „Operation Friedensquelle“ haben SNA-nahe bewaffnete Gruppen Berichten zufolge die armenische Kirche in Tal Abyad verwüstet; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. Siehe auch SOHR, *Turkish-Backed Factions Continue Excavating in Old Neighbourhoods in Ras al-Ain (Sere Kaniye)*, 26 November 2020, <https://bit.ly/39maSDL>; SOHR, *Turkish-Backed Factions Steal Collections of Church and Seize more Farmlands*, 22 November 2020, <https://bit.ly/2JmEdDd>; SOHR, *Widespread Security Chaos... Ongoing Violations... and the Canton's Residents the Greatest Victims*, 1 August 2020, <https://bit.ly/31bQkrU>; Yazda, *Yazda Statement: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, <https://bit.ly/3n05F9c>; SOHR, *Turkish-Backed Factions Continue Excavations and Sabotaging Religious Shrines, Searching for Antiques*, 26 May 2020, <https://bit.ly/2A0pxoT>; Rudaw, *Yezidi Shrines Desecrated by Turkish-Backed Groups in Afrin*, 28 April 2020, <https://bit.ly/2Xuy4cy>; Bellingcat, *Afrin: Incidents of Desecration and Destruction of Cultural Sites*, 11 July 2019, <https://bit.ly/3eGu9is>.

⁷⁶⁷ SNA-nahe bewaffnete Gruppen haben Berichten zufolge eine polarisierende und provozierende, religiös motivierte Sprache verwendet, um die YPG/SDF und Kurden im Allgemeinen zu beschreiben und Übergriffe zu rechtfertigen (z. B. „Ungläubige“, „Atheisten“, „Schweine“); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 54; AP, *Money and Hatred for the Kurds Drives Turkey's Syrian Fighters*, 15 October 2019, <https://lat.ms/2UxYkRE>. Siehe auch RIC, *Six Months on: Political, Security and Humanitarian Outcomes of Turkey's 2019 Invasion of North and East Syria*, 22 May 2020, <https://bit.ly/32gZ2az>, p. 25.

Beobachtern zufolge wird mit der Vertreibung von Kurden und Mitgliedern anderer Minderheiten⁷⁶⁸ und der gleichzeitigen Ansiedlung von Arabern und Turkmenen aus anderen Landesteilen⁷⁶⁹ das Ziel verfolgt, die ethnische und religiöse Zusammensetzung des Gebiets dauerhaft zu ändern.⁷⁷⁰

UNHCR ist der Auffassung, dass Mitglieder religiöser und ethnischer Minderheiten, die aus Gebieten stammen, die *de facto* unter der Kontrolle von HTS, bewaffneten SNA-nahen Gruppen und anderen bewaffneten oppositionellen Gruppen stehen, **wahrscheinlich internationalen Flüchtlingschutz benötigen**, je nach den Umständen des Einzelfalls aufgrund ihrer Religion, ethnischen Zugehörigkeit und/oder tatsächlichen oder vermeintlichen politischen Meinung.

UNHCR ist der Auffassung, dass Mitglieder religiöser und ethnischer Minderheiten in Gebieten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt, wahrscheinlich internationalen Flüchtlingschutz benötigen, je nach den Umständen des Einzelfalls aufgrund ihrer Religion, ethnischen Zugehörigkeit und/oder tatsächlichen oder vermeintlichen politischen Meinung.

UNHCR ist der Auffassung, dass Mitglieder religiöser und ethnischer Minderheiten aus anderen als den oben genannten Gebieten je nach den Umständen des Einzelfalls aufgrund ihrer Religion, ethnischen Zugehörigkeit und/oder ihrer tatsächlichen oder vermeintlichen politischen Meinung möglicherweise internationalen Flüchtlingschutz benötigen.

⁷⁶⁸ "(...) as a result of Operation Olive Branch by Turkey and Syrian armed groups since March 2018, many Kurds from the Afrin region were forcibly displaced. In a signal of the complexity of property rights and displacement in Syria today, some of those who were settled in formerly Kurdish properties by Turkish proxies had previously been forcibly displaced from the formerly opposition-held Damascus suburb of eastern Ghouta. Kurds have since faced obstacles to return"; PAX / Impunity Watch, *Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria*, March 2020, <https://bit.ly/3jkWQoi>, p. 5. "Since Operation Olive Branch was initiated by Turkey in March 2018, the seven districts of Afrin region (Afrin, Sharran, Shaykh Al Hadid, Maabatti, Bulbul, Jindires and Rajo) have witnessed mass exodus of Kurds, as those who remained are very few; only the elderly, between 40 and 85, and the poor and those who remained in order to protect their property"; STJ, *Afrin: Shaykh Al Hadid: Intimidation and Economic Tightening*, 9 March 2020, <https://bit.ly/2ZH9W7K>. "The operation in Afrin overlapped with the Syrian government's capture of eastern Ghouta, which forced more than 65,000 people to evacuate to the last opposition-held territories in Aleppo and Idlib. Many of those that ended up in Afrin took over the empty homes of the predominately Kurdish owners who had fled. In some accounts, rebel groups have supported the redistribution of properties to Arab families, or have taken properties for themselves to lease"; SJAC, *Prior Turkish Operations Forebode New Offenses in Northeast Syria*, 24 October 2019, <https://bit.ly/2CRVGMm>.

⁷⁶⁹ "Since the violent displacement of a majority of the population [in Afrin], estimates indicate that up to 75% of the population is now made up of Turkmen and Arab settlers brought in by Turkey. Arab families displaced from Homs, Eastern Ghouta, and other regions of Syria have been resettled into houses that have been confiscated from their Kurdish, Yezidi or Alevi owners. This is despite the fact that prior to the Turkish invasion, Afrin was already home to significant numbers of Arab IDPs fleeing the conflict elsewhere in Syria"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 48. Siehe auch SOHR, "Peace Spring" a Year on: A New Map of influence...Growing Humanitarian Disaster and Continuous Turkish Violations, 9 October 2020, <https://bit.ly/2GrnVrm>; COAR, *Syria Update: 17 January to 23 January, 2019*, 23 January 2019, <https://bit.ly/2CTsfjx>.

⁷⁷⁰ RIC beschreibt den Prozess als "Arabization (through the installation of Arab militiamen from elsewhere in Syria and their families in formerly-Kurdish, Yezidi, Christian and Alevi towns and regions), Turkification (via the introduction of a Turkish school curriculum, renaming and rebranding of physical and governmental infrastructure, and establishment of de-facto Turkish control over all aspects of government and civil society), and Islamification (via the school curriculum as well as forcibly by Turkish-controlled armed groups), plus the establishment of a 'Turkmen belt' along the border regions with Turkey"; RIC, *After ISIS: Ensuring a Future for Christians and other Minorities in North and East Syria*, September 2020, <https://bit.ly/3mWJfWc>, p. 47. "(...) kidnappings, extortion, and forced religious conversion are ways to pressure the few remaining Yezidis to leave Afrin. They are methods of forcing demographic change, without actually killing people"; Wilson Center, *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 12. Fabrice Balanche, *Syrien-Experte und Associate Professor an der französischen Universität Lyon 2*, ist der Auffassung: "I don't think that the Turkish army wants to prevent it [abuses against Kurds] because the goal is to cleanse the Kurdish population from this area"; Al-Monitor, *An Insult to Women? Everywhere: Afrin Kidnappings Prompt Calls for Investigation of Turkey-Backed Rebels*, 2 June 2020, <https://bit.ly/2zZFrzH>. "Villages belonging to the Yazidi community are facing demographic change after being abandoned during the military operation 'Peace Spring', as well as the theft of their property by Turkish-backed factions. (...) On the other hand, Turkish-backed factions, supported and facilitated by the Turkish government, are resettling families of fighters loyal to them in these villages, as they do in other areas under their control"; SOHR, *Demographic Change in Rural Ras al-Ain: Yazidi Community Face Systematic Violations by Turkish-Backed Factions in more than Ten Villages*, 20 April 2020, <https://bit.ly/2FSRSQp>. Siehe auch VOA, *Syria's Afrin Yazidis Are Fearful Following Recent Attacks*, 23 December 2020, <http://bit.ly/3ikAu6s>; SOHR, *Widespread Security Chaos... Ongoing Violations... and the Canton's Residents the Greatest Victims*, 1 August 2020, <https://bit.ly/31bQkrU>; Yazda, *Yazda: Ethnic Cleansing of Yazidis and Other Religious Groups in Syria Accelerates*, 29 May 2020, <https://bit.ly/31Wz9MI>; Orient XXI, *Syria: Communitarianism as a Combat Strategy*, 1 April 2020, <https://bit.ly/3j59g3q>; SOHR, *Turkey's Plans of Demographic Change: Turkish-Backed Factions Kidnap Civilians in Afrin*, 17 January 2020, <https://bit.ly/3jIPXmL>.

UNHCR ist ferner der Auffassung, dass maktoumeen, die nach dem Dekret Nr. 49 von 2011 keinen Anspruch auf Einbürgerung haben, aufgrund ihrer ethnischen Zugehörigkeit und Staatsangehörigkeit wahrscheinlich internationalen Schutz benötigen.

Zum internationalen Schutzbedarf sunnitischer Araber und sunnitischer Turkmenen, die als regierungsfeindlich angesehen werden, siehe Kapitel III.A.1. Zum internationalen Schutzbedarf von Arabern, die aufgrund ihrer ethnischen Zugehörigkeit als Verbündete von ISIS oder Kollaborateure der Türkei oder der SNA angesehen werden, siehe Kapitel III.A.4.

e) Personen, denen Verstöße gegen strenge islamische Vorschriften vorgeworfen werden

In Gebieten, die *de facto* von HTS kontrolliert werden, hat HTS Regeln aufgestellt, die Frauen und Mädchen in Bezug auf ihre Bewegungsfreiheit, ihren Kleidungsstil und die Möglichkeit, außerhalb des eigenen Haushalts zu arbeiten, einschränken. In der Öffentlichkeit müssen sich Frauen und Mädchen von einer männlichen Person begleiten lassen, die ihrer unmittelbaren Familie angehört (*mahram*), und eine konservative Kleiderordnung befolgen. Rauchen und Alkohol sind verboten, und Frauen und Männer müssen sich an öffentlichen Orten, Restaurants, Krankenhäusern und Schulen an die Geschlechtertrennung halten. Verstöße werden Berichten zufolge bestraft und ziehen Drohungen, körperliche Misshandlung und Inhaftierung nach sich.⁷⁷¹ In Fällen, die HTS als Häresie oder Ehebruch einstuft, hat die Gruppe laut Berichten schwere Strafen verhängt, einschließlich Auspeitschung und Hinrichtung.⁷⁷²

⁷⁷¹ "Throughout areas under its control, Hay'at Tahrir Al-Sham caused severe psychological and physical harm to women, girls, men and boys, by imposing religious dress codes and, in the case of women and girls, denying their freedom of movement without a male relative"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 52. HTS "has imposed rules regarding clothing, as well as limiting their [women's] freedom of movement unless accompanied by male relatives." For example, "women are forbidden from sitting with [women's] in restaurants and offices, publically smoking Shisha, or entering any store where the male owner or a male staff is alone. (...) Any violating these extremist proscriptions is subject to fines"; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 23. "HTS has carried out arbitrary detentions/kidnapping of children in the areas under its control through the Hisbah apparatus, on several pretexts, including, for violating the teachings imposed by HTS, such as preventing gender-mixing in certain areas"; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 24. "We also recorded detentions carried out by Hay'at Tahrir al Sham against civilians, who were charged with 'insulting the Divine'"; SNHR, *At least 162 Cases of Arbitrary Arrests/ Detention Documented in Syria in September 2020, Including Two Children and Six Women*, 2 October 2020, <https://bit.ly/34lgZol>, p. 6. "Throughout areas under its control, HTS continued to employ measures that systematically discriminated against women and girls, subjugating their status in both the private and public sphere. In parts of Idlib governorate, women and girls had to be accompanied by male members of their immediate family (mahram). HTS continued to deny access to public events to unaccompanied women, while infringement of the rules were punished by detention. HTS further interfered with the freedom of movement of women including by chasing them when venturing outside by themselves, and when deemed to be wearing makeup or "indecent clothing". In order to avoid public scrutiny and stigmatization by HTS, many women consciously stopped visiting public places"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 102. "In opposition-held regions, no pretense of formal legal equality or legal protections is made. HTS, which controls much of Idlib, excludes women from political bodies and limits their basic freedoms, running gender-segregated schools, enforcing conservative dress codes, and forcing women whose husbands have been killed in the ongoing conflict to move in with a male 'guardian.' These policies are enforced by ISIS-like morality police"; Wilson Center, *Syrian Women's Leadership in a Fractured State*, 1 April 2020, <https://bit.ly/3kJCZQi>. Siehe auch ICG, *Silencing the Guns in Syria's Idlib*, 15 May 2020, www.ecoi.net/en/document/2030014.html, p. 22; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 91; ICSR, *HTS's Offline Propaganda: Infrastructure, Engagement and Monopoly*, September 2019, <https://bit.ly/2Cm4Vse>, pp. 14-15. SOHR meldete den Erhalt einer Liste mit verbotenen Verhaltensweisen, z. B. die Vermischung von Männern und Frauen in Restaurants, Büros und an anderen Orten, der Verkauf von Frauenkleidung durch Männer, das Rauchen von Wasserpeifen in der Öffentlichkeit und das Schneiden bestimmter Frisuren durch Frisöre; SOHR, *HTS' 'Al-Falah Centre' Forces Owners of Shop Selling Gift on Valentine's Day to Close in Idlib and Salqin Cities*, 14 February 2021, <https://bit.ly/3aELIk7>.

⁷⁷² "Summary punishments for infractions ranged from corporal punishment, such as lashing, to execution"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Beispielsweise wurde im Mai 2020 ein Muezzin wegen „Häresie“ körperlich angegriffen, weil ihm vorgeworfen wurde, dass er den Gebetsruf nicht korrekt durchgeführt habe; SOHR, *Jisr al-Shughour: Radical Members Humiliate Muezzin of Mosque, Accusing Him of "Heresy"*, 15 May 2020, <https://bit.ly/3inlhju>. "In July 2019, HTS executed a death sentence against a senior woman in the province of Idlib – the victim was 60 years old mother and grandmother. The detainee was stoned to death for

Darüber hinaus wurde aus Gebieten, in denen ISIS weiterhin präsent ist oder Einfluss nimmt, von Fällen berichtet, in denen Personen gezielt angegriffen wurden, weil ihr Verhalten als Verstoß gegen die von ISIS vertretene strenge Auslegung islamischer Grundsätze, Normen und Werte angesehen wurde.⁷⁷³ Aus dem Lager Al-Hol wird berichtet, dass ISIS-Sympathisanten streng konservative Kleiderregeln und Vorschriften durchsetzen und Frauen für Regelverstöße bestraft und sogar getötet werden.⁷⁷⁴

Mit zahlreichen Einschüchterungsmethoden schränken bewaffnete SNA-nahe Gruppen Berichten zufolge die Kleiderwahl von Frauen und Mädchen sowie ihr Verhalten und ihre sozialen Interaktionen ein.⁷⁷⁵ In einigen Fällen wurden auch Personen, denen vorgeworfen wurde, gegen die von diesen

adultery, after which her dead body was handed to her family"; STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>. "The group [HTS] also executed three civilians accused of witchcraft in Anjara and a woman accused of adultery in Idlib city"; Carter Center, *Weekly Conflict Summary: 25 November - 8 December 2019*, 8 December 2019, <https://bit.ly/30hllsA>, p. 3. Siehe auch STJ, *Another Wave of Summary Executions by HTS in Idlib*, 5 June 2020, <https://bit.ly/2NLOAkC>; Al-Modon, *Artist Adnan Kardash Killed Because of Ramadan Cigarette*, 7 May 2020, <https://bit.ly/3il2CAN>; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; SNHR, *The Annual Report of the Most Notable Human Rights Violations in Syria in 2019*, 23 January 2020, <https://bit.ly/3eaD77i>, p. 76.

⁷⁷³ Im Februar 2021 berichtete SOHR über die Hinrichtung eines Zivilisten in der Stadt Al-Shuhayl [Deir ez-Zour Governorate]. Laut den Berichten wurde eine Notiz bei der Leiche hinterlassen, die besagte: "This is a punishment for those who sold their religion and afterlife, and we promise you, you all disbelievers, that you will see the most terrifying days of your lives and the worst is yet to come... The Islamic State"; SOHR, *Cells Slaughter Young Man in Al-Shuhayl Town, Threatening to Carry Out Similar Operations*, 16 February 2021, <https://bit.ly/3pETEWO>. Laut dem syrischen Journalisten Zain al-Abidin "people who engage in sorcery, even though they are civilians, are targeted, and these cells often kill secular or non-practicing people, as well as those suspected of having extramarital sexual relations"; Al-Monitor, *Islamic State Regroups in Syrian Kurdish Region*, 10 November 2020, <https://bit.ly/2JZKmpr>. Anfang Oktober 2020 meldete SOHR, dass bewaffnete Mitglieder von ISIS Frauen, die in Geschäften in der Stadt Busayrah (Provinz Deir Ez-Zour) arbeiteten, gewarnt haben, dass sie die islamische Kleiderordnung einhalten müssten; SOHR, *Two Members Roam Al-Busayrah Streets in Eastern Deir ez-Zor, Urging Women to Dress According to Sharia*, 6 October 2020, <https://bit.ly/3iDdv55>. Siehe auch SOHR, *ISIS Resurgence: Cells Assassinate "Sorcerer" in Deir ez-Zor Countryside*, 18 August 2020, <https://bit.ly/31afzMz>; SOHR, *Two Gunmen Kill Civilian Practicing "Magic" in Rural Deir ez-Zor*, 21 April 2020, <https://bit.ly/3gJkU2Y>; SOHR, *ISIS Cells Kill a Civilian for "Practicing" Witchcraft and Sorcery in Rural Deir Ezzor*, 3 January 2020, <https://bit.ly/3cx4Qyd>.

⁷⁷⁴ "Women loyal to ISIS have formed secret councils inside the camp to monitor the personal lives of camp residents to find out whether or not they are adhering to the group's ideology. ISIS cells inside the camp have also formed a 'Hisbah agency' or the Islamic police, mostly made up of foreign women"; Washington Institute, *Al-Hawl Camp and the Potential Resurgence of ISIS*, 29 June 2020, <https://bit.ly/34xSzHB>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 62; und Kapitel II.B.2.

⁷⁷⁵ "Since 2019, Kurdish women throughout the Afrin and Ra's al-Ayn regions have faced acts of intimidation by Syrian National Army brigade members, engendering a pervasive climate of fear which in effect confined them to their homes"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 14 August 2020, www.ecoi.net/en/document/2037646.html, para. 59. "Many of the Turkish proxies who have control of the region seek to establish an Islamic caliphate and law based on the most conservative Islamist principles. (...) Accounts also describe brutal punishment for violations of the imposed dress code of full veiling in public. Many women do not leave the house for fear of punishment or abduction"; RIC, *Turkey's Track Record: The Occupation of Afrin*, 7 November 2019, <https://bit.ly/2S5szO8>, p. 13. "Turkish-backed armed groups have arrested women who travel without a male relative – enforcing the same kind of behavioral code as ISIS that required women to travel with a male guardian (mahram). In Afrin, Ahrar al-Sharqiya put up numerous signs instructing women to wear the veil and abide by a conservative dress code"; Professor Amy Austin Holmes, *U.S. Commission on International Religious Freedom Virtual Hearing on Safeguarding Religious Freedom in Northeast Syria*, 10 June 2020, <https://bit.ly/2FZLx62>, p. 6. "By targeting almost every aspect of Kurdish women's lives in the Afrin District, (...) armed groups generated a palpable fear of violence and duress among the female Kurdish population. This resulted in an undermining of women's ability to meaningfully participate and contribute to their community. Indeed, to avoid being harassed, women described opting to remain at home, relinquish their jobs, or wear a headscarf if venturing outside without a male relative. One interviewee described being sexually harassed and referred to as kafir for not wearing a headscarf by members of armed groups at a checkpoint in the Afrin District. Yazidi women in the Afrin District described similar fears"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 89. In einem früheren Bericht hatte IICISyria festgestellt, dass die folgenden bewaffneten Gruppen die Freiheit von Frauen einschränken: Ahrar al-Sham, Faylaq al-Sham, Jaysh Usud al-Sharqiya und Nur al-Din al-Zinki. "Violations include the imposition of strict dress codes for women and girls and limitations on freedom of movement. At the same time, women and girls were harassed by armed group members, in particular when attempting to pass checkpoints"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 63. In Afrin, "reports of women in Tel Abyad being forced to wear full veiling and videos of Turkish-proxies shouting jihadist slogans [are] emerging from the occupied region"; RIC, *Turkey's Track Record: The Occupation of Afrin*, 7 November 2019, <https://bit.ly/2S5szO8>, pp. 18-19. Siehe auch SOHR, *Family Escapes from Afrin after Threats of Killing, Arrest and Rape*, 29 June 2020, <https://bit.ly/2AqUIMT>.

Gruppen vertretene strenge Auslegung des Islam verstoßen zu haben, gezielt festgenommen und körperlich misshandelt.⁷⁷⁶

Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität tatsächlich oder vermeintlich nicht den traditionellen Vorstellungen entsprechen, sind laut Meldungen besonders gefährdet, von konservativen und extremistischen Gruppen sowie von Einzelpersonen gezielt und unter Einsatz von Gewalt angegriffen zu werden, da diese Aspekte nach deren Vorstellung gegen religiöse Vorschriften des Islam verstoßen.⁷⁷⁷

UNHCR ist der Auffassung, dass Personen, denen Verstöße gegen strenge islamische Vorschriften vorgeworfen werden und die in Gebieten leben, die unter der Kontrolle oder dem Einfluss extremistischer bewaffneter Gruppen stehen, einschließlich HTS und ISIS, aufgrund ihrer Religion wahrscheinlich internationalen Flüchtlingsschutz benötigen, je nach den Umständen des Einzelfalls.

Ferner ist UNHCR der Auffassung, dass Personen, denen Verstöße gegen strenge islamische Vorschriften vorgeworfen werden und die in Gebieten leben, die unter der Kontrolle bewaffneter SNA-naher Gruppen und anderer bewaffneter oppositioneller Gruppen stehen, je nach den Umständen des Einzelfalls aufgrund ihrer Religion gegebenenfalls internationalen Flüchtlingsschutz benötigen.

Zu Frauen und Mädchen, denen Verstöße gegen strenge islamische Vorschriften vorgeworfen werden, siehe auch Kapitel III.A.9.d.

Zum internationalen Schutzbedarf von Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität tatsächlich oder vermeintlich nicht den traditionellen Vorstellungen entsprechen, siehe Kapitel III.A.11.

f) Konvertierung vom Islam zum Christentum

Die Konvertierung vom Islam zu anderen Religionen ist gesetzlich verboten.⁷⁷⁸ Im Personenstandsregister würde ein zum Christentum konvertierter Muslim weiterhin als Muslim eingetragen bleiben.⁷⁷⁹

Aufgrund gesellschaftlicher Konventionen, religiöser Verbote und fehlender gesetzlicher Anerkennung gibt es laut Meldungen nur selten Fälle, in denen Menschen offen vom Islam zum Christentum konvertieren.⁷⁸⁰ Personen, die zum Christentum konvertiert sind, müssen ihren Glauben Berichten zufolge oftmals geheim halten, da eine feindselige Haltung gegenüber Menschen, die vom Islam konvertiert sind, in der syrischen Gesellschaft weitverbreitet ist und Familien bzw. Stämme die Konvertierung eines ihrer Mitglieder wahrscheinlich als Verletzung ihrer kollektiven „Ehre“ ansehen würden.⁷⁸¹ Eine offene Konvertierung würde wahrscheinlich dazu führen, dass die Betroffenen von ihrer

⁷⁷⁶ "In June 2020, the Afrin Human Rights Organization reported that a woman who had been working as a hairdresser in Afrin city was accused of witchcraft by Ahrar al Sharqiya. Militia members threatened to rape her during the interrogation, demanded money, and threatened to kidnap her husband"; Missing Afrin Women Project, July 2020: Five Women Reported Kidnapped, Violence Increasing, July 2020, <https://bit.ly/2ExypER>. Siehe auch SOHR, Al-Raqqa: "Ahrar Al-Sharqiyyah" Assaults Person for "Smoking in Public" and not "Observing Ramadan", 2 May 2020, <https://bit.ly/2ZsZi2T>; The New York Review of Books, Who Are Turkey's Proxy Fighters in Syria?, 27 November 2019, <https://bit.ly/2P3r5IA>.

⁷⁷⁷ Siehe Kapitel III.A.11.

⁷⁷⁸ USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷⁷⁹ Infolgedessen ist es einer Frau, die zum Christentum konvertiert ist, gesetzlich verboten, einen christlichen Mann zu heiraten, da sie per Gesetz weiterhin als Muslimin gilt: "Per the Personal Status Code, a Muslim man may marry a Christian woman, but a Muslim woman may not legally marry a Christian man"; USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html.

⁷⁸⁰ "Societal pressure further makes conversion, particularly from Islam to Christianity, relatively rare and forces many converts to flee outside of the country"; Humanists International, Freedom of Thought Report: Syria, letzte Aktualisierung am 25. September 2020, <https://bit.ly/33yOO4I>. "Religious conversions are rare and taboo in Syria, with those who abandon Islam often ostracized by their families and communities"; NBC News, Life under ISIS led these Muslims to Christianity, 3 February 2019, <https://nbcnews.to/33DQFVvk>. Siehe auch USCIRF, Syria 2019 International Religious Freedom Report, 10 June 2020, www.ecoi.net/en/document/2031230.html. Medienberichten zufolge konvertierten einige Kurden in Kobane und Afrin aufgrund der extremistischen ISIS-Ideologie vom Islam zum Christentum. Viele wollten jedoch ihre Namen nicht preisgeben und auch keine Interviews führen, da sie Vergeltungsmaßnahmen der konservativen gesellschaftlichen Kreise befürchteten; Reuters, Christianity Grows in Syrian Town once Besieged by Islamic State, 16 April 2019, <https://reut.rs/3hJUDkB>; NBC News, Life under ISIS led these Muslims to Christianity, 3 February 2019, <https://nbcnews.to/33DQFVvk>.

⁷⁸¹ "Christians who converted from Islam are often put under pressure by their family, as conversion brings great dishonor to the family. This is particularly true in majority Sunni areas, where converts risk being expelled from their family homes or worse. Pressure from the family is somewhat less intense in Kurdish areas, as the Kurdish Sunnis are generally less radical"; Open Doors, 2020 World Watch List: Syria, 2020, <https://bit.ly/2FFv0DZ>.

Gemeinschaft, ihrem Stamm oder ihrer Familie geächtet werden und/oder Opfer von Gewalt werden.⁷⁸² In Gebieten, die von bewaffneten islamistischen oder extremistischen Gruppen kontrolliert werden oder in denen diese Gruppen präsent sind, würde von diesen Akteuren eine zusätzliche Gefahr ausgehen, da sie eine Konvertierung als Glaubensabtrünnigkeit ansehen, die ihrer Meinung nach mit dem Tod zu bestrafen ist.⁷⁸³

Der Gesellschaftsvertrag, den die AANES 2014 verabschiedet hat, erkennt das Recht auf Konvertierung an⁷⁸⁴; allerdings fehlt es an näheren Informationen zum Umgang mit Konvertiten sowie an der Fähigkeit und Bereitschaft der AANES, christliche Konvertiten vor Vergeltungsmaßnahmen nichtstaatlicher Akteure zu schützen.

UNHCR ist der Auffassung, dass Personen, die vom Islam zum Christentum konvertiert sind, aufgrund ihrer Religion je nach den Umständen des Einzelfalls wahrscheinlich internationalen Flüchtlingsschutz benötigen.⁷⁸⁵

9) Frauen und Mädchen mit bestimmten Profilen oder in speziellen Situationen⁷⁸⁶

Während des gesamten Konflikts sind Frauen Opfer einer Vielzahl von Menschenrechtsverletzungen geworden.⁷⁸⁷ Frauen wurden gezielt Opfer von Übergriffen in Form von willkürlichen Festnahmen, Entführungen, Verschwindenlassen⁷⁸⁸, Folter⁷⁸⁹, Vergewaltigung und anderen Formen sexueller Gewalt sowie außergerichtlicher Hinrichtung⁷⁹⁰ aufgrund ihrer tatsächlichen oder vermeintlichen

⁷⁸² “[Advocacy groups] reported societal pressure continued to force converts to relocate within the country or leave the country to practice their new religion openly”; USCIRF, *Syria 2019 International Religious Freedom Report*, 10 June 2020, www.ecoi.net/en/document/2031230.html. “Even in more secure parts of Syria, Christians who have converted from Islam face pressure and discrimination from their communities”; Open Doors, *2020 World Watch List*, <https://bit.ly/34vbnHD>, p. 20. Siehe auch Zeit Online (auf Deutsch), *Mariams Leid*, 7 April 2017, <https://bit.ly/3d7zujn>.

⁷⁸³ Im August 2020 wurde gemeldet, dass mehr als ein Dutzend Kurden aus Afrin, die zum Christentum konvertiert waren, von SNA-nahen bewaffneten Gruppen entführt wurden; CBN News, *Turkish-Backed Islamists Reportedly Kidnap 14 Christians in Syria*, 25 August 2020, <https://bit.ly/2ZIOpeB>. Im gleichen Monat verhaftete eine SNA-nahe bewaffnete Splittergruppe einen kurdischen Zivilisten aus einem Dorf im ländlichen Afrin und beschuldigte ihn der Glaubensabtrünnigkeit und der Konversion zum Christentum; Kurdistan 24, *Fears for Fate of Syrian Kurd Kidnapped and Accused of Apostasy by Turkish-Backed Islamists*, 15 August 2020, <https://bit.ly/3mSVvXU>.

⁷⁸⁴ *The Social Contract for the Democratic Federation of Northern Syria*, 29 December 2016, <https://bit.ly/33W7smC>. Siehe auch Wilson Center, *Syrian Yazidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*, July 2020, <https://bit.ly/2E9AcQ6>, p. 13.

⁷⁸⁵ Für nähere Ausführungen zur Konversion nach Verlassen des Herkunftslands siehe UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06, www.refworld.org/docid/4090f9794.html, paras 34-36.

⁷⁸⁶ Für nähere Ausführungen zu Anträgen auf internationalen Schutz, die von Frauen gestellt werden, siehe UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, www.refworld.org/docid/3d36f1c64.html; und UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), *General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women*, 5 November 2014, CEDAW/C/GC/32, www.refworld.org/docid/54620fb54.html.

⁷⁸⁷ “While the immense suffering induced by those practices affected Syrians from all backgrounds, women and girls were disproportionately affected and victimized on multiple grounds, irrespective of the perpetrator or geographical area”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 48. “Syrian women and girls have not been accidental victims of the conflict, but have rather been directly and deliberately targeted”; SNHR, *Brief Report: On International Women’s Day... Syrian Women Continue to Suffer from the Worst Types of Violations*, 8 March 2020, <https://bit.ly/3bSOz8v>, p. 3. Siehe auch Kapitel II.E.

⁷⁸⁸ Im November 2020 meldete SNHR, dass durch die Konfliktparteien noch immer mehr als 10.500 Frauen willkürlich gefangen gehalten wurden oder in diesem Zusammenhang verschwanden, wobei die überwiegende Mehrzahl (über 8.400) von Regierungstruppen gefangen gehalten wurde; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 6.

⁷⁸⁹ Zwischen März 2011 und November 2020 registrierte SNHR den Tod durch Folter von mindestens 91 Frauen, einschließlich 73 Frauen, die in Haftanstalten der Regierung gefangen gehalten wurden; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 7.

⁷⁹⁰ “(...) Syrian women have been subjected to killing, arbitrary arrest, enforced disappearance, torture, sexual violence, forced displacement, and other abuses (...)”; SNHR, *Brief Report: On International Women’s Day... Syrian Women Continue to Suffer*

Unterstützung von oder Verbindung zu einer Kriegspartei, einschließlich aufgrund ihrer eigenen politischen Meinungen oder Aktivitäten⁷⁹¹, familiären Verbindungen⁷⁹², ihres Wohn- oder Heimatorts⁷⁹³ oder ihrer religiösen oder ethnischen Identität.⁷⁹⁴ Laut Meldungen haben die Konfliktparteien Frauen auch als Faustpfand für den Austausch von Geiseln benutzt.⁷⁹⁵

Frauen und Mädchen werden außerdem gesellschaftlich und gesetzlich diskriminiert, u. a. in Bezug auf Bürgerrechte und familienrechtliche Angelegenheiten, wie beispielsweise Erbfolge, Heirat, Scheidung und Sorgerecht für Kinder.⁷⁹⁶ Darüber hinaus sind Frauen geschlechtsspezifischer Gewalt ausgesetzt, einschließlich Vergewaltigung und anderer Formen sexueller Gewalt, Zwangs- und Kinderehe, häuslicher Gewalt, Gewalt in Form von „Ehrendelikten“, Menschenhandel zum Zweck der sexuellen Ausbeutung und Zwangsprostitution⁷⁹⁷ sowie Strafen für vermeintliche Verstöße gegen die strenge Auslegung des Islam und islamischen Rechts durch Hardliner-Gruppen.⁷⁹⁸

from the Worst Types of Violations, 8 March 2020, <https://bit.ly/3h7SQ8Y>, p. 1. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, paras 101-108; UNFPA, *Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview (Draft)*, 2 April 2020, <https://bit.ly/30AdBUa> (im Folgenden: UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>), p. 13; UN News, *UN Population Fund Sounds Alarm over Dire Situation Facing Women and Girls in Syria, as 10th Year of War Begins*, 16 March 2020, <https://bit.ly/2Pyi0le>. Siehe auch Kapitel II.E.

⁷⁹¹ Von den Regierungstruppen ins Visier genommen wurden „women active in the political uprising, including those involved in media, educational and research activities against the Syrian regime“, sowie „female aid workers and those involved in humanitarian relief work, with dozens of women arrested for ‘crimes’ such as contributing to the transfer of medical or relief supplies [to] besieged people.“ Ferner meldete SNHR die Festnahme von Frauen aufgrund ihrer kritischen Haltung gegenüber HTS, bewaffneten SNA-nahen Gruppen und den SDF; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, pp. 9, 17, 21, 24. Siehe insbesondere Kapitel III.A.1, III.A.4, III.A.5 und III.A.6.

⁷⁹² „Many women and girls have been targeted simply because of their kinship with dissidents or opponents of the Syrian regime, with the aim of deterring as many Syrian men as possible from participating in the popular uprising, for fear for their wives, sisters, mothers, daughters or any other female relatives (...). It is quite common for the Syrian regime forces to arrest, torture, and often also rape a woman simply because her husband, son, brother, father or old male relative participated in or contributed to the uprising for freedom.“ Die SDF haben Frauen und Mädchen aufgrund einer „engen verwandtschaftlichen Beziehung“ zu SNA- oder ISIS-Mitgliedern festgenommen, einschließlich nach Besuchen in Gebieten, die von der SNA kontrolliert werden; SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, pp. 9, 17. Siehe Kapitel III.A.1.b, III.A.4, III.A.5 und III.A.6.

⁷⁹³ Siehe Kapitel III.A.1, III.A.3 und III.A.6.

⁷⁹⁴ Siehe Kapitel III.A.8.

⁷⁹⁵ SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 11; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 56; STJ, *Syria: “They Coerced Us into Saying that We Are ISIS Wives”*, 30 August 2019, <https://bit.ly/31KXiW8>. Für aktuelle Beispiele siehe AGPS, *Palestinian Refugee Released in Prisoner Swap*, 12 August 2020, <https://bit.ly/2ZZubDU>; SOHR, *Regime Forces and HTS Swap Prisoners in Western Aleppo Countryside*, 12 August 2020, <https://bit.ly/3la0Jh4>; SOHR, *Turkish-Backed “National Army” and Regime Forces Swap Prisoners in Northern Aleppo*, 12 July 2020, <https://bit.ly/3gt1m1i>; SOHR, *Regime Forces and “Hurras al-Din” Organization Swap Prisoners in North-Eastern Idlib*, 22 May 2020, <https://bit.ly/2YyU6eq>; SOHR, *Syrian Regime and Opposition Factions Swap Prisoners in Rural Aleppo*, 27 February 2020, <https://bit.ly/31rKMef>.

⁷⁹⁶ „Criminal, family, religious, personal status, labor, nationality, inheritance, retirement, and social security laws discriminate against women“; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Freedom House, *Freedom in the World 2020: Syria*, 4 March 2020, www.ecoi.net/en/document/2030806.html; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, Aktualisierung am 20. Januar 2020, <https://bit.ly/3auRbrK>; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2; Enab Baladi, *Local Organizations Discuss Advancement of Women and Civil Work in Eastern Syria*, 7 February 2020, <https://bit.ly/38T9xC7>; Enab Baladi, *Personal Status Court in Al-Suwayda Faces Criticism Again*, 10 December 2019, <https://bit.ly/2OmDNMm>; Chatham House, *New Amendments to Personal Status Law Offer Small Gains for Women’s Rights*, June 2019, <https://bit.ly/3g0RZGd>; Library of Congress, *Syria: Women’s Rights in Light of New Amendments to Syrian Personal Status Law*, 8 April 2019, <https://bit.ly/31shcnJ>. Darüber hinaus können kulturelle Restriktionen Frauen beim Zugang zur Justiz behindern und zu einer De-facto-Diskriminierung führen. In einigen Gerichtsgebäuden wird Frauen ohne männliche Begleitung der Zutritt verwehrt, wodurch sie am Zugang zur Justiz und am Einreichen einer Scheidung gehindert werden; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 54.

⁷⁹⁷ US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 4; UN Human Rights Council, *“I Lost My Dignity”*, 8 March 2018, www.ecoi.net/en/document/1433339.html. „Gender-based violence is rampant, data collected by UNFPA this year show. It occurs everywhere – homes, schools, marketplaces, streets“; UNFPA, *“Life Became a Cage”: Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse*, 26 November 2019, <https://bit.ly/3jtegip>.

⁷⁹⁸ Siehe Kapitel III.A.8.e.

Berichten zufolge haben alle Formen sexueller und geschlechtsspezifischer Gewalt seit 2011 zugenommen⁷⁹⁹; dennoch werden in ganz Syrien Fälle nicht gemeldet, und Frauen suchen oft keinen Rechtsschutz⁸⁰⁰, u. a. weil sie den Rechtsdiensten misstrauen und Angst vor Stigmatisierung und Vergeltungsmaßnahmen haben⁸⁰¹, weil sie in ihrer Bewegungsfreiheit eingeschränkt sind und durch gesetzliche und finanzielle Hürden ausgeschlossen werden⁸⁰², weil es an polizeilichem und gerichtlichem Personal fehlt, das für den Umgang mit Fällen sexueller und geschlechtsspezifischer Gewalt geschult ist⁸⁰³, und weil spezialisierte Dienste nur beschränkt verfügbar sind.⁸⁰⁴

⁷⁹⁹ "With the start of an armed conflict in 2012, sexual and gender-based violence (SGBV) became a devastating feature of the Syria conflict"; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 2. Viele Frauen und Mädchen "(...) report that gender-based violence continues to plague their daily lives, including harassment, family violence and domestic violence. Moreover, assessments from late 2019 show that gender-based violence continues to rise, with new forms of violence increasing in their intensity and effect, such as forced puberty (...)"; UNFPA, *UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis*, 29 June 2020, <https://bit.ly/3hyDdaZ>. Siehe auch UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 13.

⁸⁰⁰ "(...) although women and children face high rates of harassment and sexual and domestic violence, women are taught not to seek help; once these traumatic incidents take place, they are afraid to report such events because of the humiliation and shame associated with it"; Harvard International Review, *Nowhere to Turn: Women in the Syrian Civil War*, 2 February 2020, <https://bit.ly/2Ean25a>. Siehe auch Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 45; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; Norwegian Church Aid (NCA), *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/345iyYa>, p. 27.

⁸⁰¹ "Lack of trust and stigma in disclosing a GBV incidence to public or private actors providing medical, PSS [psycho-social support] and legal services are just two challenges GBV actors face in collecting quantitative data on GBV. In addition, fear of reprisal by perpetrators and their family and community members serves as an impediment to disclosure"; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 13. "Overall, attitudes towards survivors of violence were largely negative, intolerant, and unsupportive, where they faced the rejection of their husbands, families, and community. This stigmatisation is not 'a product of the crisis; it existed before and continues now, especially in cases of rape.' (...) Wider community attitudes towards survivors were no different from their families': survivors were scorned, ostracised, and blamed"; In "cases of rape, women in all governorates avoided reporting in fear of the associated stigma and to preserve their reputation and that of their children, to protect themselves from the harsh judgment and blame of the community around them, and to escape potential household imprisonment or honour killing. Additionally, they neither had sufficient knowledge about the related legal, judicial, or social services, nor about who they could report to"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/3hH1Nq0>, pp. 33, 35. "Barriers to accessing services include the fear of stigmatization, shame, social isolation and verbal abuse, in addition to structural challenges such as the distance to service delivery points, the lack of transportation and family restrictions. Furthermore, formal justice systems are often non-existent outside of Government-controlled areas"; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 29 March 2019, S/2019/280, www.ecoi.net/en/document/2006897.html, para. 92. Siehe auch SNHR, *Ninth Annual Report on Violations Against Females in Syria*, 25 November 2020, <https://bit.ly/2Kp8Yrv>, p. 15; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, p. 45.

⁸⁰² UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107. "Movement restriction is often the primary obstacle in the way of women and girls' access to SGBV-specialised services and is imposed for a variety of reasons including fear of sexual violence and adherence to customs and traditions rooted in patriarchy"; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14. Siehe auch UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 13; OECD, *Social Institutions and Gender Index: Syria*, 2019, <https://bit.ly/346GqLo>, p. 7.

⁸⁰³ 2018 machte der Anteil von Frauen im Justizwesen nur 17 % aus; UN Economic and Social Committee for Western Asia, *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers*, 2019, <https://bit.ly/2ENCXHa>, p. 28. Im Nordwesten stellte eine Studie fest: "The lack of women's representation in justice sector institutions (including police forces, judges, and lawyers) is a significant deterrent for local women. (...) Cultural barriers preventing women from accessing formal court systems are reified and exacerbated by a lack of women in the formal court system. When presented with only male lawyers or legal personnel, many women may be disincentivized from bringing forth their cases. Moreover, a lack of female judges coupled with the inconsistent degrees to which male judges are educated suggests that decisions may not be made with a full understanding of women's experiences and specific legal needs"; Proximity International, *Women and the Justice Sector in North-Western Syria*, October 2018, <https://bit.ly/3jv2gMW>, p. 33, siehe auch p. 21. Siehe auch Enab Baladi, "Syria's Route to Justice" Campaign to Provide Redress for Syria's Sexual Violence Survivors, 27 June 2020, <https://bit.ly/3hM4kQ9>; FES, *Syrian Personal Status Laws*, December 2018, <https://bit.ly/3gQi23k>, pp. 2-3.

⁸⁰⁴ "GBV-specialized services have remained unavailable in many communities in northwest Syria (...)"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 24*, 26 January 2021, <https://bit.ly/3aYZ6PY>, p. 8. "Some organizations

Frauen und Mädchen mit bestimmten Profilen oder in bestimmten Situationen haben ein erhöhtes Risiko, Gewalt zu erfahren, wie in den folgenden Unterkapiteln näher beschrieben:

a) Sexuelle Gewalt

Sexuelle Gewalt, die durch staatliche und nichtstaatliche Akteure ausgeübt wird, ist Berichten zufolge weitverbreitet⁸⁰⁵ und ereignet sich in den unterschiedlichsten Situationen, einschließlich an Kontrollstellen und bei Entführungen und Festnahmen, in Vertriebenenlagern⁸⁰⁶, Zwangs- und Kinderehen⁸⁰⁷ sowie in Situationen, in denen Frauen zur Prostitution gezwungen werden und Opfer von Menschenhandel zwecks sexueller Ausbeutung werden.⁸⁰⁸ Der Einsatz sexueller Gewalt bei Festnahmen und in Haftanstalten der Regierung⁸⁰⁹ ist laut Berichten so weitverbreitet und systematisch, dass weibliche Gefangene nach ihrer Freilassung häufig von ihrer Gemeinschaft und Familie stigmatisiert werden, da unabhängig vom tatsächlichen Geschehen angenommen wird, dass sie Opfer

have attempted to support women, but their impact is limited due to the absence of legal frameworks that punish perpetrators of domestic violence, as well as social norms in certain areas of Syria, which leave women subservient to men. Developing and implementing protection programs is immensely challenging with no effective or functioning state, police, or justice system to ensure justice for victims”; FES, COVID-19 and Women in Syria: Deepening Inequalities, July 2020, <https://bit.ly/32pi1Ow>, p. 3. “Millions of Syrian women and girls continue to suffer from gender-based violence (GBV), harassment and increasingly restricted access to life-saving sexual and reproductive health services (...); UNFPA, UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis, 29 June 2020, <https://bit.ly/3hyDdaZ>. “Despite the existence of some services, community members and even some service providers appear to have limited to no awareness about them. There were neither specialised centres and front-liners, nor holistic GBV services that could provide adequate services to survivors”; NCA, Gender-Based Violence in Syria: Rapid Needs Assessment, December 2019, <https://bit.ly/3hH1Nq0>, p. 36. Siehe auch US Department of State, 2019 Country Reports on Human Rights Practices: Syria, 11 March 2020, www.ecoi.net/en/document/2026345.html.

⁸⁰⁵ “Parties to the conflict resorted to sexual violence as a tool to instil fear, humiliate and punish or, in the case of terrorist groups, as part of their enforced social order. Underreporting or delayed reporting of these flagrant violations is prevalent, thus seriously impacting an assessment of its full magnitude”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 59. SNHR dokumentierte mehr als 11.500 Fälle sexueller Gewalt gegen Frauen und Mädchen in Syrien. Die ganz überwiegende Mehrzahl der Fälle wurde den Regierungstruppen (über 8.000 Fälle) und ISIS (fast 5.000 Fälle) zugerechnet; SNHR, *Brief Report: On International Women’s Day... Syrian Women Continue to Suffer from the Worst Types of Violations*, 8 March 2020, <https://bit.ly/3h7SQ8Y>, p. 5. Siehe auch Enab Baladi, “Syria’s Route to Justice” Campaign to Provide Redress for Syria’s Sexual Violence Survivors, 27 June 2020, <https://bit.ly/2ZQO61J>; Syrian Road to Justice, *The Syrian Road to Justice: Statement*, 18 June 2020, <https://bit.ly/2PHJtkz>; Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 14; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, pp. 2, 9, 18, 26, 33. Siehe auch Kapitel II.E.

⁸⁰⁶ “The Commission is currently investigating reports of rape and sexual violence against women and children, including boys, in displacement camps”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107. “Available information indicates that rape and sexual exploitation are prevalent in internally displaced person and refugee camp settings and conflict-affected areas”; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, S/2020/487, <https://bit.ly/2WNgz6v>, para. 56. Siehe auch, SOHR, *Syrian Girls and Women Sexually Blackmailed by Powerful Officials in Return for Services and Food*, 26 January 2021, <http://bit.ly/2ZDZM7a>.

⁸⁰⁷ Siehe Kapitel III.A.9.b.

⁸⁰⁸ US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 38; SOHR, *On the World Day Against Human Trafficking, More Than 1750 Syrian Civilians Have Been Trafficked within the Syrian Territory, on the Border with Turkey, and at the Sea*, 31 July 2019, <https://bit.ly/2EOWe0l>; The School for Ethics and Global Leadership, *The International Human Trafficking of Syrian Refugees*, 17 April 2019, <https://bit.ly/31KBcTY>, pp. 5, 7. “Women interviewed (...) cite instances of security officers abusing their power to drive women into prostitution. (...) Suspected female sex workers and women detained for unrelated political or security reasons are often coerced into participating in prostitution rings run by security forces themselves”; COAR, *Syria Update: Damascus Flails as Syrians Abroad Queue for COVID-19 Vaccine*, 25 January 2021, <https://bit.ly/3r79xXw>.

⁸⁰⁹ “For most women, the horror starts at the moment of arrest. First, the male soldiers touch them inappropriately. On arrival at the prison, they are forced to strip naked. The invasion of their bodies often begins with an aggressive, intimate search by a male guard. (...) Sexualized, gender-based violence is one of the most widespread crimes in Syria’s government detention facilities, according to international law expert, Alexandra Lily Kather. Yet, it is also one of the most underreported”; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?*, 19 June 2020, <https://p.dw.com/p/3e3Ns>. Siehe auch Syria Direct, *Freed from Regime Prisons, Syrian Women Seek Refuge from Social Stigma*, 6 August 2020, <https://bit.ly/2E6uGxQ>; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, p. 1 and paras 60-62; SOHR, *Incidents of Sexual Harassment and Rape by the Regime’s Intelligence Affect Citizen Women in the Eastern Ghouta Including Schoolgirls*, 1 November 2019, <https://bit.ly/2rE9BnH>; SJAC, “Do You Know What Happens Here?” *An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, <https://bit.ly/2WLyMeg>, p. 1; und Kapitel II.E.

von sexueller Gewalt wurden.⁸¹⁰ Ehemalige Gefangene sind oft traumatisiert, und Meldungen zufolge haben einige deshalb Suizid begangen.⁸¹¹

Berichten zufolge hat ISIS schwere Menschenrechtsverletzungen sowie Kriegsverbrechen, Verbrechen gegen die Menschlichkeit und – im Fall der Jesiden – Völkermord begangen, und Frauen und Mädchen wurden gezielt Opfer von Vergewaltigungen, Zwangsheirat, sexueller Versklavung und anderer Formen sexueller Gewalt.⁸¹² Frauen und Mädchen, die aufgrund einer Vergewaltigung ein Kind zur Welt gebracht haben, sind besonders gefährdet, diskriminiert und marginalisiert zu werden, und unterliegen dem Risiko, einem „Ehrenmord“ zum Opfer zu fallen.⁸¹³

Zwar stellt das Strafgesetzbuch sowohl Vergewaltigung als auch sexuelle Nötigung außerhalb der Ehe unter Strafe⁸¹⁴, doch in der Praxis werden die Strafen für außereheliche Vergewaltigung und sexuelle Nötigung nicht effektiv durchgesetzt.⁸¹⁵ Die Strafe für außereheliche Vergewaltigung kann herabgesetzt werden, wenn sich der Täter bereit erklärt, das Opfer zu heiraten.⁸¹⁶ Abtreibung ist gesetzlich verboten, auch im Fall von Vergewaltigung, es sei denn, das Leben der Frau ist gefährdet.⁸¹⁷

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- ⁸¹⁰ *“In Syrian society, it is commonly believed that every woman previously detained has undoubtedly been raped. Families of detained women are consequently ostracized due to the associated stigma. The families of the victims, in turn, shun them in many cases after their release. (...) Released women also run the risk of being victims of so-called ‘honour killing’”*; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4I>, paras 35-36. Die Völkerrechtsexpertin Alexandra Lily Kather erklärt: *“[I]f a woman has been sexually violated, she is judged to have brought shame on the honor of the family and will be excluded”*; DW, *Can Syrian Sexual Violence Survivors Get Justice in Germany?*, 19 June 2020, <https://p.dw.com/p/3e3Ns>. *“Additionally, the prevalence of sexual violence in detention can impact how the community perceives a woman when she returns following detention, regardless of whether she was, in fact, sexually abused”*; SJAC, *“Do You Know What Happens Here?” An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, <https://bit.ly/2WLYmeg>, p. 12. Siehe auch Syria Direct, *Freed from Regime Prisons, Syrian Women Seek Refuge from Social Stigma*, 6 August 2020, <https://bit.ly/2E6uGxQ>; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 38.
- ⁸¹¹ SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4I>, para. 37.
- ⁸¹² UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 53, 58; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; UN Human Rights Council, *“I Lost My Dignity”*, 8 March 2018, www.ecoi.net/en/document/1433339.html, paras 72-89.
- ⁸¹³ *“Women and girls who have babies as a result of rape remain at risk of honour killings if it becomes known the child is a result of rape. At the very least, they face divorce and ostracisation from their family and community. Social and cultural stigmas make it extremely difficult to obtain reliable information on these women and the children born of rape”*; UN Human Rights Council, *“I Lost My Dignity”*, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 99. Siehe auch VOA, *Syrian Orphanage Takes in Children Born of IS Rape*, 16 July 2019, <https://bit.ly/3f4rSO8>. Im Lager Al-Hol *“125 survivors [of sexual slavery] have been identified to date. It was verified that 39 children born as a result of sexual slavery were subsequently left in orphanages by their mothers. (...) the lack of community acceptance of children born of rape is a factor inhibiting return”*; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, <https://bit.ly/2WNgz6v>, para. 57. Siehe auch Kapitel III.A.9.d.
- ⁸¹⁴ *“Article 489 of the Penal Code No. 148 of 1949 criminalizes rape, other than of a female spouse. The death penalty applies to rape if the victim is under 15 years or if the offence took place under the threat of the use of a firearm”*; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>. *“(...) according to the provisions of the Penal Code, criminal conduct includes rape, harassment, indecent assault (indecent touching of intimate areas), and acts intended for pornographic purposes. All such acts are penalized whether they were perpetrated by force, by means of deception, or in return for monetary gain”*; UNFPA, *Syria: Gender Justice & The Law*, December 2018, <https://bit.ly/3htjFVH>, p. 13. Das Strafgesetzbuch von 1949 (Gesetz 148/1949) ist in der geänderten Fassung auf Arabisch abrufbar unter WIPO, *Syrian Arab Republic, Law No. 148/1949 on the Syrian Penal Code*, <http://bit.ly/2rj5PvT>.
- ⁸¹⁵ US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. IICISyria bemerkte, dass die Täter sexueller Gewalthandlungen *„so gut wie nie zur Verantwortung gezogen“* werden; UN Human Rights Council, *“I Lost My Dignity”*, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 1.
- ⁸¹⁶ *“There is no provision fully exonerating an offender who marries his victim. However, a perpetrator of rape and certain other crimes may have his penalty reduced if he marries his victim under Article 508 of the Penal Code. A minimum penalty of two years imprisonment applies for rape”*; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2. *“Article 508 is thus a codification of the social pressure felt by female Syrian survivors of rape to enter into forced marriage”*; Layla Abi-Falah, *Reintegration of Female Rape Survivors: The Overlooked Priority of Transitional Justice in the Face of Mass Wartime Rape*, in *William & Mary Journal of Race, Gender, and Social Justice*, Vol. 26 (2), February 2020, <https://bit.ly/2PYSB4v>, p. 446.
- ⁸¹⁷ *“Abortion is prohibited by Articles 525-532 of the Penal Code, including for women who have been raped”*; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2. Siehe auch OECD, *Social Institutions and Gender Index: Syria*, 2019, <https://bit.ly/346GqLo>, p. 3.

Obwohl sexuelle Gewalt weitverbreitet ist, sind Programme zur Bekämpfung sexueller und geschlechtsspezifischer Gewalt nur eingeschränkt möglich.⁸¹⁸ Weibliche Überlebende von sexueller Gewalt und Vergewaltigung werden stigmatisiert und diskriminiert.⁸¹⁹ Scham und Traumatisierung infolge von Vergewaltigung und sexueller Gewalt haben einige Überlebende in den Suizid getrieben.⁸²⁰

Das Risiko bzw. vermutete Risiko sexueller Gewalt führt zu einer höheren Anzahl von Zwangs- und Kinderehen⁸²¹, beschränkt die Bewegungsfreiheit von Frauen und Mädchen⁸²² und ist ein treibender Faktor für Flucht und Migration.⁸²³

b) Zwangs- und Kinderehen

Durch eine Änderung des Personenstandsgesetzes (Gesetz Nr. 59 von 1953) im Februar 2019 wurde das gesetzliche Mindestalter für die Eheschließung sowohl für Männer als auch für Frauen auf 18 Jahre festgelegt⁸²⁴ und das Einverständnis beider Ehepartner vorausgesetzt.⁸²⁵ Nach richterlichem Ermessen kann das Mindestalter auf 15 Jahre gesenkt werden.⁸²⁶

⁸¹⁸ SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 37; Oxfam / NRC, *Hard Lessons: Delivering Assistance in Government-Held Areas of Syria*, 15 July 2020, www.ecoi.net/en/document/2033934.html, p. 8. Siehe auch oben S. 156-157.

⁸¹⁹ "(...) sexual violence has led to serious and severe physical and psychological trauma for the victims, as well as to their stigmatization and ostracism in their social environment"; SNHR, *28,076 Females Have Been Killed in Syria since March 2011, Nearly 84% of these by Syrian Regime Forces and Its Allies*, 25 November 2019, <https://bit.ly/39IEPBD>, p. 15. Überlebende sexueller Gewalt "often face shame, abuse, isolation, and abandonment when they return to their communities, as they are perceived to have lost their honor and chastity"; SJAC, "Do You Know What Happens Here?" *An Analysis of Survivor Accounts of SGBV in Syria*, April 2019, <https://bit.ly/3iuH1ub>, p. 12. Häufig vertrauen sich Frauen nicht ihren Familien und Freunden an, weil sie befürchten, stigmatisiert zu werden, und es keine Hilfsangebote für Opfer gibt; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 37. Siehe auch oben S. 156-157.

⁸²⁰ "The increase in reported suicides and suicide attempts by GBV survivors is also an alarming emerging trend"; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>. Nachdem eine Zunahme geschlechtsspezifischer Gewalt in Nordwestsyrien beobachtet wurde, "GBV partners are warning against severe consequences already observed, such as suicide attempts, especially amongst girls who are being forcibly married off by their families and abused women"; OCHA, *Syrian Arab Republic: Recent Developments in Northwest Syria*, 25 July 2020, www.ecoi.net/en/document/2034623.html, p. 13.

⁸²¹ Siehe Kapitel III.A.9.b.

⁸²² "Threats of sexual violence have been documented as a recurrent pattern, circumscribing the mobility of women and girls"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, <https://bit.ly/2WNgz6v>, para. 57. "Females have been disproportionately affected by sexual violence and the threat of rape has resulted in restrictions on their movements. Girls have been confined to their homes, removed from school or faced obstacles to access health care"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 2, siehe auch para. 60.

⁸²³ "(...) fear and threats of sexual violence, including in the context of abduction or detention, has been a major factor in inducing displacement and driving families to flee their homes"; UNSC, *Conflict-Related Sexual Violence*, 3 June 2020, <https://bit.ly/2WNgz6v>, para. 56. Siehe auch UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 64.

⁸²⁴ Früher betrug das Mindestalter für Mädchen 17 Jahre; Enab Baladi, *Amendments to the Personal Status Law: Violation of Sharia or Equity for Women?*, 2 March 2019, <https://bit.ly/2Y6GzdY>.

⁸²⁵ Artikel 5 des Personenstandsgesetzes (1953) in der Fassung des Gesetzes 4/2019. "Under the Personal Status Law a valid marriage requires the woman's consent. If a woman who has attained the age of 18 years wants to marry, the judge is required to ask her guardian to give his opinion on the marriage within 15 days. If the guardian does not object to the marriage, or if his objection is not convincing, the judge shall authorize her marriage on the condition of competence and dowry"; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2. Allerdings "while the law requires consent of both parties to the marriage contract, a minor is not truly able to object to it because the guardian contracts the marriage in the cases of minors. This is also one of the reasons it is difficult to enforce the minimum age for marriage"; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, Aktualisierung am 20. Januar 2020, <https://bit.ly/3auRbrK>, pp. 9-10.

⁸²⁶ Personenstandsgesetz (1953) in der Fassung des Gesetzes 4/2019, Artikel 18. Siehe auch SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 26; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, Aktualisierung am 20. Januar 2020, <https://bit.ly/3auRbrK>, p. 6; UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2; Enab Baladi, *Amendments to the Personal Status Law: Violation of Sharia or Equity for Women?*, 2 March 2019, <https://bit.ly/2Y6GzdY>.

Zwar ist die Praxis der Kinderehe kein neues Phänomen⁸²⁷, doch deuten Berichte darauf hin, dass seit dem Ausbruch des Konflikts immer mehr syrische Mädchen verheiratet werden.⁸²⁸ Mädchen, die erst 13 Jahre alt waren, sind verheiratet worden.⁸²⁹ Die Eheschließungen von Mädchen, die das gesetzliche Mindestalter noch nicht erreicht haben, erfolgen nach religiösen Bräuchen, die offiziell nicht anerkannt sind.⁸³⁰

Mitunter werden Frauen und Mädchen von Familien zwangsverheiratet, da die Familien annehmen, die Ehe schütze die Betroffenen vor der tatsächlichen oder vermeintlichen Gefahr sexueller Gewalt, oder aus wirtschaftlichen Gründen⁸³¹ oder zur Verheimlichung der „Schande“ einer an den Betroffenen verübten sexuellen Gewalttat.⁸³² Berichten zufolge werden Frauen und Mädchen zwecks sexueller Ausbeutung oder im Rahmen des Menschenhandels gezwungen, „Ehen auf Zeit“ einzugehen.⁸³³

⁸²⁷ “Before the conflict, 13 per cent of Syrian women aged 20 to 25 were married before the age of 18”; NRC, *What You Need to Know about Syrian Child Marriage*, 11 February 2019, <https://bit.ly/3gbAKCd>.

⁸²⁸ “Almost 100 percent of adolescent girls and ninety-four percent of adolescent boys noted that child marriage has become more common since the start of the conflict, while seventy-one percent of all respondents identified conflict and insecurity as the top driver of child marriage”; WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, p. 4, siehe auch p. 10. “Among girls, there were alarmingly high rates of forced child marriage (reported by a major 81% in Hassakeh and 27% in Deir Ezzor) and sexual violence in both Deir Ezzor (93%) and Hassakeh (65%)”; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/345iyYa>, p. 15. Siehe auch STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, <https://bit.ly/3nRB2BO>, pp. 3-4; UNICEF, *Syria: Facts and Figures*, June 2020, <https://uni.cf/2OolshQ>, p. 5; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 35.

⁸²⁹ “Interviewees, including health personnel, reported that girls as young as 13 are routinely removed from school and many had been subsequently married off, including on occasions to older men”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 108. Siehe auch STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, <https://bit.ly/3nRB2BO>, p. 15.

⁸³⁰ Zwar kann eine nach religiösem Brauch vollzogene Eheschließung eines Mädchens, das noch keine 15 Jahre alt ist, nicht in das Personenstandsregister eingetragen werden, doch können die Eheleute die Eheschließung eintragen lassen, sobald das Mädchen 15 Jahre alt wird, vorbehaltlich der Überprüfung durch einen Scharia-Richter. Es besteht die Möglichkeit, dass wegen der nicht eingetragenen Eheschließung eine im Strafgesetzbuch vorgesehene Geldstrafe verhängt wird. In der Praxis kann der Richter jedoch einwilligen, eine nach religiösem Brauch geschlossene Ehe auch dann einzutragen, wenn das Kind unter 15 Jahren ist, sofern er feststellt, dass dies dem Wohl des Kindes dient. In diesem Fall basiert die Eintragung der Ehe auf einem Eheauthentifizierungsverfahren vor dem Scharia-Gericht; UNHCR Information, December 2020. Nicht eingetragene Eheschließungen “leave child brides with little protection, facilitating divorce for husbands and abandonment for girls”; Brookings, *Forced Displacement and Child Marriage: A Growing Challenge in MENA*, 19 June 2019, <https://brook.gs/2CCgLie>. “(...) articles 469-471 of the Penal Code were amended by Law 24 of 2018 by imposing fines for knowingly engaging in out of court marriages. The Penal Code now stipulates that a cleric who concludes an out-of-court marriage, without verifying (wittingly or not) the relevant legal requirements of the personal status law (PSL), is liable to legal punishment. In addition, the spouses, their representatives, and the witnesses are also liable to legal sanction”; UNFPA, *Format for the Country Programme Performance Summary*, nicht datiert, <https://bit.ly/3gZfKPu>, p. 8. “Law 24 of 2018 was promulgated to amend Article 469 of the Penal Code and it increased the punishment of any person entering into marriage with a minor outside of court”; Syrian Arab Republic / Syrian Commission for Family and Population Affairs, *National Report of the Syrian Arab Republic Beijing+25*, undated, <https://bit.ly/3IG7g37>, p. 34. “In June 2018, the Syrian Parliament adopted an amendment to the Penal Code, which introduced stricter fines and punishments for anyone entering into a marriage privately without registering it and without all the conditions being met”; Landinfo, *Syria: Marriage Legislation and Traditions*, 22 August 2018, www.ecoi.net/de/dokument/1454015.html, p. 11. Der arabische Text des Gesetzes 24/2018 findet sich hier: <https://bit.ly/2EUX5qH>. Siehe auch Syrian Law Journal, *A Comprehensive Insight into Syrian Family Law*, 3 October 2019, <https://bit.ly/311w1hN>.

⁸³¹ “The Commission continued to receive reports of parents engaging their daughters in early marriage for ‘protection’ concerns or to alleviate financial burdens further compounded by the conflict”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 108. “Early and forced marriages are a problem, with displaced families in particular marrying off young daughters as a perceived safeguard against endemic sexual violence or due to economic pressure”; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. Siehe auch WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, pp. 4, 10-11; International Review of the Red Cross, *Child Marriage in Armed Conflict*, IRRIC No. 911, June 2020, <https://bit.ly/3iOKqEo>; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 64.

⁸³² Human Appeal, *Risking Death to Give Birth*, 15 May 2020, www.ecoi.net/en/document/2030010.html, p. 16.

⁸³³ “The GBV sub-cluster continues to receive reports about families marrying off their daughters repeatedly for short period in exchange of money”; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, <https://bit.ly/3ht6AuF>, p. 12. “Temporary marriages in Egypt, Morocco, Syria, Yemen and among refugee communities in Jordan and Lebanon are many times a guise towards sexual exploitation and forced prostitution” (Hervorhebung nur hier); ECPAT International, *Regional Overview: Sexual Exploitation of Children in the Middle East and North Africa*, 15 May 2020, <https://bit.ly/31t0qF1>, p. 39. “Experts are also seeing ‘serial marriages,’ a form of exploitation in which a girl is briefly ‘married’ to a client to justify transactional sex”; UNFPA, “Life Became a Cage”: Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse, 26 November 2019, <https://bit.ly/3jtegiP>. Siehe auch NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/345iyYa>, p. 14.

Zuletzt wurde von einer neueren Entwicklung berichtet, bei der Familien vorpubertäre Mädchen mit Hormonen behandeln, um den frühzeitigen Beginn der Pubertät einzuleiten und die Mädchen einer Kinderehe zuzuführen oder sexuell auszubeuten.⁸³⁴ Frauen und Mädchen, die unter Zwang eine Ehe schließen müssen, sind Berichten zufolge besonders gefährdet, Opfer häuslicher Gewalt zu werden.⁸³⁵

Darüber hinaus wurden Frauen und Mädchen gezwungen, Mitglieder bewaffneter Gruppen in den von ihnen faktisch kontrollierten Gebieten zu heiraten.⁸³⁶

c) Häusliche Gewalt

Häusliche Gewalt, die u. a. durch Ehemänner, Väter, Brüder und Schwäger ausgeübt wird, hat laut Meldungen durch den Bürgerkrieg, Vertreibungen und wirtschaftliche Unsicherheit⁸³⁷ zugenommen und wird in weiten Teilen der Gesellschaft immer noch akzeptiert.⁸³⁸ Es gibt keinen geeigneten gesetzlichen Rahmen, der die Opfer vor häuslicher Gewalt schützt.⁸³⁹ Überlebende häuslicher Gewalt werden oft stigmatisiert und leiden unter schweren psychischen Traumata.⁸⁴⁰ Insbesondere im Nordwesten lässt sich eine neue Entwicklung beobachten, bei der Frauen in einigen Fällen gezwungen werden, geschlechtsspezifische Abtreibungen vorzunehmen, um die Geburt eines Jungen sicherzustellen.⁸⁴¹

Diskriminierende kulturelle und gesetzliche Praktiken, die dazu führen, dass geschiedenen Frauen das Sorgerecht, Unterhaltszahlungen, Zugang zur ehelichen Wohnung und Erbschaftsansprüche

⁸³⁴ "(...) assessments from late 2019 show that gender-based violence continues to rise, with new forms of violence increasing in their intensity and effect, such as forced puberty – which involves injecting young girls with hormones to induce puberty for the purposes of child marriage or sexual exploitation"; UNFPA, *UNFPA Calls for Urgent Funding to Protect Health and Safety of Women and Girls Affected by Syria Crisis*, 29 June 2020, <https://bit.ly/3g18hi9>. Siehe auch OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, <https://bit.ly/3ht6AuF>, p. 12.

⁸³⁵ STJ, *Early Marriage Hits High Rates in Some Areas of Syria*, 17 September 2020, <https://bit.ly/3nRB2BO>, pp. 8-9; WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, p. 10; UNFPA, "Life Became a Cage": *Syrian Girls Shed Light on Conflict, Vulnerability and Cycle of Abuse*, 26 November 2019, <https://bit.ly/3jtegiP>. Siehe auch Kapitel III.A.9.c.

⁸³⁶ "The Commission recorded numerous cases of families forced to allow the marriage of their minor daughters with members of armed groups in rif [Rural] Damascus. Such alliances often resulted in the girl being abandoned shortly thereafter, and later prevented from returning to her family home as she had been 'dishonoured' "; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 66. Siehe auch US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; Für Informationen über Zwangsehen durch der SNA nahestehende bewaffnete Gruppen, vergleiche Kapitel III.A.8.d.

⁸³⁷ "Gender-based violence (GBV), domestic violence, sexual harassment, and sexual violence have increased across the country, with many women reporting that their husbands are quicker to resort to violence as the external conflict takes an increasing psychosocial toll within the home"; Concern Worldwide, *Syria: 5 Things to Know in 2020*, March 10, 2020, <https://bit.ly/32y50ST>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 July 2020, www.ecoi.net/en/document/2035513.html, para. 107; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/345iyYa>, pp. 13, 14, 24. Es besteht die Sorge, dass Frauen durch die COVID-19-Restriktionen noch stärker gefährdet sind, Opfer von häuslicher Gewalt und sonstigen Formen sexueller und geschlechtsbezogener Gewalt zu werden; The National, *Domestic Violence Is the 'Shadow Pandemic' We Need to Fix*, 5 August 2020, <https://bit.ly/2YDw6a4>; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, <https://bit.ly/32pi1Ow>, p. 3; UNFPA, *COVID-19: Guidance Note on Gender-Based Violence Service Provision*, 26 April 2020, <https://bit.ly/3hBVWmm>.

⁸³⁸ "Physical violence [in marriage] is cited as part of the traditions and customs and considered a mechanism of control, especially of adolescent wives. (...) Physical violence was also cited as a method to teach women to be upstanding members of the household"; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 30. Siehe auch SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 38.

⁸³⁹ "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"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. "Some organizations have attempted to support women, but their impact is limited due to the absence of legal frameworks that punish perpetrators of domestic violence, as well as social norms in certain areas of Syria, which leave women subservient to men"; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, <https://bit.ly/32pi1Ow>, p. 3. Vergewaltigung in der Ehe ist von der Definition der Vergewaltigung in Artikel 489 des Strafgesetzbuchs (Gesetz 148/1949 in der geänderten Fassung, siehe Fußnote 813) ausdrücklich ausgenommen, und die Artikel 192 und 242 ermöglichen eine Herabsetzung der Strafen für „Ehrendelikte“, einschließlich Delikten, die an vergewaltigten Frauen begangen wurden; siehe Kapitel III.A.9.d.

⁸⁴⁰ Enab Baladi, *Escaping Their Reality... Syrians Resort to Suicide*, 9 June 2020, <https://bit.ly/2NeKXlj>. "Women who reported domestic violence were usually divorced by their husbands or faced problems with their extended families"; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/345iyYa>, p. 36. Siehe auch OAV, *Gender and Mental Health in the Syrian Conflict*, 16 October 2019, <https://bit.ly/3hEfyGh>. Siehe auch oben S. 156-157.

⁸⁴¹ UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, pp. 8, 30, 38. OCHA meldete auch, dass Frauen zu Abtreibungen gezwungen werden, um zusätzlichen finanziellen Druck von den Familien abzuwenden; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, <https://bit.ly/3ht6AuF>, p. 13.

vorenthalten werden, sowie die mit einer Scheidung verbundene Stigmatisierung hindern Frauen Berichten zufolge daran, missbräuchliche Beziehungen zu verlassen.⁸⁴²

d) Gewalt im Rahmen von „Ehrendelikten“

Frauen, denen vor- oder außereheliche sexuelle Beziehungen vorgeworfen werden, einschließlich infolge von Vergewaltigung oder sonstigen Formen sexueller Gewalt, werden möglicherweise getötet oder erleiden Gewalt, weil sie beschuldigt werden, kulturelle, gesellschaftliche oder religiöse Normen missachtet und somit Schande über ihre Familie gebracht zu haben.⁸⁴³ Zwar ist die Zahl sogenannter „Ehrenmorde“ wegen einer hohen Dunkelziffer nicht bekannt, doch wird geschätzt, dass jedes Jahr mehrere Hundert Frauen und Mädchen in Syrien getötet werden und diese Zahl seit 2011 zugenommen hat.⁸⁴⁴ Gewalt im Namen von „Ehrendelikten“ wird in allen Teilen Syriens verübt und ist nicht auf eine bestimmte Region oder Gruppe beschränkt.⁸⁴⁵

Im Februar 2020 hob das syrische Parlament Artikel 548 des Strafgesetzbuchs auf, der bei Mord ein reduziertes Strafmaß vorsah, wenn der Täter seine Frau oder Verwandte beim Ehebruch oder in einer „verdächtigen Situation“ vorgefunden hatte.⁸⁴⁶ Allerdings haben Gerichte nach den Artikeln 192 und 242 des Strafgesetzbuchs weiterhin die Möglichkeit, die Strafe zu reduzieren, wenn sich der Angeklagte

⁸⁴² “The fear of stigma and shame from being divorced is prohibiting women from seeking it, even if it may be in her best interests. The threat of violence is therefore used as a form of psychological violence to force women to do what men want. In addition, divorce can be used as a weapon against mothers from having custody of or access to other children”; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 30. Siehe auch WVI, *Stolen Future: War and Child Marriage in Northwest Syria*, 25 June 2020, www.ecoi.net/en/document/2032278.html, pp. 18, 22. Die Mutter hat automatisch das Sorgerecht, bis das Kind 15 Jahre alt ist, danach hat der Vater unabhängig vom Kindeswohl kraft Gesetzes das Sorgerecht; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 28; Musawah, *Syria: Overview of Muslim Family Laws & Practices*, Aktualisierung am 20. Januar 2020, <https://bit.ly/3auRbrK>, p. 18.

⁸⁴³ “NGOs working with refugees reported families killed some rape victims inside the country, including those raped by regime forces, for reasons of honor”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Gewalt im Rahmen von „Ehrendelikten“ kann sich gegen Überlebende von sexueller Nötigung und Vergewaltigung richten wegen der “perception that a survivor of violence is at fault or has damaged her and her family’s honour”; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 42, siehe auch pp. 25, 27, 33-34, 61-79. Siehe auch UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, pp. 35, 46. Laut der Frauenrechtsaktivistin Lynne Faisal “many women and girls in Suwayda are killed by their own brothers, husbands or other relatives to get their inheritance. The men accuse them of obscene acts to justify their crime as a so-called honor killing”; Al-Monitor, *Honor Killings Against Women Increase in Southeast Syrian City*, 3 December 2020, <https://bit.ly/3qQfo3z>.

⁸⁴⁴ Die Teilnehmer einer Fokusgruppe im März 2019 verwiesen auf “references to fear of women being killed if they are viewed as having committed a transgression.” Und: “Before the conflict, it was estimated that roughly 300 Syrian women per year were killed by their family”; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html. “There were no officially reported honor killings during the year, but reporting from previous years indicated that honor killings increased since the onset of the crisis in 2011”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Die Teilnehmer einer Fokusgruppe für den Bericht *Voices from Syria 2019* erklärten, dass Gewalt im Rahmen von „Ehrendelikten“ in den Provinzen Suweida, Damaskus, Homs, Idlib und Lattakia stattfindet; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 61, 63, 69, 71, 75. Siehe auch Al-Monitor, *Honor Killings Against Women Increase in Southeast Syrian City*, 3 December 2020, <https://bit.ly/3qQfo3z>; Kurdistan 24, *Female YPJ Fighter in Syria Allegedly Murdered by Relatives in ‘Honor’ Killing*, 3 September 2020, <https://bit.ly/32UCuuJ>; Enab Baladi, *New Law Abolishes Honor Killings’ Mitigating Excuse in Syria*, 14 March 2020, <https://bit.ly/33Oxt9m>; STJ, *Figures Show a Rise in Homicides Against Women in Idlib and Hama*, 5 January 2020, <https://bit.ly/2PI9UXj>.

⁸⁴⁵ STJ, *Figures Show a Rise in Homicides Against Women in Idlib and Hama*, 5 January 2020, <https://bit.ly/2PI9UXj>; UNHCR, *Syria: COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria*, 30 September 2019, www.ecoi.net/en/file/local/2018908/5db174a44.pdf (einschließlich Quellenangaben), p. 4; STJ, *Syria: Girl, Two Women Murdered in Alleged ‘Honor Killing’*, 13 July 2019, <https://bit.ly/31M10NZ>.

⁸⁴⁶ SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 21; Enab Baladi, *How Have Provisions of ‘Honor Killings’ Evolved in Syrian Law*, 19 March 2020, <https://bit.ly/2PJLRYep>; The Syrian Observer, *Legally, No Honor Killings in Syria after Today*, 13 March 2020, <https://bit.ly/33MBw5T>. Siehe auch SYRIAN LAW JOURNAL, *Honor Killings Law – Criminal Code (Amendment): Law 2/2020*, Zugriff am 28. Februar 2021, <https://bit.ly/3o3w0n9>. Ehebruch und außerehelicher Geschlechtsverkehr sind nach dem syrischen Strafgesetzbuch verboten (Artikel 473 und 474). Verheirateten Frauen droht bei Ehebruch jedoch eine Gefängnisstrafe von drei Monaten bis zu zwei Jahren (unabhängig davon, wo der Ehebruch stattfand), während verheiratete Männer, die Ehebruch begehen, nur mit einer Gefängnisstrafe von einem Monat bis zu einem Jahr bestraft werden und dies auch nur dann, wenn der Ehebruch in der ehelichen Wohnung stattgefunden hat; SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 24. Siehe auch UNFPA, *Syria: Gender Justice & the Law*, December 2019, <https://bit.ly/3g6c0Ma>, p. 2.

darauf beruft, in Verteidigung seiner Ehre gehandelt zu haben.⁸⁴⁷ In der Praxis wird Gewalt im Rahmen von „Ehrendelikten“ nur selten strafrechtlich verfolgt.⁸⁴⁸

e) Situation von Frauen ohne männliche Unterstützung

Frauen, die in ihrer (erweiterten) Familie keine männliche Unterstützung erhalten, einschließlich alleinstehender Frauen, Witwen und geschiedener Frauen, werden oft von ihren Familien und Gemeinschaften stigmatisiert⁸⁴⁹ und sind Berichten zufolge besonders gefährdet, Opfer von Missbrauch, Ausbeutung und Menschenhandel zu werden.⁸⁵⁰

UNHCR ist der Auffassung, dass Frauen, die unter die nachstehenden Kategorien fallen, wahrscheinlich internationalen Schutz benötigen, je nach den Umständen des Einzelfalls aufgrund einer begründeten Furcht vor Verfolgung durch staatliche oder nichtstaatliche Akteure wegen ihrer Zugehörigkeit zu einer bestimmten sozialen Gruppe, ihrer tatsächlichen oder vermeintlichen politischen Meinung und/oder ihrer Religion:

- a) Frauen und Mädchen, die sexuelle Gewalt, häusliche Gewalt oder Gewalt im Rahmen von „Ehrendelikten“ überlebt haben oder gefährdet sind, derartiger Gewalt zum Opfer zu fallen;
- b) Frauen und Mädchen, die Zwangs- und/oder Kinderehen überlebt haben oder gefährdet sind, eine Zwangs- und/oder Kinderehe eingehen zu müssen;
- c) Frauen und Mädchen, die Menschenhandel zwecks sexueller Ausbeutung und Zwangsprostitution überlebt haben oder bei denen ein entsprechendes Risiko besteht;
- d) Frauen und Mädchen ohne echte familiäre Unterstützung, einschließlich Witwen und geschiedener Frauen.

Grundsätzlich bietet der Staat keinen Schutz vor diesen Arten der Verfolgung, wenn die Verfolger nichtstaatliche Akteure sind.

⁸⁴⁷ SNHR, *Submission to the Human Rights Committee for the 130th Session (Information for Adoption of List of Issues Prior to Reporting)*, 28 August 2020, <https://bit.ly/32BPt4l>, para. 23; Enab Baladi, *How Have Provisions of “Honor Killings” Evolved in Syrian Law*, 19 March 2020, <https://bit.ly/2PJLRyep>; Freedom House, *Freedom in the World 2020: Syria*, 4 March 2020, www.ecoi.net/en/document/2030806.html.

⁸⁴⁸ “The law permits judges to reduce penalties for murder and assault if the defendant asserts an ‘honor’ defense, which often occurred. The regime kept no official statistics on use of this defense in murder and assault cases and reportedly rarely pursued prosecution of so-called honor crimes”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html.

⁸⁴⁹ UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 26. “(...) widowed or unmarried women are also subjected to a social environment where the cultural mores tend to be heavily stacked against them. (...) To be accused of extramarital relations – as could happen to, for example, a widowed mother unable to give evidence of her marriage – is no small matter in Syria. In many Syrian communities, allegations of ‘improper’ actions by a woman have the potential to damage the social standing of her entire family”; The New Humanitarian, *Who Pays the Price for Syria’s Broken Documentation System?*, 3 August 2020, www.ecoi.net/en/document/2035466.html. Siehe auch SJAC, *The Women Left Behind*, 11 June 2020, <https://bit.ly/3ggX36M>. “Because divorce is stigmatized in Syria, the children’s reputation and future would be compromised if they were children of divorced parents”; Ahlam Al-Natour et al., *Marital Violence During War Conflict: The Lived Experience of Syrian Refugee Women*, in *Journal of Transcultural Nursing*, 2019, Vol. 30(1), <https://bit.ly/3jaOhvx>, p. 36.

⁸⁵⁰ “Cases of exploitation of women (both financial and sexual exploitation) have been reported in recent weeks. Alleged perpetrators include camp managers and landlords. IDP women heads of household are especially at risk of this type of exploitation due to situations of (financial) vulnerability as well as societal dynamics. Cases such as these are most frequently reported in IDP sites exclusive to widowed and divorced women and girls (so-called ‘widow camps’)”; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 20*, 10 September 2020, <https://bit.ly/3ht6AuF>, p. 12. “Data gathered suggests that groups such as female-headed households, older women, women with disabilities, and divorced or widowed women are vulnerable to discrimination which could lead to exploitation and abuse, with the situation likely to be exacerbated as the crisis continues and affected people resort to increasingly harmful coping mechanisms”; OCHA, *HNO 2020*, July 2020, p. 46. “Online harassment, revenge pornography, sextortion have increased this year throughout the country. Adolescent girls, widowed and divorced women were identified as being more vulnerable as targets for cyber harassment.” In einigen Fällen haben Männer während einer kurzen Ehe den Geschlechtsverkehr gefilmt und das Video später verwendet, um ihre Ex-Frau nach der Scheidung zu erpressen; UNFPA, *Voices from Syria 2020*, 2 April 2020, <https://bit.ly/30AdBUa>, p. 33. “Female- or child-headed households were exposed to higher levels of risk and exposure to different forms of exploitation, including early and forced marriage or child labour. Female-headed households were more vulnerable to food insecurity”; CARE, *Rapid Gender Analysis North West Syria (Idlib and Aleppo)*, February 2020, <https://bit.ly/34wqDFO>, p. 8. Siehe auch US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html; NCA, *Gender-Based Violence in Syria: Rapid Needs Assessment*, December 2019, <https://bit.ly/3hH1Nq0>, pp. 7, 18, 21; UNFPA, *Unbroken: Stories of Syrian Adolescent Girls*, October 2019, www.ecoi.net/en/document/2018302.html, p. 7; MRGI, *Syria: Current Issues*, letzte Aktualisierung im Juni 2019, <https://bit.ly/2S0bTYA>; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 23; CCCM Cluster et al., *Guidance Note: Mitigating Protection Risks in IDP Sites Exclusive to Widowed and Divorced Women and Girls*, February 2019, <https://bit.ly/34wD3xe>, pp. 1-3.

Zu Frauen und Mädchen, die aufgrund ihrer tatsächlichen oder vermeintlichen politischen Meinung, ihrer ethnischen oder religiösen Identität (einschließlich vermeintlicher Verstöße gegen die Scharia) oder ihrer nicht den traditionellen Vorstellungen entsprechenden sexuellen Orientierung und/oder geschlechtlichen Identität gezielt angegriffen werden, siehe auch andere Profile in Kapitel III.A.

10) Kinder mit bestimmten Profilen oder in speziellen Situationen

Kinder können auch unter einige der anderen in diesem Dokument beschriebenen Risikoprofile fallen. Im Einzelnen wird berichtet, dass Akteure des Konflikts Kinder gezielt auswählen, um sie zu entführen, willkürlich festzunehmen und zu inhaftieren⁸⁵¹, verschwinden zu lassen⁸⁵², zu foltern⁸⁵³, zu vergewaltigen oder sonstigen Formen sexueller Gewalt auszusetzen⁸⁵⁴ und außergerichtlich hinzurichten.⁸⁵⁵ Kinder werden aus einer Vielzahl von Gründen ins Visier genommen, u. a. aufgrund ihrer tatsächlichen oder vermeintlichen Beteiligung an politischen Aktivitäten⁸⁵⁶ oder militärischen

⁸⁵¹ Die Festnahme oder Entführung von Kindern ist den Regierungstruppen, den YPG/YPJ/SDF, HTS und bewaffneten oppositionellen Gruppen sowie Gruppen, die der SNA verbunden sind, zugerechnet worden. 2019 verifizierten die Vereinten Nationen die Festnahme oder Entziehung der Freiheit von mindestens 218 Kindern (216 Jungen, 2 Mädchen) "by YPG/YPJ (194) under the umbrella of SDF, ISF (20), Hay'at Tahrir al-Sham (2) and Syrian government forces (2). In October [2019], the United Nations verified the deprivation of liberty of 150 boys, some as young as 9, of Syrian nationality and of at least 22 other nationalities, by YPG/YPJ under the umbrella of SDF, for alleged association with ISIL"; UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 174. "Government forces have also detained boys as young as 12, subjecting them to severe beatings and torture, and denying them access to food, water, sanitation and medical care. (...) Children were detained [by armed groups] and used to extract ransom, or as bargaining chips to initiate prisoner swaps with government forces and affiliated militias. In some cases, boys were forcibly recruited as fighters by armed groups, including the Kurdish People's Protection Units"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 56-57. Einige Kinder werden im Jugendtrakt oder in Jugendgefängnissen untergebracht, andere gemeinsam mit Erwachsenen in den Haftanstalten der Regierung; LDHR, *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, <https://bit.ly/36rFyP9>, p. 32.

⁸⁵² SNHR meldete, dass die Konfliktparteien im November 2020 noch immer über 4.950 Kinder gefangen gehalten oder verschwinden ließen, und machte die Regierung (3.609 Kinder), die SDF/YPG (652), bewaffnete oppositionelle Gruppen / SNA (339), ISIS (319) und HTS (37) dafür verantwortlich; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 7. Siehe auch AGPS, AGPS: *49 Palestinian Children Syria Forcibly Disappeared in Syrian Prisons*, 3 September 2020, <https://bit.ly/2GT6vUp>.

⁸⁵³ SNHR meldete, dass zwischen März 2011 und November 2020 179 Kinder infolge von Folter gestorben waren, wobei die Mehrzahl der Todesfälle (173) den Regierungstruppen zugerechnet wurde. SNHR stellte fest, dass die Regierungstruppen bei Kindern die gleichen Foltermethoden und Haftbedingungen anwandten wie bei Erwachsenen. Darüber hinaus meldete SNHR Fälle, in denen Kinder von HTS und SNA-nahen bewaffneten Gruppen gefoltert und misshandelt wurden; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, pp. 8, 11, 24, 35. "In detention, as in the case for adults, children (...) were subjected to torture or other cruel, inhuman or degrading treatment. Chilling accounts collected from victims and witnesses over the years demonstrate blatant violations of children's rights, including perpetrating sexual violence and torture as well as beatings with objects such as pipes. On occasions, children were also deprived of food and vital medical care, whipped and used to coerce confessions from their parents. (...) The Commission has documented cases of children as young as seven dying in State custody. (...) Children witnessed the torture or other inhumane treatment inflicted on family members, and, on occasions, were forced to inflict torture on other detainees"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 52-54. LDHR dokumentierte, dass Kinder in 20 Gefängnissen und Haftanstalten der Regierung in Syrien gefangen gehalten und gefoltert wurden; LDHR, *No Silent Witnesses: Violations Against Children in Syrian Detention Centres*, December 2019, <https://bit.ly/36rFyP9>, p. 16. Siehe auch Kapitel II.E und III.A.1.b.

⁸⁵⁴ "In [government] detention centres, but also more broadly, rape and sexual violence was used against boys and girls as a tool to punish, humiliate and instil fear among affected communities. Such acts resulted in movement restrictions on girls, with many being removed from school, and compelled families to relocate abroad"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 56. "Syrian regime forces regularly commit sexual violence against children in detention centres and during raids and inspections"; SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 15. "Sexual violence perpetrated against children and attributed to parties remained underreported. The United Nations verified 11 cases of sexual violence against girls in detention by government forces, which occurred in previous years and were verified at a later date"; UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 176. "Both boys and girls were subjected to different forms of sexual violence in Syria by pro-government forces. Some of these survivors were returned to their communities to then be stigmatized as 'victims of rape' in an effort to encourage rejection by their families. In this instance, sexual violence was used intentionally to bring shame to families and perhaps as a measure to force people from their homes"; Ecpat International, *Regional Overview: Sexual Exploitation of Children in the MENA*, 2020, <https://bit.ly/2YyIabg>, p. 24.

⁸⁵⁵ Siehe Kapitel II.E.

⁸⁵⁶ HRW, *The Children of Syria: Young Lives Damaged by War*, 13 March 2020, <https://bit.ly/3e2kpP5>; The New Arab, *Syrian Regime Detains Children at Palestinian Camp for Allegedly Tearing Down Assad Poster*, 7 January 2020, <https://bit.ly/301nt8u>; Raseef 22, "They Were Subjected to all Forms of Torture"... *The Systemic Jailing of Syrian Children*, 18 October 2019, <https://bit.ly/3dDEF9y>. Siehe auch Kapitel III.A.1.a.

Hilfstätigkeiten bei Kämpfen⁸⁵⁷ und ihrer tatsächlichen oder vermeintlichen Verbindung zu anderen Konfliktparteien, einschließlich aufgrund ihrer familiären Beziehungen⁸⁵⁸, ihrer Herkunftsregion und/oder ihrer religiösen oder ethnischen Identität.⁸⁵⁹

Kinder, die in Gebieten geboren wurden, die früher oder derzeit nicht von der Regierung kontrolliert wurden bzw. werden⁸⁶⁰, Kinder von Frauen mit tatsächlichen oder vermeintlichen familiären Verbindungen zu ISIS-Kämpfern⁸⁶¹ und uneheliche Kinder sowie Kinder von Eltern, deren Ehe nicht offiziell registriert wurde, einschließlich im Fall von Vergewaltigung⁸⁶², haben laut Berichten Schwierigkeiten, bei den zuständigen Behörden registriert zu werden.⁸⁶³ Infolgedessen haben viele keine anerkannten Ausweispapiere, die ihre Identität, familiäre Situation und Staatsangehörigkeit dokumentieren, sodass sie keinen Zugang zur Grundversorgung einschließlich Gesundheitsdiensten, Bildungsangeboten und Beschäftigungsmöglichkeiten erhalten, ihre Freizügigkeit eingeschränkt ist⁸⁶⁴

⁸⁵⁷ Siehe Kapitel II.E.

⁸⁵⁸ "In the majority of incidents, children were abducted **owing to the alleged affiliation of relatives with opposing groups** or as a precursor to their recruitment" (Hervorhebung nur hier); UNGA/UNSC, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/document/2031779.html, para. 179. "The COI [IICISyria] noted regular reports of detention and torture of children younger than 13, in some cases as young as 11, in regime detention facilities. Officials reportedly targeted and tortured children because of their **familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups.** (...) Reports from the COI and NGOs detailed abuses against children committed by the Assad regime and armed militia groups and described the prevalence of shabeh [suspending detainees by their wrists for prolonged periods], lynchings, beatings, rape, and forced sexual acts among children, among other abuses. (...) According to reliable witnesses, authorities continued to hold a number of children **to compel parents and other relatives associated with opposition fighters to surrender to authorities**" (Hervorhebung nur hier); US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 11; Mercy Corps, *Adolescence Lost: Forced Adulthood and a Fragile Future for Syria's Next Generation*, February 2020, <https://bit.ly/2YJa5Hf>, p. 8; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 50-58. Siehe auch Kapitel III.A.1.b.

⁸⁵⁹ Siehe Kapitel III.A.1.a, III.A.3 und III.A.8.

⁸⁶⁰ "Girls and boys born in former opposition-controlled areas also faced numerous obstacles to obtain civil registration, since documents provided by armed groups are not recognized by competent Government authorities"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95; Enab Baladi, *Marriage in Idlib: Unrecognized Contracts and Children with no IDs*, 12 October 2019, <https://bit.ly/3eKv3Lk>; UN Committee on the Rights of the Child (CRC), *Concluding Observations on the 5th Periodic Report of the Syrian Arab Republic*, 6 March 2019, CRC/C/SYR/CO/5, www.ecoi.net/en/document/2003454.html, paras 23(a) and (b).

⁸⁶¹ "Syrian women with familial links to ISIL fighters continued to face obstacles in registering their children with the competent authorities upon their return to government-controlled areas"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95. "The situation of displaced children, in particular girls and boys persisting in al-Hol or al-Roj camps with familial links to ISIL fighters, is particularly precarious. Of some 45,000 children who were at al-Hol camp at the time of writing, including those born as a result of rape, a large number lack birth registration documents, either due to lost documents or an inability to register"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77.

⁸⁶² "Syrian women moreover have faced difficulties in registering their children, as Syrian nationality is conferred to a child through his or her Syrian father. Despite some limited exceptions to that rule in certain circumstances, for example for children born out of wedlock and in cases of rape, they appeared to be utilized rarely, likely owing to social norms and the stigma attached"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 65. "Alongside this, gender-discriminatory provisions embedded into Syrian legislation and the present context of conflict and displacement are generating new cases of children at risk of statelessness. Women whose children are born with no legally established paternity continue to face problems in passing their Syrian nationality to the next generation"; ENS, *Statelessness Among Syria's Displaced: Still Unidentified*, 27 February 2020, <https://bit.ly/2Zf1Q5V>. Siehe auch UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 93; CRC, *Concluding Observations on the 5th Periodic Report of the Syrian Arab Republic*, 6 March 2019, CRC/C/SYR/CO/5, www.ecoi.net/en/document/2003454.html, paras 23(c) and (d). Siehe auch STJ, "I Don't Know if I'll Tell Her the True Story or Not", 22 July 2019, <https://bit.ly/2NI5PSc>. Für Informationen zu Hindernissen beim Zugang zu Rechtsbehelfsmöglichkeiten siehe auch UNHCR, *COI Note on the Treatment of Women with Children Born out of Wedlock in Syria*, 30 September 2019, www.refworld.org/docid/5db174a44.html (einschließlich Quellenangaben).

⁸⁶³ "One 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"; CRC, *Committee on the Rights of the Child Reviews the Situation of Children in Syria*, 16 January 2019, <https://bit.ly/2VuBpHd>.

⁸⁶⁴ UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 76. Siehe auch STJ, "I Don't Know if I'll Tell Her the True Story or Not", 22 July 2019, <https://bit.ly/2NI5PSc>.

und sie in besonderem Maß von Staatenlosigkeit⁸⁶⁵, Ausbeutung und Missbrauch bedroht sind.⁸⁶⁶ Aufgrund der herrschenden gesellschaftlichen Normen finden uneheliche Kinder keine Akzeptanz in der Gesellschaft, was dazu führt, dass sie stigmatisiert und diskriminiert werden.⁸⁶⁷

Außerdem wird gemeldet, dass Kinder gefährdet sind, kinderspezifische Formen bzw. Manifestationen von Verfolgung zu erleiden, einschließlich sexueller Gewalt⁸⁶⁸, Zwangs- und/oder Kinderehen⁸⁶⁹, häuslicher Gewalt⁸⁷⁰, „Ehrendelikten“⁸⁷¹, extremer Formen von Kinderarbeit, z. B. Rekrutierung als Kindersoldaten⁸⁷², Menschenhandel, Zwangsarbeit und kommerzielle sexuelle Ausbeutung⁸⁷³, sowie gefährlicher Arbeit, die wahrscheinlich ihre Gesundheit, Sicherheit oder Sittlichkeit beeinträchtigt, wie

⁸⁶⁵ Das Fehlen von Ausweispapieren *“puts a substantial fraction of them, especially newborns and children, at grave risk of statelessness and long-lasting social marginalization”*; ESCWA, *Syria at War: Eight Years On*, 24 September 2020, www.ecoi.net/en/document/2038203.html, p. 35. Siehe auch UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 76-77.

⁸⁶⁶ *“They remain vulnerable to exploitation through child labour or child marriage, often as a result of the death or disappearance of male parental figures”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 61. Siehe auch UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 77.

⁸⁶⁷ *“Both children with unknown parents and foundlings face a severely negative stigma, due to the belief that they are the product of extramarital relationships”*; Syria Direct, *In Idlib, Children Are Cast into the Unknown*, 20 February 2020, <https://bit.ly/3ipMPpE>. Siehe auch STJ, *“I Don’t Know if I’ll Tell Her the True Story or Not”*, 22 July 2019, <https://bit.ly/2NI5PSc>; UNHCR, *COI Note on the Treatment of Women with Children Born out of Wedlock in Syria*, 30 September 2019, www.refworld.org/docid/5db174a44.html (einschließlich Quellenangaben).

⁸⁶⁸ Siehe Kapitel III.A.9.a.

⁸⁶⁹ Siehe Kapitel III.A.9.b.

⁸⁷⁰ *“In one survey of Syrian adults in 2017, 50 percent reported that they believed that instances of domestic violence had grown in their communities since 2011. Another found that about 17 percent of Syrian communities report that violence against children in the home is a common or very common occurrence in their neighbourhoods”*; Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria’s Displaced Children and Adolescents*, 25 June 2020, <https://bit.ly/3dJHpCi>, p. 17. *“The law does not specifically prohibit child abuse, but it stipulates that parents may discipline their children in a form permitted by general custom. According to a 2017 UNFPA report, violence against children, especially girls, was pervasive and increasing due to the conflict and the lack of economic opportunity for men”*; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch Kapitel III.A.9.c.

⁸⁷¹ Siehe Kapitel III.A.9.d.

⁸⁷² *“Syrian government forces, pro-regime militias, and armed non-state actors (...) recruit and use boys and girls as child soldiers. Jabhat al-Nusra and ISIS also have used children as human shields, suicide bombers, snipers, and executioners. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or ‘shabiha,’ forcibly recruit children as young as six years old”*; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. *“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”*; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 31. Siehe auch Save the Children, *Psychosocial Safety: Pathways to Psychosocial Safety for Syria’s Displaced Children and Adolescents*, 25 June 2020, <https://bit.ly/3dJHpCi>, p. 17; UNICEF, *Almost 5 Million Children Born into War in Syria, 1 Million Born as Refugees in Neighbouring Countries*, 15 March 2020, <https://uni.cf/3hakKls>. Zur Rekrutierung von Kindern durch verschiedene Akteure siehe Kapitel II.E.

⁸⁷³ *“Syrians that remain displaced in the country and those living as refugees in neighboring countries are extremely vulnerable to traffickers. Syrian children are reportedly vulnerable to forced early marriages, including to members of terrorist groups such as ISIS – which can lead to commercial sexual exploitation and forced labor – and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings”*; US Department of State, *2020 Trafficking in Persons Report: Syria*, 25 June 2020, www.ecoi.net/en/document/2036219.html. *“The law provides for the protection of children from exploitation in the workplace and prohibits the worst forms of child labor. (...) The regime generally did not make significant efforts to enforce laws that prevent or eliminate child labor. (...) Child labor occurred in the country in both informal sectors, such as begging, domestic work, and agriculture, as well as in positions related to the conflict, such as lookouts, spies, and informants”*; US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. *“Children may be at risk of being forced to work, with boys being particularly exposed to heavy labor and abuse, while girls are at extreme risk of sexual exploitation and verbal and sexual harassment when forced to work or beg”*; UNFPA, *Overview of Gender-Based Violence in Syria: Advocacy Brief*, November 2019, <https://bit.ly/2LGgTYu>, p. 3. Siehe auch SOHR, *Child and Women Begging in NW Syria: Destitution, Exploitation and Lack of Oversight*, 10 February 2021, <https://bit.ly/3aDAXI5>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, www.ecoi.net/en/document/2016403.html, para. 75. AGPS berichtete ebenfalls über die Ausbeutung von palästinensischen Kindern und Jugendlichen durch illegale Netzwerke im Lager Neirab im Gouvernement Aleppo, die mit Rauschgift handeln; AGPS, *AlNeirab Camp Residents Caught Between the Hammer and Barrel*, 17 January 2021, <http://bit.ly/3pTapxs>.

z. B. Betteln, Straßenverkauf, Müll sammeln, Haushaltsarbeit und Arbeit auf Baustellen.⁸⁷⁴ Kinder von Binnenvertriebenen⁸⁷⁵, Kinder mit sozioökonomisch benachteiligtem Hintergrund⁸⁷⁶, Kinder ohne Ausweispapiere, Kinder mit Behinderungen sowie Waisen, ausgesetzte und von ihren Familien getrennte Kinder⁸⁷⁷ sind Berichten zufolge besonders gefährdet, Opfer verschiedener Formen der Ausbeutung zu werden, einschließlich Rekrutierung als Kindersoldaten, Kinderarbeit, Zwangs- und/oder Kinderehen, sexueller Ausbeutung und Menschenhandel.⁸⁷⁸

In Gebieten, in denen die Konfliktparteien Schulen durch Luftangriffe oder Bombardierungen systematisch attackieren, wird Kindern das Recht auf Bildung regelmäßig verwehrt, da Schulen geschlossen, beschädigt oder zerstört sind oder ihre Eltern befürchten, dass die Sicherheit der Kinder

⁸⁷⁴ Obwohl Kinderarbeit gesetzlich verboten ist, sind viele Kinder gezwungen zu arbeiten, um ihren Grundbedarf und den ihrer Familien decken zu können. Kinderarbeit wurde in 84 % der überprüften Gemeinden in allen 14 Provinzen gemeldet; OCHA, 2020 HNO, July 2020, p. 20. "The impact of the SYP devaluation exacerbates an already dire humanitarian situation for children in northwest Syria. This is resulting in a steep increase in child labour, including in its worst forms. Reports from the field confirm increase in the numbers of children in the street until very late at night begging or hoping for casual labour"; OCHA, *Recent Developments in Northwest Syria: Situation Report No. 17*, 13 July 2020, www.ecoi.net/en/document/2033561.html, p. 12. "Boys have been compelled to take up the role of the main breadwinner, especially in female-headed households. While armed groups created financial incentives for boys to join their ranks, others engaged in petty jobs to secure an income for their families such as selling peanuts or working in mechanic shops. (...) children have been used for other forms of work that is highly detrimental to their development, including boys being used as smugglers, as workers at construction sites or as porters. Homeless children have also regularly been forced to beg"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 75. Siehe auch VOA, *Neglect Drives Child Labor in Syria*, 24 February 2021, <http://bit.ly/3svbXzx>; SOHR, *Child and Women Begging in NW Syria: Destitution, Exploitation and Lack of Oversight*, 10 February 2021, <https://bit.ly/3aDAXl5>; North Press Agency, *Displaced Children Dropped Out of School in Syria's Aleppo Result in Illiterate Generation*, 21 September 2020, <https://bit.ly/3juJ6Gy>; Enab Baladi, *Families of Northern Syria Risk Their Lives by Scavenging on Rubbish Dumps to Earn a Living*, 24 August 2020, <https://bit.ly/3gGE8oS>; SOHR, *Idlib: Agricultural Entrepreneurs in Countryside Take Advantage of Poverty, Sending Children to Work near Frontlines with Regime Forces*, 20 July 2020, <https://bit.ly/2OHEeRB>; Enab Baladi, *Child Labor in al-Raqa Street Markets in Northern Syria*, 5 June 2020, <https://bit.ly/2ZgwnNN>; Al-Monitor, *Many in Northern Syria Live Off Rubbish Dumps*, 1 April 2020, <https://bit.ly/3887uJR>; MEE, *Syrian Children in Idlib Work to Feed Families after Bombs End Their Schooling*, 28 March 2020, <https://bit.ly/3gdfDQh>; Al-Monitor, *Syrian Children Labor to Support Families Torn Apart by War*, 2 February 2020, <https://bit.ly/3g0DpP6>.

⁸⁷⁵ "For children, displacement often means that school-aged children are not attending school and the risk of other protection concerns – e.g. early and forced marriage – is increased"; WVI, *Northwest Syria Gender Analysis*, 5 May 2020, www.ecoi.net/en/document/2026268.html, p. 8. "Displaced people are especially vulnerable to labor exploitation and human trafficking (...)"; Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html. "Adolescent girls [in displacement camps] were disproportionately affected by sexual and gender-based violence, child marriage and exploitation"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 70.

⁸⁷⁶ "Four out of five people in Syria live below the poverty line, leading to recruitment into fighting, child labor, and child marriage"; HRW, *The Children of Syria: Young Lives Damaged by War*, 13 March 2020, <https://bit.ly/36rRSk1>. Siehe auch OCHA, *Recent Developments in Northwest Syria: Situation Report No. 16*, 26 June 2020, www.ecoi.net/en/document/2032419.html, p. 12.

⁸⁷⁷ Meldungen zufolge ist die Zahl ausgesetzter Neugeborener seit Ausbruch des Konflikts signifikant gestiegen, allerdings gibt es dazu keine offiziellen Statistiken. Laut den Berichten ist Armut einer der Gründe für die steigende Zahl ausgesetzter Kinder, insbesondere in Vertriebenenlagern in Nordwestsyrien. In anderen Fällen handelt es sich bei den ausgesetzten Kindern Berichten zufolge um uneheliche Kinder, einschließlich Kindern, die im Rahmen einer Vergewaltigung oder einer (erzwungenen und/oder im Kindesalter erfolgten) Eheschließung mit einem ausländischen Kämpfer gezeugt wurden. STJ berichtete, dass ausgesetzte "children have no safeguards against child labor, including the recruitment and use of child soldiers." Weiter berichtete STJ, dass ausgesetzte Kinder in Idlib nicht für die Schule angemeldet werden konnten, sondern nur als „Zuhörer“ teilnehmen durften, weshalb sie keine amtlichen Schulzeugnisse erhielten. Außerdem meldete STJ, dass HTS zur gezielten Rekrutierung ausgesetzter Kinder aufrief; STJ, "I Don't Know if I'll Tell Her the True Story or Not", 22 July 2019, <https://bit.ly/2NI5PSc>. Siehe auch SOHR, *Nearly 70 Cases Documented by SOHR since Early 2020: An Alarming Rise in the Number of Babies of Unknown Parentage in North Syria*, 21 February 2021, <http://bit.ly/37MHJA9>; SOHR, *Abandoned Children: Residents Found Baby Left in front of a Mosque in Ariha City*, 21 February 2021, <https://bit.ly/2NjBzVv>; SOHR, *Abandoned Children: A Phenomenon that Threatens Syrian Society*, 13 November 2020, <https://bit.ly/3o5sfwE>; Syria Direct, *In Idlib, Children Are Cast into the Unknown*, 20 February 2020, <https://bit.ly/3ipMPpE>.

⁸⁷⁸ "Girls and boys (...) are vulnerable to exploitation through child labour or child marriage, often as a result of the death or disappearance of male parental figures." Weiter heißt es: "Owing to pre-established gender norms, boys have been expected to take on the role of a breadwinner, especially within female-headed households, following the arrest, detention or disappearance of male parental figures." Und weiter: "Adolescent girls [in displacement camps] were disproportionately affected by sexual and gender-based violence, child marriage and exploitation"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, p. 2, para. 39. "Boys were identified as working in construction, factories, selling fuel, carpentry, car mechanics and blacksmithing. (...) Often in these various places of employment that use child labour, children are at risk of, and experience, sexual harassment, exploitation and violence"; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 45-46. Siehe auch US Department of State, *Country Report on Human Rights Practices 2019: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; Al-Monitor, *Many in Northern Syria Live Off Rubbish Dumps*, 1 April 2020, <https://bit.ly/3887uJR>; Al-Monitor, *Syrian Children Labor to Support Families Torn Apart by War*, 2 February 2020, <https://bit.ly/3g0DpP6>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 95.

nicht gewährleistet ist.⁸⁷⁹ In Gebieten, die *de facto* unter der Kontrolle von HTS und anderen Hardliner-Gruppen oder extremistischen islamistischen Gruppen stehen, werden Mädchen Berichten zufolge von der Schule ausgeschlossen, wenn sie sich nicht an die Kleiderordnungen dieser Gruppen halten.⁸⁸⁰ Weitere Gründe, aus denen Kindern laut Meldungen der Zugang zu Bildung verwehrt werden kann, sind u. a. fehlende Ausweispapiere; die Notwendigkeit, zu arbeiten und ihre Familien zu versorgen; Zwangsrekrutierung (überwiegend Jungen); Einschränkungen der Bewegungsfreiheit aufgrund der Furcht der Familie vor Entführungen und sexueller Gewalt (überwiegend Mädchen)⁸⁸¹ sowie Zwangs- und Kinderehen (überwiegend Mädchen).⁸⁸²

Berichten zufolge erkennt die Regierung keine Abschlusszeugnisse an, die von nichtstaatlichen Behörden in ehemals nicht von der Regierung kontrollierten Gebieten ausgegeben werden.⁸⁸³ Für Schüler aus Gebieten außerhalb der Kontrolle der Regierung, die in von der Regierung kontrollierte Gebiete reisen möchten, um nationale Schulprüfungen abzulegen, besteht laut Meldungen die Gefahr, dass sie schikaniert und eingeschüchtert werden und den Behörden die Namen ihrer Familien offenlegen müssen.⁸⁸⁴ Andere wurden von oppositionellen, bewaffneten Gruppen, einschließlich der

⁸⁷⁹ "Children's right to education has been denied by all parties to the conflict. (...) A large number of schools have been the site of protests and were subsequently targeted by Government forces. This resulted in schools gradually closing down across the country due to fears of military attack. (...) the Commission received credible information that some 70 schools in the demilitarized zone of Idlib have been destroyed or damaged by hostilities, depriving over 200,000 pupils of formal education. (...) Armed groups and terrorist organizations struck schools indiscriminately and often used them for military purposes, including as depots, barracks, or launching sites, further endangering children's lives by changing the institutions' protected statuses, and hindering children's access to education"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 42, 43, 44, 47. Siehe auch SNHR, *Ninth Annual Report on Violations Against Children*, 20 November 2020, <https://bit.ly/3agi2tv>, p. 15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 28 January 2020, www.ecoi.net/en/document/2025856.html, para. 94; und Kapitel II.E.

⁸⁸⁰ "In areas under the control of the Hay'at Tahrir Al-Sham terrorists, many girls were prevented from attending school (...);" UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 59. "In Idlib Governorate, members of HTS issued decrees in schools emphasising that female students who did not abide by the dress code would be banned from attending classes"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 49. "ISIS and the HTS reportedly imposed their interpretation of sharia on schools and discriminated against girls in the territories they controlled"; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch STJ, *HTS Did not Spare Women Detention or Physical Abuse*, 7 April 2020, <https://bit.ly/3eZzK4k>; ICG, *The Best of Bad Options for Syria's Idlib*, 14 March 2019, www.ecoi.net/en/document/2006019.html, p. 10. Siehe auch Kapitel III.A.8.e.

⁸⁸¹ "Girls, in particular, may be denied education due to parents' concern over their safety, or due to early/forced marriage, the latter being necessary to preserve family honor and reputation. Sexual violence and sexual harassment risks are often the main reasons cited for girls to drop – or be taken – out of school by their parents." Weiter heißt es: "Parents may not allow girls to go to school for fear of abduction or sexual harassment on the way there and back"; UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, pp. 35, 43. Siehe auch UNHCR, *Critical Needs for Syrian Civilians in Rukban, Solutions Urgently Needed*, 15 February 2019, <https://bit.ly/3g51XHG>.

⁸⁸² "Once married, girls are often forced to drop out of school and face additional restrictions of freedom and movement"; Protection UNFPA, *Voices from Syria 2019: Assessment Findings of the Humanitarian Needs Overview*, 10 March 2019, www.ecoi.net/en/document/2009369.html, p. 30. Siehe auch Kapitel III.A.9.b.

⁸⁸³ "Reports indicate that Government authorities have accepted the attendance of younger children, however, they are allegedly refusing to acknowledge school certificates provided by armed groups to students in grade nine and above. This is forcing thousands of students to repeat classes and retake exams in order to be enrolled in public schools"; UN Human Rights Council, *Children's Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, paras 46.

⁸⁸⁴ "According to reports, in at least two separate incidents, non-state armed group members denied dozens of students safe transit through checkpoints in Idlib and Aleppo governorates while en route to examination centers. Other reports indicate that elsewhere, including in Ar-Raqqa governorate, students have been subject to harassment and intimidation"; OCHA, *Joint Statement on Safe Access for Students to Sit Final Examinations*, 19 June 2020, <https://bit.ly/3eMMfQv>. Siehe auch Enab Baladi, *Controversy in Idlib about Sitting Exams of High and Middle School Diplomats in Hama*, 30 June 2020, <https://bit.ly/2BpZtnF>. "Only government-affiliated schools provide widely recognized certification and displaced children in opposition-held areas seeking access to examinations in government-held schools face risks, including exposure of their families' names to government authorities, physical security threats at checkpoints and the insecurity of areas between zones of control"; UNESCO, *Global Education Monitoring Report, 2019: Arab States; Migration, Displacement and Education*, 26 November 2019, <https://bit.ly/3ieRdYr>, p. 6. Ebenso können Mädchen aus Ost-Ghouta möglicherweise nicht an den staatlichen Prüfungen in Damaskus teilnehmen, da ihre Eltern Schikanen an den Kontrollstellen der Regierung befürchten; MEI / Etana, *Despair and Decay: East Ghouta after 18 Months of Renewed Regime Rule*, November 2019, <https://bit.ly/306HdJO>, p. 11.

HTS, daran gehindert, in Gebiete unter Kontrolle der Regierung zu reisen, um Schulprüfungen abzulegen.

UNHCR ist der Auffassung, dass Kinder, die unter die nachstehenden Kategorien fallen, wahrscheinlich internationalen Flüchtlingsschutz benötigen, je nach den Umständen des Einzelfalls aufgrund einer begründeten Furcht vor Verfolgung durch staatliche oder nichtstaatliche Akteure wegen ihrer Zugehörigkeit zu einer bestimmten sozialen Gruppe (einschließlich der bestimmten sozialen Gruppe „Kinder in Syrien“), ihrer Religion, und/oder ihrer tatsächlichen oder vermeintlichen politischen Meinung:

- a) Kinder, die sexuelle Gewalt, Zwangs- und/oder Kinderehen, häusliche Gewalt oder „Ehrendelikte“ überlebt haben oder einem entsprechenden Risiko ausgesetzt sind;
- b) Kinder, die Rekrutierung von Minderjährigen⁸⁸⁶, Menschenhandel und andere extreme Formen von Kinderarbeit überlebt haben oder einem entsprechenden Risiko ausgesetzt sind.⁸⁸⁷

UNHCR ist der Auffassung, dass Kinder, die unter die nachstehenden Kategorien fallen, möglicherweise internationalen Flüchtlingsschutz benötigen, je nach den Umständen des Einzelfalls aufgrund einer begründeten Furcht vor Verfolgung durch staatliche oder nichtstaatliche Akteure wegen ihrer Zugehörigkeit zu einer bestimmten sozialen Gruppe oder aufgrund sonstiger relevanter Verfolgungsgründe im Sinne der GFK:

- a) Kinder, die zu Arbeit verpflichtet werden, die je nach der Erfahrung und dem Alter des betreffenden Kindes und den sonstigen Umständen wahrscheinlich ihre Gesundheit, Sicherheit oder Sittlichkeit beeinträchtigt („gefährliche Arbeit“);⁸⁸⁸
- b) Kinder im schulpflichtigen Alter, denen der Zugang zu Bildung systematisch verwehrt wird, einschließlich infolge zielgerichteter Angriffe auf Schulen, fehlender Ausweispapiere, Behinderungen oder diskriminierender Praktiken, die Mädchen den Zugang zu Bildung aufgrund ihres Geschlechts verwehren;
- c) Kinder, denen der Zugang zu Geburtsurkunden und sonstigen Ausweisdokumenten verweigert wird oder bei denen eine entsprechende Gefahr besteht und die entweder keinen Zugang zu Rechtsbehelfsmöglichkeiten haben oder für die ein Rechtsbehelf ohne Wirkung bleibt.

Zum internationalen Schutzbedarf von Kindern, bei denen aufgrund ihrer tatsächlichen oder vermeintlichen Verbindung zu einer Konfliktpartei die Gefahr besteht, dass sie festgenommen, entführt, gefoltert oder außergerichtlich getötet werden, siehe Kapitel III.A.1, 3, 4 und 5.

⁸⁸⁵ “On 17 June 2020, Hay’at Tahrir al-Sham (HTS) issued a decision preventing male and female students from leaving Idlib to regime-held areas in Hama to sit for their final exams, scheduled on 21 June 2020. That decision impacted more than 200 students (...). Reportedly, when students tried to leave Idlib to take their exams in the village of alTrenbah near the city of Saraqib, HTS members started shooting in the air and beating them with hands and sticks. Further, two students confirmed being detained for hours by HTS during which they were beaten with sticks and plastic hoses and had their heads shaved in a humiliating way, while others said that they had their exam cards confiscated for expressing objection to HTS’ decision.” Außerdem, “the Directorate of Education of the Syrian Interim Government (...) also prevented over 1.000 primary and secondary students from accessing regime-held areas to sit their final exams through the Turkish-backed Syrian National Army’s (SNA) checkpoints in northern and western rural Aleppo, which led some students to take clandestine and circuitous routes to reach government areas. In the same vein, the Interim Government’s Directorate of Education in Aleppo passed other arbitrary decisions, as in July 2020 it issued a circular calling for the dismissal of male and female workers who sent their sons to sit their exams in regime-held areas in 2020. Accordingly, more than 50 teachers and workers in the educational sector were fired for violating the circular under two decisions issued successively by the Directorate of Education in Aleppo in August and July 2020”; STJ, *Denial of Education Robs Hundreds of Students’ Future*, 19 November 2020, <https://bit.ly/3dM8Ejg>, p. 3. “(...) in at least two separate incidents, non-state armed group members denied dozens of students safe transit through checkpoints in Idlib and Aleppo governorates while en route to examination centers. Other reports indicate that elsewhere, including in Ar-Raqqa governorate, students have been subject to harassment and intimidation”; OCHA / UN RC/HC Syria, *United Nations Resident Coordinator and Humanitarian Coordinator in Syria, Imran Riza, and Regional Humanitarian Coordinator for the Syria Crisis, Kevin Kennedy – Joint Statement on Safe Access for Students to Sit Final Examinations*, 18 June 2020, <http://bit.ly/3q3Wk0a>.

⁸⁸⁶ “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”; UN Human Rights Council, *Children’s Rights in the Syrian Arab Republic*, 13 January 2020, www.ecoi.net/en/document/2023152.html, para. 31 (unter Bezugnahme auf *The Prosecutor vs. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (the AFRC Accused)*, SCSL-04-16-T, Special Court for Sierra Leone, 20 June 2007, www.refworld.org/cases,SCSL,467fba742.html).

⁸⁸⁷ Für weiterführende Hinweise siehe UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, para. 29.

⁸⁸⁸ Ebenda, para. 30.

Anträge auf internationalen Schutz, die von Kindern eingereicht werden, müssen sorgfältig und im Einklang mit den UNHCR-Richtlinien zu Asylanträgen von Kindern geprüft werden, einschließlich einer etwaigen Prüfung von Ausschlussgründen bei ehemaligen Kindersoldaten.⁸⁸⁹

11) Personen mit sexueller Orientierung und/oder geschlechtlicher Identität, die nicht den traditionellen Vorstellungen entsprechen

Artikel 520 des Strafgesetzbuchs von 1949 verbietet gleichgeschlechtliche sexuelle Handlungen, auch wenn sie unter Erwachsenen einverständlich vorgenommen werden, und definiert sie als „Geschlechtsverkehr wider die Natur“, der mit bis zu drei Jahren Freiheitsstrafe sanktioniert wird.⁸⁹⁰ Zwar wurden in den letzten Jahren keine Fälle von Strafverfolgung nach Artikel 520 gemeldet⁸⁹¹, doch wurden Berichten zufolge Personen mit einer nicht den traditionellen Vorstellungen entsprechenden sexuellen Orientierung und/oder geschlechtlichen Identität unter Zugrundelegung einer willkürlichen und diskriminierenden Auslegung von Straftaten – wie z. B. Handlungen gegen den öffentlichen Anstand oder Verkauf, Kauf oder Konsum illegaler Drogen – von der Polizei festgenommen.⁸⁹²

⁸⁸⁹ Ebenda.

⁸⁹⁰ “Every sexual intercourse contrary to nature is punishable by imprisonment for up to three years”; Inoffizielle Übersetzung von Artikel 520 des Strafgesetzbuchs von 1949. Das Strafgesetzbuch (Gesetz 148/1949) ist in der geänderten Fassung (und nur auf Arabisch) abrufbar unter WIPO, *Syrian Arab Republic, Law No. 148/1949 on the Syrian Penal Code*, <http://bit.ly/2rj5PvT>. Siehe auch Freedom House, *Freedom in the World 2020: Syria*, March 2020, www.ecoi.net/en/document/2030806.html; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html; UNHCR, *Syrian Refugee Lovers, Risking Death, Flee for the Sake of Each Other*, 17 May 2019, <https://bit.ly/33Yk5xj>; UN Human Rights Council, “I Lost My Dignity”, 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 118. Artikel 520 ist laut Berichten auf Männer und Frauen anwendbar; Human Dignity Trust, *Syria*, abgerufen am 28. Februar 2021, <http://bit.ly/3aPpWKq>, “Syrian law reinforces discrimination and violence against LGBT people”; HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 24.

⁸⁹¹ “There were no reports of prosecutions under the law during the year (...)”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Siehe auch GlobalGayz, *Syria*, Zugriff am 28. Februar 2021, <https://bit.ly/39xjAeA>. In diesem Zusammenhang ist erwähnenswert, dass Artikel 520 von den Amnestiedekreten der letzten Jahre ausgeschlossen wurde, einschließlich der Gesetzesdekrete Nr. 6 vom 22. März 2020 und Nr. 20 vom 15. September 2019; siehe Fußnote 251.

⁸⁹² “Article 517 criminalises any ‘act against public decency’, which is an act carried out in a public or open area where one could possibly see, intentionally or accidentally, the act. It is punishable with imprisonment of three months to three years”; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia: 2020*, 15 December 2020, <https://bit.ly/3dMcXes>, p. 137. “The article [520 of the Penal Code] is rarely applied; instead LGBT individuals are prosecuted under other petty charges, such as disturbing public order”; Syria Direct, *At Home and Abroad, LGBT Syrians Fight to Have Their Voices Heard*, 11 October 2020, <https://bit.ly/3nk3DAe>. “Article 517 of the code punishes crimes ‘against public decency’ that are carried out in public with imprisonment of three months to three years. Terms such as ‘indecent,’ ‘immoral acts,’ and ‘acts against public decency’ may be arbitrarily interpreted to prosecute LGBT people for consensual sexual conduct between adults. Therefore, while article 517 does not specifically mention homosexual conduct, it may be used to imprison LGBT people in Syria. Human Rights Watch does not have evidence that these articles of the Syrian penal code have been used to prosecute same-sex sexual acts”; HRW, *Sexual Violence Against Men, Boys and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 24. “NGO reports indicated the regime arrested dozens of LGBTI persons since 2011 on charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting ‘obscene’ parties”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Laut Fadi Saleh, Forscher am Institut für Kulturanthropologie/Europäische Ethnologie der Universität Göttingen, der Erfahrungsberichte von Personen in/aus Syrien mit einer nicht den traditionellen Vorstellungen entsprechenden sexuellen Orientierung und/oder geschlechtlichen Identität gesammelt hat: “[A]t different points since 2016, there have been many reports of arrests of individuals of diverse sexualities and gender identities and expressions in Syria. [...] charges of ‘public indecency’ and being part of ‘indecent’ networks [are] part and parcel of the charges pressed against trans women and gender non-conforming people specifically. There have been different reports of random arrests of trans women and men with non-normative gender expressions which do not necessarily amount to a ‘court case’, but which become a weekly [regular?] happening in their lives. Since 2018, there has been a significant increase in sensational journalistic reports about various raids on areas with clubs, bars, and large populations of sex workers, including cis-women, trans women, and gay men. The most recent of such reports came out this last July 2020, in which a cis-female sex worker and her ‘effeminate’ friend, who was also engaging in sex work, were allegedly arrested in Damascus City.” Zudem erfuhr Fadi Saleh “multiple stories about how many gay male and trans women sex workers are the subject of constant police harassment, arrests, random raids, and violence at the hands of clients as well, especially in areas that are at the outskirts of the capital”; E-Mail-Kommunikation mit Fadi Saleh, 24. August, 10. September und 14. Dezember 2020 (E-Mails bei UNHCR archiviert). Der von Fadi Saleh angeführte Artikel vom Juli 2020 wurde am 4. Juli 2020 von Her Majesty News veröffentlicht und ist (auf Arabisch) abrufbar unter <https://bit.ly/3jKzqB4>.

Transgeschlechtliche Personen dürfen an sich grundsätzlich keine geschlechtsangleichenden Operationen vornehmen lassen und auch nicht ihren Namen und die Geschlechtsbezeichnung in ihren Ausweisdokumenten entsprechend ihrer geschlechtlichen Identität ändern lassen.⁸⁹³

Berichten zufolge wurden Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität tatsächlich oder vermeintlich nicht den traditionellen Vorstellungen entsprechen⁸⁹⁴, bereits vor dem Konflikt durch staatliche und nichtstaatliche Akteure diskriminiert und angegriffen, doch weisen Beobachter darauf hin, dass sich die Situation aufgrund des Konflikts verschlimmert hat.⁸⁹⁵ Homosexuelle und bisexuelle Männer sowie transgeschlechtliche Frauen sind laut Meldungen besonders gefährdet, Opfer körperlicher und sexueller Gewalt zu werden, die sowohl von staatlichen

⁸⁹³ E-Mail-Kommunikation mit Fadi Saleh, 24. August und 10. September 2020 (E-Mails bei UNHCR archiviert). Im Februar 2018 erlaubte das Personenstandsgericht Berichten zufolge einer intersexuellen Person, sowohl ihren Namen als auch das zugewiesene Geschlecht von weiblich in männlich ändern zu lassen, indem die Personenstandsbehörde angewiesen wurde, die Einträge im Personenstandsregister dahin gehend zu ändern, dass sie der geschlechtlichen Identität der betreffenden Person entsprechen; SY24, *First Gender Reassignment Surgery to Be Performed in Syria*, 8 February 2018, <https://bit.ly/2UxA4iE>. Laut Meldungen hatte die Person Schwierigkeiten an militärischen Kontrollstellen, da die Geschlechtsbezeichnung in ihren Ausweisdokumenten nicht mit ihrer geschlechtlichen Identität übereinstimmte; The New Arab, *Syria Allows Intersex Person to Register New Gender Status*, 10 February 2018, <https://bit.ly/2UTWJVy>. Laut Fadi Saleh geht der Staat mit intersexuellen und transgeschlechtlichen Personen unterschiedlich um, da er geschlechtsangleichende Operationen und spätere Änderungen der rechtlichen Identität einer Person nur dann erlaubt, wenn er der Auffassung ist, dass dies für die körperliche Gesundheit der betreffenden Person notwendig ist. Grundsätzlich dürfen transgeschlechtliche Personen keine geschlechtsangleichenden Operationen an sich vornehmen lassen und auch nicht ihren Namen ändern lassen, da sich ihr Antrag auf ihre Selbstzuschreibung und nicht auf rein medizinische Gründe stützt. Es ist in Syrien jedoch nicht unüblich, dass geschlechtsangleichende Operationen an sehr jungen intersexuellen Kindern vorgenommen werden und anschließend das zugewiesene Geschlecht und der Name des betreffenden Kindes geändert werden. Nach Auffassung von Fadi Saleh hebt sich der Fall aus dem Jahr 2018 von anderen Fällen ab, da es sich bei der betreffenden Person um einen intersexuellen Erwachsenen handelte, der die rechtlichen Änderungen selbst beantragt hatte; E-Mail-Kommunikation mit Fadi Saleh, 24. August, 10. September und 14. Dezember 2020 (E-Mails bei UNHCR archiviert).

⁸⁹⁴ "According to interviewees, gay and bisexual men and transgender women are subject to increased and intensified violence based on actual or perceived sexual orientation or gender identity" (Hervorhebung nur hier); HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 1-2.

⁸⁹⁵ "Since 2011, LGBTIQ Syrians have been particularly vulnerable to violence as the government, militia groups, and religious extremist groups vie for power throughout the country. Many of these rival groups, including ISIS and Hayat Tahrir al-Sham, have targeted LGBTIQ people, subjecting them to arrests, beating, torture, and execution"; Outright International, *Syrian Arab Republic: At a Glance*, Zugriff am 28. Februar 2021, <https://bit.ly/3bG6q0w>. "Sexual and gender minorities in Syria have suffered discrimination and persecution exacerbated by state-sponsored homophobia long before the war began"; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 24. "During the conflict, the LGBTIQ+ community has not only faced violence from different armed rebel groups, but also from the regime and civilians, not at least their own families"; Lisa Bergsten, *Violence Against LGBTIQ+ Individuals in the Syrian Arab Republic*, University of Uppsala, 11 January 2019, <https://bit.ly/2UPWgVo>, p. 15. "ASP [All Survivors Project] interviewees spoke about human rights abuses against LBGT+ people by armed actors and highlighted broader problems of harassment, discrimination and violence against them by their families and communities. This is consistent with previous research, which has highlighted the increased vulnerability of LBGT+ persons to sexual violence in Syria as a result of the armed conflict. Yet the conflict has merely exacerbated a pre-existing problem of discrimination and persecution against LBGT+ people. (...) UN investigators and human rights organisations have documented serious human rights violations against LBGT+ persons that are specifically related to the conflict, including cases of summary execution, arbitrary detention, torture, rape and other forms of sexual violence, as well as harassment, discrimination and exploitation of men and women because of their sexual orientation and gender identity, both by Syrian government security forces and non-state armed groups"; University of California Los Angeles / All Survivors Project (ASP), "Destroyed from Within": *Sexual Violence Against Men and Boys in Syria and Turkey*, September 2018, www.ecoi.net/de/dokument/1453362.html, p. 21. Siehe auch UNHCR, "We Keep It in Our Heart": *Sexual Violence Against Men and Boys in the Syria Crisis*, October 2017, www.refworld.org/docid/5a128e814.html, p. 28.

als auch nichtstaatlichen Akteuren ausgeht⁸⁹⁶, u. a. insbesondere an Kontrollstellen⁸⁹⁷, in Haftanstalten und Gefängnissen⁸⁹⁸ und im Militär.⁸⁹⁹ Für Personen, deren sexuelle Orientierung nicht den traditionellen Vorstellungen entspricht, besteht Meldung zufolge die Gefahr, dass sie von Regierungstruppen und regierungsnahen Gruppen⁹⁰⁰ sowie bewaffneten oppositionellen Gruppen einschließlich HTS⁹⁰¹ willkürlich verhaftet, gefoltert und getötet werden.

⁸⁹⁶ "(...) authorities used individuals' sexual orientation to blackmail, harass and eventually abuse members of the LGBT community. Law enforcement officers have (officially) zero tolerance toward the LGBT community"; GlobalGayz, Syria, Zugriff am 28. Februar 2021, <https://bit.ly/2UOfwkV>. "Both state and non-state actors continue to target men, boys, transgender women, gay and bisexual men, and nonbinary people, subjecting them to rape and other forms of sexual violence"; HRW, World Report 2021: Syria, 13 January 2021, www.ecoi.net/en/document/2043510.html. "Since the Syrian conflict began in March 2011, men and boys and transgender women have been subjected to rape and other forms of sexual violence by the Syrian government and non-state armed groups, including the extremist armed group Islamic State (also known as ISIS). Heterosexual men and boys are vulnerable to sexual violence in Syria, but men who are gay or bisexual – or perceived to be – and transgender women are particularly at risk. (...) The sexual violence described included rape, sexual harassment, genital violence (beating, electric shock and burning of genitals), threat of rape of themselves or female family members, and forced nudity by state and non-state armed groups"; HRW, Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, July 2020, www.ecoi.net/en/document/2035116.html, pp. 1-2, und siehe auch p. 25..

⁸⁹⁷ "Cases that Human Rights Watch documented show that although men and boys are stopped at checkpoints regardless of their sexual orientation and gender identity, gay and bisexual men and transgender individuals were often sexually and verbally harassed and sexually abused on the basis that they were 'soft looking'. Some interviewees told Human Rights Watch that they would adopt self-censoring behavior to conceal their sexual orientation or gender identity in order to protect themselves at checkpoints or while they were serving in the military"; HRW, Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, July 2020, www.ecoi.net/en/document/2035116.html, p. 27, siehe auch pp. 38-39. Siehe auch Raseef22, The Story of a Trans Woman in Wartime Syria, 18 May 2017, <https://bit.ly/39SGeOP>.

⁸⁹⁸ "Men and boys (...) were subject to sexual assault and rape in detention centers and checkpoints. Interviewees believed that perpetrators increased or intensified the violence once they learned that the interviewees were gay, bisexual, or transgender." Mehrere Befragte gaben an, mehrfach in Haft vergewaltigt worden zu sein; HRW, Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, July 2020, www.ecoi.net/en/document/2035116.html, p. 32, siehe auch pp. 33-37, 43. "Sexual violence, mainly in detention settings, is a primary reason cited by lesbian, gay, bisexual, transgender and intersex civilians for fleeing the Syrian Arab Republic"; UNSC, Report of the Secretary-General on Conflict-Related Sexual Violence, 23 March 2018, S/2018/250, www.refworld.org/docid/5b29148d7.html, para. 76.

⁸⁹⁹ "Evidence gathered by Human Rights Watch show that GBT individuals in the military were specifically targeted on the basis of their sexual orientation and/or gender identity. Interviewees told Human Rights Watch that GBT men and boys who serve in the army are often subject to rape and other forms of sexual violence in military prisons, or by other soldiers in the army (...) Interviewees said this was common knowledge and that most GBT people fled the country due the fear of joining the army. Interviewees said that they or their friends who served in the army were taken to Tadmur Prison and Palestine Branch [a detention facility run by Syrian Military Intelligence] because they were GBT"; HRW, Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, July 2020, www.ecoi.net/en/document/2035116.html, pp. 27, 37. Der Autor des HRW-Berichts, Zeynep Pinar Erdem, erklärte gegenüber Al Jazeera: "They were perceived as being effeminate by the perpetrators in the detention centres and in the ranks of the Syrian army, and were therefore subjected to increased violence"; Al Jazeera, Gay, Bisexual Men and Trans Women Speak of Sexual Abuse in Syria, 29 July 2020, <https://bit.ly/3bm6qni>.

⁹⁰⁰ "Local media and NGOs reported instances in which regime and proregime forces used accusations of homosexuality as a pretext to detain, arrest, torture, and kill civilians. The frequency of such instances was difficult to determine, since police rarely reported their rationale for arrests"; US Department of State, 2019 Country Reports on Human Rights Practices: Syria, 11 March 2020, www.ecoi.net/en/document/2026345.html.

⁹⁰¹ "Along with the state and pro-state militias, rebel organizations in Syria committed widespread violence against GSM [gender and sexual minorities]. (...) Several Syrians report sexual exploitation by militants in return for their gender identity or sexual orientation being kept private"; Meredith Loken / Jamie J. Hagen, Violence Against Gender and Sexual Minorities During Civil Conflict, University of Massachusetts, nicht veröffentlichter Entwurf, Zugriff am 28. Februar 2021, pp. 21, 22. "The terrorist HTS regularly detained, tortured, and killed LGBTI individuals in the territories they controlled (...)"; US Department of State, 2019 Country Reports on Human Rights Practices: Syria, 11 March 2020, www.ecoi.net/en/document/2026345.html. "Individuals suspected of same-sex relations are at risk of execution in areas held by extremist groups"; Freedom House, Freedom in the World 2020: Syria, March 2020, www.ecoi.net/en/document/2030806.html. "In Syria, al-Qaida's local branch as well as other Islamic insurgent groups battling ISIS, have also killed gays and some homosexuals have had to flee the country for their own safety"; AP, Islam and Homosexuality: What Does the Koran Say?, 17 May 2018, <http://bit.ly/2mOt1V3>. "Throughout the Syrian conflict, the Commission [IICISyria] has regularly received allegations of members of extremist and terrorist groups imposing medieval punishments on men accused of homosexuality. In early 2016, two men, accused of being homosexuals were thrown from the third floor of a building in Khan Sheikhou (Idlib). Their hands were tied behind their backs and Jabhat al-Nusra militants announced the accusations of homosexuality over loudspeakers. In September 2016, militants of the newly self-styled Jabhat Fatah al-Sham in concert with armed group fighters executed seven men in Rastan city (Homs) via fusillade whom they accused of being homosexual. An unauthorised court, functioning on behalf of all armed groups in the area, had ordered the executions"; UN Human Rights Council, "I Lost My Dignity", 8 March 2018, www.ecoi.net/en/document/1433339.html, para. 65. Siehe auch

Darüber hinaus wird berichtet, dass Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, verschiedenen Formen der gesellschaftlichen Diskriminierung ausgesetzt sind⁹⁰², einschließlich in Bezug auf ihren Zugang zum Arbeits- und Wohnungsmarkt und zur Grundversorgung.⁹⁰³ Außerdem besteht bei diesen Personen laut Meldungen die Gefahr, dass sie von der Gesellschaft ausgeschlossen, schikaniert, mit dem Tod bedroht, eingeschüchtert, zu einer „Konversionstherapie“ gezwungen sowie körperlicher und sexueller Gewalt durch Mitglieder ihrer eigenen Familie ausgesetzt werden.⁹⁰⁴ Überlebende haben beschrieben, wie Familienangehörige in einigen Fällen ihre Identität absichtlich den Regierungstruppen oder

UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 21 January 2021, www.ecoi.net/en/document/2045772.html, paras 52, 53; The New Arab, *Horror but Little Shock as Transgender Refugee Feared Dead after Deportation to Syria*, 23 August 2019, <http://bit.ly/2n04EU9>. Personen, deren sexuelle Orientierung nicht den traditionellen Vorstellungen entspricht, und Personen, denen einvernehmliche homosexuelle Handlungen vorgeworfen wurden, sind auch von ISIS in Gebieten, die zuvor von ISIS kontrolliert wurden, festgenommen, gefoltert und hingerichtet worden; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 28-29; UN Human Rights Council, *“I Lost My Dignity”*, 8 March 2018, www.ecoi.net/en/document/1433339.html, paras 72, 77, 128.

⁹⁰² “Syria’s laws de facto criminalise same-sex sexual relations, while social, cultural and religious attitudes create a hostile environment towards individuals who do not conform with accepted gender norms”. *University of California Los Angeles / All Survivors Project (ASP), “Destroyed from Within”: Sexual Violence Against Men and Boys in Syria and Turkey*, September 2018, www.ecoi.net/de/dokument/1453362.html, p. 21. Berichten zufolge werden Personen, deren sexuelle Orientierung nicht den traditionellen Vorstellungen entspricht, von Mitgliedern der syrischen Gesellschaft im Allgemeinen als „anormal“ angesehen. Beispielsweise erklärte der konservative Imam Abo Abdulrahman al-Ansari, der Mitglied des Scharia-Rats in Idlib ist, gegenüber NBC News, dass es keine homosexuellen Muslime gebe und Homosexualität mit dem Tod bestraft werde; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, <https://nbcnews.to/2JpivE>. “LGBTQ identities are stigmatized in Syria and are often framed as ‘un-Islamic’ and ‘immoral,’ leading to social rejection, discrimination, harassment, and violence by private individuals and organized groups”; Outright International, *Syrian Arab Republic: At a Glance*, Zugriff am 28. Februar 2021, <https://bit.ly/3bG6q0w>. “Homophobia is also widespread for religious and social reasons”; Al-Modon, *Controversy Around Homosexuality in Syrian Curriculum*, 6 December 2018, <https://bit.ly/2JwBHH2>.

⁹⁰³ “Human rights activists reported there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society”; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. Auf einer Länderskala, die die Diskriminierung von lesbischen, schwulen, bisexuellen, transgender und queeren Menschen (LGBTQ) in einzelnen Ländern bewertet, wird Syrien ein Wert von 19 zugeschrieben (0 ist die Bestnote und 26 die schlechteste Bewertung); Chelsea Lee and Robert L. Ostergard Jr., *Measuring Discrimination Against LGBTQ People: A Cross-National Analysis*, in: *Human Rights Quarterly* Vol. 39(1), February 2017, <https://muse.jhu.edu/article/647800/pdf>, p. 59. Laut Fadi Saleh “while some LGBTIQ people are capable of hiding their gender identities and sexual orientations and have more access to jobs and money, many whose livelihoods depend on ‘being seen’, primarily sex workers, cannot afford to hide their gender identity or sexualities and thus expose themselves not only to the danger of being out in public space, but also in finding housing without being exploited regarding how much they have to pay in exchange for ‘safe’ housing, which might become unsafe at any moment, depending on the discretion of the landlord”; E-Mail-Kommunikation mit Fadi Saleh, 24. August, 10. September und 14. Dezember 2020 (E-Mails bei UNHCR archiviert).

⁹⁰⁴ “LGBT people are often seen as shameful and a disgrace to their families, which leads to rejection and, in some cases, death threats and being targeted for ‘honor killings.’ (...) gay and bisexual men and transgender women told Human Rights Watch that LGBT individuals in Syria are rejected, ostracized, and subject to violence by their family members. Hostility from families is a compounding factor for vulnerability to violence, including sexual violence. Gay and bisexual men and transgender women interviewed by Human Rights Watch described being severely beaten by their parents, locked in their rooms and thrown out of their homes”; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 24-25, 29. “Syria Direct communicated with seven other LGBT Syrians living in Damascus, Latakia, Suwayda and Homs provinces, and with the exception of one, all had experienced some form of physical and verbal abuse, public humiliation or had received threats from their peers”; Syria Direct, *At Home and Abroad, LGBT Syrians Fight to Have Their Voices Heard*, 11 October 2020, <https://bit.ly/3nk3DAe>. Für Frauen besteht auch die Gefahr, dass sie zur Rettung oder Wiederherstellung der „Familienehre“ ermordet werden. Außerdem kommt es vor, dass Frauen, die von ihrer Familie für lesbisch gehalten werden, zwangsverheiratet werden, obwohl Zwangsehen nach dem Personenstandsgesetz verboten sind. Die syrische LGBTI-Aktivistin Amira al-Tabbaa berichtet: “[W]omen who reveal their nontraditional sexual orientation to their families often get beaten for ‘bringing shame on the family.’ Laut Amira al-Tabbaa besteht für diese Frauen die Gefahr, dass sie im Haus eingesperrt werden und ihre Familien ihre Kommunikation überwachen, um sie zu kontrollieren. Darüber hinaus wies Amira al-Tabbaa darauf hin, dass einige Familien auf „Konversionstherapien“ zurückgreifen; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, <https://nbcnews.to/2JpivE>. Eine Transgender-Frau sagte gegenüber HRW: “[M]y uncles were beating me and threatening my life because they were afraid over their reputation. My uncle broke my nose, my teeth, and stabbed me in the eye. When he found out that I’m in Lebanon, he said, ‘I will slaughter you’”; HRW, *“Don’t Punish Me for Who I Am”: Systemic Discrimination Against Transgender Women in Lebanon*, 3 September 2019, www.ecoi.net/de/dokument/2015685.html. Siehe auch UNHCR, *Overcoming Hate: An Activist’s Journey from Syria to San Francisco*, 20 March 2018, <https://bit.ly/39D4Wms>.

bewaffneten Akteuren preisgegeben haben, damit sie „umgepolt oder getötet“ werden.⁹⁰⁵ Die meisten Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, stehen unter Druck, ihre sexuelle Orientierung und/oder geschlechtliche Identität geheim zu halten.⁹⁰⁶

Quellen berichten, dass Menschen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, davor zurückschrecken, der Polizei oder anderen staatlichen Stellen Fälle von Diskriminierung, Bedrohung und Gewalt zu melden, da sie befürchten, dass von den Behörden oder anderen Akteuren weitere Gefahren ausgehen, u. a. Offenlegung ihrer sexuellen Orientierung und/oder geschlechtlichen Identität und willkürliche Festnahme, Inhaftierung und potenzielle Strafverfolgung.⁹⁰⁷ Ebenso wird berichtet, dass Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, als Opfer sexueller Gewalttaten vermeiden, medizinische oder psychologische Dienste aufzusuchen, da sie weitere Stigmatisierung befürchten.⁹⁰⁸

Lesbische, schwule, bi-, trans- und intersexuelle (LGBTI) Organisationen sind in Syrien nicht aktiv, sodass Menschen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, keine Ansprechpartner und keine Unterstützung haben.⁹⁰⁹

UNHCR ist der Auffassung, dass Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, wahrscheinlich internationalen Flüchtlingsschutz benötigen, je nach den Umständen des Einzelfalls aufgrund ihrer Zugehörigkeit zu einer bestimmten sozialen Gruppe und/oder anderen maßgeblichen Gründen.⁹¹⁰

Es darf nicht außer Acht gelassen werden, dass von Personen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen, nicht erwartet werden

⁹⁰⁵ HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 30. Die Schilderungen beinhalten den Erfahrungsbericht eines weibliche Pronomen verwendenden homosexuellen Mannes, die von ihrer Familie im Alter von 13 Jahren dem syrischen Geheimdienst übergeben wurde. Sie verbrachte eine Woche in Isolationshaft und wurde anschließend in ein Gefängnis der Regierung gebracht, in dem sie regelmäßig sexueller Gewalt und Vergewaltigungen ausgesetzt war und bis zum Alter von 17 Jahren gefangen gehalten wurde; ebenda, p. 35. Siehe auch AP, *Islamic State Group Targets Gays with Brutal Public Killings*, 13 June 2016, <http://apne.ws/1UvX3jl>.

⁹⁰⁶ Für die Notwendigkeit, die eigene sexuelle Orientierung und geschlechtliche Identität vor der Familie und der Gesellschaft allgemein zu verheimlichen, siehe NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, <https://nbcnews.to/2loAlBJ>; Raseef22, *Sick or Bewitched: The Life of Three Homosexuals in Idlib*, Syria, 19 August 2019, <https://bit.ly/31CoV0u>; Wiener Zeitung (auf Deutsch), *„Ich Werde Niemals Zulassen, dass Du als Schwuler Lebst“*, 18 September 2018, <https://bit.ly/2USprWL>. *„Threatening to label someone as homosexual is weaponized. The topic of SOGI is so taboo that focus group facilitators refused to ask any questions that could even be construed as being about SOGI“*; WVI, *Northwest Syria Gender Analysis*, 5 March 2020, www.ecoi.net/en/document/2026268.html, 11.

⁹⁰⁷ *„Laws that criminalize same-sex conduct not only render LGBT people vulnerable to violence by expressing official antipathy toward the population, but also prevent victims from reporting crimes to officials due to the fear of being punished rather than being protected“*; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, pp. 22-23. Siehe auch SNHR / ASP, *Syrian Arab Republic: Submission to the United Nations Human Rights Committee 130th Session*, 12 October - 6 November 2020, August 2020, <https://bit.ly/2QO9Rdi>, p. 4; und Fußnote 891.

⁹⁰⁸ *“(…) shame, fear of stigma, and a lack of trust in the health care system“* wurden als Gründe dafür angeführt, dass Männer und Jungen, Transgender-Frauen und nicht-binäre Personen, die sexuelle Gewalttaten überlebt haben, keine medizinischen oder psychologischen Dienste aufsuchen. Etliche Überlebende gaben gegenüber HRW an, dass sie Selbstmord erwogen oder einen entsprechenden Versuch unternommen hatten; HRW, *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.ecoi.net/en/document/2035116.html, p. 2, siehe auch pp. 46-50.

⁹⁰⁹ *“[T]here were no known domestic NGOs focused on LGBTI matters“*; US Department of State, *2019 Country Reports on Human Rights Practices: Syria*, 11 March 2020, www.ecoi.net/en/document/2026345.html. *“OutRight Action International, a U.S.-based nonprofit that works to defend human rights for LGBTQ people around the world, said they have found that Syria is one of 30 countries in the world where no LGBTQ organizations could be found, whether registered or unregistered – meaning there is no concerted advocacy for change. It said it also means LGBTQ Syrians don’t have any groups to turn to for advice, knowledge, information or support, making their lives that much more challenging“*; NBC News, *LGBTQ Syrian Refugees Forced to Choose Between Their Families and Identity*, 6 October 2019, <https://nbcnews.to/2JpjjvE>.

⁹¹⁰ Für Richtlinien zur Feststellung der Flüchtlingseigenschaft auf der Grundlage der sexuellen Orientierung und/oder geschlechtlichen Identität siehe 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, www.refworld.org/docid/50348afc2.html (im Folgenden: UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html).

kann, dass sie ihre Identität verschleiern, um einer Verfolgung zu entgehen.⁹¹¹ Außerdem stehen die erheblichen strafrechtlichen Sanktionen, die für einvernehmliche homosexuelle Handlungen vorgesehen sind, und der Umstand, dass Strafverfolgungsbeamte häufig Gewalt anwenden, einem staatlichen Schutz entgegen, einschließlich in Fällen, in denen die Verfolgungshandlungen von nichtstaatlichen Akteuren wie bewaffneten Gruppen und Mitgliedern der Gesellschaft begangen werden.⁹¹²

12) Palästinensische Flüchtlinge

Die Rechtsstellung palästinensischer Flüchtlinge und der Zugang zu Rechten und Leistungen hängt von ihrer Registrierung bei der GAPAR⁹¹³ und vom Zeitpunkt ihrer Einreise nach Syrien ab oder, für jene, die in Syrien geboren sind, vom Einreisedatum ihrer Eltern oder Großeltern. Die überwiegende Mehrheit derjenigen, die zwischen 1948 und 1956 ankamen, wurden offiziell von der GAPAR als ‚palästinensische Flüchtlinge‘ identifiziert.⁹¹⁴ Diejenigen, die als palästinensische Flüchtlinge zwischen 1948 und 1956 bei der GAPAR registriert wurden, genießen überwiegend die gleichen Rechte wie syrische Staatsangehörige, mit Ausnahme von einigen Einschränkungen.⁹¹⁵ Sie sind Inhaber befristeter Aufenthaltskarten, die als offizieller Identitätsnachweis dienen und sie sind berechtigt, Reisedokumente zu beantragen.⁹¹⁶ Die Mehrheit ist auch bei UNRWA als palästinensische Flüchtlinge registriert.⁹¹⁷

⁹¹¹ UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html, paras 30-33. Siehe auch z. B. 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, www.refworld.org/docid/527b94b14.html.

⁹¹² Selbst wenn die Rechtsvorschriften, die homosexuelle Handlungen kriminalisieren, nicht umgesetzt werden, kann das vorherrschende oder allgemeine Klima der Homophobie, wie es in den Einstellungen der Gesellschaft etc. zum Ausdruck kommt, als Indikator für die Gefahren angesehen werden, die in Syrien Personen drohen, deren sexuelle Orientierung und/oder geschlechtliche Identität nicht den traditionellen Vorstellungen entsprechen. Siehe UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html.

⁹¹³ Den Statistiken der Regierung zufolge waren am 5. Januar 2021 über 557.000 palästinensische Flüchtlinge bei der GAPAR registriert, einer Abteilung des Ministeriums für Arbeit und Soziales, das für Verwaltungsangelegenheiten zuständig ist, die palästinensische Flüchtlinge in Syrien betreffen. Wahrscheinlich ist jedoch bei dieser Angabe die Zahl der palästinensischen Flüchtlinge, die seit 2011 aus dem Land geflohen sind oder getötet wurden, unberücksichtigt geblieben; Palestinian Return Centre, *Over 557,000 Palestine Refugees Registered with GAPAR in Syria*, 26 January 2021, <http://bit.ly/3sfczc8>.

⁹¹⁴ "Palestinians who settled in Syria in the period from the Arab-Israeli War (1948) to the Suez Crisis (1956) were eligible for registration in the civil registry of the General Authority for Palestine Arab Refugees (GAPAR). (...) Palestinians who moved to Syria as a result of subsequent conflicts are not all registered with GAPAR"; Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, p. 11.

⁹¹⁵ "As of 1949, the Syrian government had adopted a series of laws that place Palestinians on a virtually equal footing with Syrian nationals. The main instrument that gives Palestinians substantial legal rights and protection in Syria 'while preserving their original nationality' is Law 260 of 1956; subsequent laws and administrative regulations have further expanded these rights. Accordingly, [these] Palestinian refugees (...) can work, including access to governmental services, except that they 'can only take government jobs based on temporary work contracts'. They can also own property and businesses, access the same education and universal healthcare as Syrian citizens, travel internationally, and enrol in the army. They do not have the right to buy arable land and to own more than one house, and, last but not least, unlike other persons from Arab countries, they cannot apply for Syrian citizenship"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 222-223. Palästinensische Flüchtlinge, die mit der GAPAR registriert sind, haben in der Regel ihren Pflichtwehrdienst in der PLA abgeleistet; siehe Fußnote **Error! Bookmark not defined.**

⁹¹⁶ Reisedokumente für palästinensische Flüchtlinge, die mit der GAPAR registriert sind, werden vom Immigration and Passports Directorate / Innenministerium ausgestellt und sind für sechs Jahre gültig. Sie berechtigen Inhaber, Syrien zu verlassen und ohne Wiedereinreisevisum nach Syrien zurückzukehren. "However, in practice freedom to travel outside the country has depended on political considerations – both domestic and with regard to inter-Arab relations – that have varied over time. In pre-war Syria, Palestinians who wanted to leave the country needed the same special authorization that Syrian citizens were required to obtain"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 223. Siehe auch, Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, pp. 12, 16-17.

⁹¹⁷ "Palestinian refugees who met UNRWA's definition of Palestine refugees were also simultaneously registered with UNRWA. This is the case for the vast majority of them, even though there are some who are registered with GAPAR only and not UNRWA: these include Palestinians who were expelled by Israel from one of the Demilitarized Zones (DMZ) between Syria and Israel in 1956. They were not registered by UNRWA as no new refugees were being registered as of July 1952. They were registered by GAPAR, however (...); Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 222. "Historically, the largest displacement of Palestinian refugees to Syria occurred during the Arab-Israeli conflict in 1948 at the time of the creation of the Israeli state. Other waves of Palestinian Refugees arrived to Syria during subsequent periods of conflict in

Schätzungsweise 25.000-45.000 palästinensische Flüchtlinge, die sich in Syrien aufhalten, sind nicht bei der GAPAR registriert, dafür aber bei UNRWA in einem der anderen Operationsgebiete (also in Jordanien, Libanon, dem Gazastreifen und dem Westjordanland, inklusive Ost-Jerusalem).⁹¹⁸ Einige werden durch die Behörden anerkannt und erhalten die Erlaubnis, sich legal aufzuhalten; dennoch müssen sie üblicherweise eine Arbeitserlaubnis beantragen, die ein Jahr gültig und gebührenpflichtig ist. Ihr Status und die Befähigung, zu reisen, hängen maßgeblich davon ab, ob sie Dokumente besitzen und diese bei der zuständigen Botschaft verlängern lassen können.⁹¹⁹

Weitere ungefähr 10.000-15.000 palästinensische Flüchtlinge sind weder bei der GAPAR, noch als palästinensische Flüchtlinge bei UNRWA registriert.⁹²⁰ Der rechtliche Status dieser Gruppe ist prekär und sie müssen Aufenthaltserlaubnisse sowie Arbeitserlaubnisse in Syrien beantragen, wofür gültige Identitätsdokumente notwendig sind. Sie sehen sich begrenztem Zugang zu staatlichen Leistungen ausgesetzt, da dies normalerweise einen Nachweis über die Registrierung bei der GAPAR erfordert.⁹²¹

Palästinensische Flüchtlinge sind den gleichen Gefahren wie Syrer ausgesetzt, einschließlich aufgrund ihrer tatsächlichen oder vermeintlichen Unterstützung von oder Verbindung zu Konfliktparteien.⁹²² Berichten zufolge wurden einige palästinensische bewaffnete Gruppen sowie palästinensische Einzelpersonen in den Konflikt hineingezogen, da sie die eine oder andere Kriegspartei unterstützen, was dazu geführt hat, dass der gesamten Gemeinschaft aufgrund ihrer vermeintlichen politischen Einstellung Vergeltungsmaßnahmen und Angriffe drohen.⁹²³

the region, particularly the Six Day War in 1967. (...) Most Palestinian Refugees from Syria (PRS) are registered with UNRWA (...); ISI et al., *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*, <https://bit.ly/3jaD0vr>, p. 8. "Most of the Palestine refugees who fled to the Syrian Arab Republic in 1948 were from the northern part of Palestine, mainly from Safad and the cities of Haifa and Jaffa. A further 100,000 people, including Palestine refugees, fled from the Golan Heights to other parts of Syria when the area was occupied by Israel. A few thousand refugees fleeing war-torn Lebanon in 1982 also took refuge in Syria"; UNRWA, *Where We Work: Syria*, Zugriff am 28. Februar 2021, <http://bit.ly/3skVL3E>.

⁹¹⁸ UNRWA, *UNRWA Fields of Operations Map 2020*, 9 June 2020, <https://bit.ly/3btLrzG>.

⁹¹⁹ Diese palästinensischen Flüchtlinge "arrived at different stages, including in 1970 from Jordan, after 1982 from Lebanon, in the 1990s from Libya and Kuwait, and from the occupied Palestinian territory. They do not enjoy the same status as those registered with GAPAR, though they may become registered with GAPAR either by presidential decree or in the case of Palestinian refugee woman [sic] marrying GAPAR-registered refugees." Und weiter: "As UNRWA-registered Palestine refugees, they are temporarily in Syria (i.e. not as permanent residents) and as such have no official residency permit issued by the Syrian authorities; however, they are allowed to reside legally in the country as long as they are registered with the PLO and have a PLO document accepted by the Syrian government". To travel abroad, they need to apply for a PA passport (without number) through the Palestinian Embassy in Syria. Temporary residency may be lost in case of absence from the country for more than six months"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, pp. 224-225. "According to the Austrian Bundesamt für Fremdenwesen und Asyl, or Federal Office for Immigration and Asylum, Palestinians who are not registered with GAPAR can apply for travel documents at the diplomatic representation of the Palestinian Authority in Damascus"; Netherlands Ministry of Foreign Affairs, *Country of Origin Information Report Syria Documents*, December 2019, www.ecoi.net/en/document/2029603.html, p. 12.

⁹²⁰ "The majority of them arrived in the aftermath of the 1967 War from the West Bank and Gaza Strip (first time refugees), others in 2003 from Iraq. Those from the Gaza Strip, who carried Egyptian TDPRs [Travel Document for Palestinian Refugees], were treated by Syrian law as foreigners, while those from the West Bank carrying Jordanian passports were considered Arab nationals. About 4,000– 5,000 Palestinians fled from Iraq in the aftermath of the fall of the regime of Saddam Hussein in 2003; they were initially not allowed to stay in Syria, but the policy changed as of 2006. Others arrived in the following years triggered by the continuous instability in Iraq, and a number of those could not afford to enter Syria legally"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 225.

⁹²¹ "This group endures a complex legal and security situation and does not enjoy many basic civil rights. They have to register with the Ministry of Interior and periodically renew their temporary residence permits, must apply for work permits and are restricted from working in the public sector"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 225.

⁹²² SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020*, and *49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, pp. 3, 4.

⁹²³ "From August 2011, government forces attacked several Palestinian refugee camps as opposition members were suspected to be among the refugees. Palestinians soon started to face threats from Syrian opposition groups as well"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 226. "As the Syrian uprising gained strength throughout 2011, and the government responded with increasing violence, many residents of Yarmouk strove to remain uninvolved in the conflict. Gradually however, the Syrian regime started to assign security and intelligence operations to the

Seit 2011 geht die Regierung hart gegen jegliche Form von abweichenden Meinungen vor, und in diesem Zusammenhang zählten palästinensische Flüchtlinge, die tatsächlich oder vermeintlich in Opposition zur Regierung stehen, einschließlich Protestierender⁹²⁴, Aktivisten, Mitarbeitern humanitärer Hilfsorganisationen, medizinischer Fachkräfte, Journalisten, Künstlern sowie Überläufern und Wehrdienstentziehern⁹²⁵, zu den Personen, die willkürlich festgenommen, inhaftiert und zwangsverschleppt wurden, verschwunden sind sowie gefoltert und in sonstiger Form misshandelt und außergerichtlich hingerichtet worden sind.⁹²⁶ Berichten zufolge sind seit 2011 Hunderte palästinensischer Flüchtlinge, einschließlich Frauen und Kindern, aufgrund von Folter in Haftanstalten der Regierung gestorben.⁹²⁷ Im Januar 2020 wurde gemeldet, dass Regierungstruppen Dutzende

Palestine Liberation Army (PLA) and other Palestinian factions loyal to the regime. This essentially negated Palestinian neutrality (...). Yarmouk's growing instability and strategic location started to attract Syrian opposition groups who saw the camp as a potential support base for the civil uprising"; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, <https://bit.ly/2TZym9d>, p. 3. "Palestinian factions are divided in their political allegiances. The Popular Front for the Liberation of Palestine and the Palestine Liberation Army back the Assad regime, and many Palestinian-Syrian militias have fought alongside the government. Hamas and Fatah both attempted to appear neutral, especially in the early stages. However, Hamas disengaged itself from the government after 2012 while Fatah reestablished relations with Assad in 2015"; Minority Rights Group International (MRGI), *World Directory of Minorities and Indigenous Peoples – Syria: Palestinians*, March 2018, www.refworld.org/docid/49749c9f39.html. "The conflict's parties contributed to the harm caused to the Palestinians. The Syrian regime has harshly taken revenge on the Palestinian refugees, as they – by majority – have not taken its side to oppress the Syrian people. That is, the majority refused to help the regime fight against the revolution, believing in its righteousness"; Syrian Center for Legal Studies and Researches, *The Palestinian Liberation Army in the Syrian War*, 2 November 2018, <https://bit.ly/2ZX9TVZ>. Siehe auch AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2020, <https://bit.ly/3hFcCtk>; und Kapitel III.A.1 und III.A.3.

⁹²⁴ Ein Beispiel: "Syrian security forces view Al-Ramal Al-Janoubi [unofficial Palestinian camp in Lattakia] as an anti-government hotspot, after residents joined early demonstrations against the government in 2011"; The Syria Report, *Demolitions Target Palestinian Refugee Camp in Lattakia*, 8 July 2020, <https://bit.ly/2Bib9Jj>.

⁹²⁵ Siehe z. B. AGPS, *Dozens of Palestinian Journalists Killed, Arrested in War-Torn Syria*, 31 December 2020, <http://bit.ly/3q2nW5Y>; AGPS, *On World Humanitarian Day: Hundreds of Palestinian Volunteers Forcibly Disappeared, Killed in Syria*, 19 August 2020, <https://bit.ly/3c1f7E8>; SNHR, *Photo of Detainee Released by Syrian Regime Forces Shows Signs of Torture*, 15 June 2020, <https://bit.ly/3bh49dg>; SOHR, *3 Residents of Palestinian Refugee Camp in Syria Tortured to Death in Sednaya Military Prison*, 30 May 2020, <https://bit.ly/2UWPTJo>; AGPS, *Palestinian Refugee Released after 20 Months in Syrian Jail*, 3 May 2020, <https://bit.ly/2UWw0DP>. Siehe auch Kapitel III.A.2.

⁹²⁶ Laut SNHR waren im Juli 2020 noch mindestens 2.663 Palästinenser, einschließlich 23 Frauen und 10 Kindern, in Haft oder zwangsverschleppt und verschwunden; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, pp. 5, 6-7. Laut AGPS ist der Aufenthaltsort von fast 1.800 palästinensischen Flüchtlingen, einschließlich Frauen und Kindern, seit ihrer willkürlichen Festnahme durch Regierungstruppen unbekannt; AGPS, *Over 1,800 Palestinian Refugees Secretly Held in Syrian Prisons*, 30 August 2020, <https://bit.ly/2FBS9XK>. Siehe auch AGPS, *Residents of Palestinian Refugee Camp in Syria Summoned over Social Media Posts*, 5 September 2020, <https://bit.ly/3lstrsS>; AGPS, *Residents of Palestinian Displacement Camp in Syria Summoned to Questioning*, 7 May 2020, <https://bit.ly/3fD08Az>; AGPS, *18 Palestinian Journalists Killed in War-Torn Syria*, 4 May 2020, <https://bit.ly/2N3WSSP>; AGPS, *Palestinian Journalist Muhammad Omar Forcibly Disappeared by Syrian Gov't*, 18 March 2020, <https://bit.ly/37EYrju>; AGPS, *Palestinian Refugee Fatally Tortured in Syria's Penal Complexes*, 15 March 2020, <https://bit.ly/37HnPoO>; AGPS, *110 Palestinian Women Forcibly Disappeared in Syrian Prisons, 34 Fatally Tortured*, 9 March 2020, <https://bit.ly/2AFW586>; AGPS, *Palestinian Activist Ali AlMuslih Secretly Held in Syrian Jails for 7th Year*, 24 February 2020, <https://bit.ly/311mRIM>; AGPS, *Palestinian Doctor Nizar Kassab Forcibly Disappeared in Syria*, 29 November 2019, <https://bit.ly/3dfvHz4>; AGPS, *Remembering Palestinian Artist Abu AlRuz Fatally Tortured in Syrian Jail ... One Year On*, 17 September 2019, <https://bit.ly/3hFBzVw>; AGPS, *On World Humanitarian Day: Hundreds of Palestinian Volunteers Forcibly Disappeared in Syria*, 22 August 2019, <https://bit.ly/3fExH5n>. Siehe auch Kapitel III.A.1.a.

⁹²⁷ Zwischen März 2011 und Februar 2021 registrierte AGPS den Tod von beinahe 630 Palästinensern, einschließlich Frauen und Kindern, aufgrund von Folter in Haftanstalten der Regierung. "Affidavits by ex-detainees have provided evidence on the involvement of Syrian government officers in harsh torture tactics, including electric shocks, heavy beating using whips and iron sticks, and sexual abuse against Palestinian prisoners"; AGPS, *629 Palestinian Refugees Tortured to Death in Syrian Prisons*, 16 February 2021, <http://bit.ly/3dFdhvs>. Zwischen März 2011 und Juli 2020 dokumentierte SNHR, dass 491 Palästinenser durch Folter gestorben waren, einschließlich 49 Personen, die durch Analyse der sogenannten „Caesar“-Folterfotos identifiziert wurden; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, p. 5. Beispielsweise starb der palästinensische Arzt Osama Omar Al Khaled Berichten zufolge im November 2019 an den Folgen von Folter in einem Gefängnis der Regierung. Laut Berichten hatte er Waisenkinder und andere bedürftige Personen in den zuvor von der Opposition kontrollierten Gebieten in Shajarah (Provinz Dera'a) unentgeltlich medizinisch versorgt und verletzte Demonstranten behandelt; AGPS, *Palestinian Doctor Osama Omar Khaled Tortured to Death in Syrian Jail*, 27 November 2019, <https://bit.ly/2YM0wpV>. Siehe auch AGPS, *12 Palestinian Refugees Tortured to Death in Syrian Regime Prisons in 2020*, 30 December 2020, <http://bit.ly/2ZVU8Nw>; und Kapitel III.A.1.a.

palästinensischer Kinder zwischen 10 und 16 Jahren in Yalda (Süd-Damaskus) mit der Begründung festgenommen hatten, dass sie ein Plakat von Präsident Assad abgerissen hätten.⁹²⁸

Während des Konflikts sind viele palästinensische Lager und Gebiete mit palästinensischen Gemeinden zeitweise unter die Kontrolle von bewaffneten oppositionellen Gruppen und/oder ISIS geraten⁹²⁹, einschließlich des Lagers Yarmouk (Provinz Damaskus)⁹³⁰, des Lagers Neirab⁹³¹ und des

⁹²⁸ Meldungen zufolge wurden die festgenommenen Kinder von den syrischen Behörden beschuldigt, Verbindungen zu ISIS zu haben, was die Familien der Kinder bestritten haben; COAR, *Syria Update: 13 January 2020*, 13 January 2020, <https://bit.ly/3ckC7fB>; The New Arab, *Syrian Regime Detains Children at Palestinian Camp for Allegedly Tearing Down Assad Poster*, 7 January 2020, <https://bit.ly/2MjVAmo>; SOHR, *Regime Security Services Arrest Nearly 40 Children from Yarmouk Camp for "Belonging to Caliphate Cubs"*, 5 January 2020, <https://bit.ly/3eE1uL4>.

⁹²⁹ "While from 2013 onwards, Yarmouk came to epitomize the tragedy of Palestinians trapped in the Syrian conflict, other refugee camps and gatherings also fell under siege and/ or became hard to reach, were completely or partially destroyed, or became inaccessible to UNRWA"; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, May 2020, p. 226.

⁹³⁰ Vor 2011 lebten in Yarmouk, einem inoffiziellen Flüchtlingslager am Rand der Stadt Damaskus, etwa 160.000 palästinensische Flüchtlinge (sowie über 1 Mio. Syrer), sodass Yarmouk die größte palästinensische Gemeinde Syriens darstellte. Seit 2012 wurde Yarmouk von verschiedenen bewaffneten oppositionellen Gruppen kontrolliert, einschließlich FSA-naher Gruppen, HTS, Jaysh al-Islam und seit April 2015 ISIS, und anhaltenden Militärkampagnen sowie einer ausgedehnten Belagerung durch die Regierungstruppen unterzogen. 2015 erklärten die Vereinten Nationen, Yarmouk ähnele einem „Todeslager“. Das Lager wurde weitgehend geräumt, und viele der ehemaligen Bewohner siedelten sich in den angrenzenden Gebieten Yalda, Babila und Beit Sahm in Süd-Damaskus an, die ebenfalls unter die Kontrolle nicht-staatlicher Akteure gerieten. Im Mai 2018 übernahmen die Regierungstruppen erneut die Kontrolle in Yarmouk und den angrenzenden Gebieten. Berichten zufolge fanden in Yarmouk und den benachbarten Gebieten umfangreiche Plünderungen durch die Regierungstruppen statt. Eine Schadensschätzung in Yarmouk kam zu dem Ergebnis, dass der Gebäudebestand erheblich beschädigt wurde und alle 23 UNRWA-Gebäude, einschließlich Schulen und Gesundheitszentren, entweder aufwändig repariert oder völlig neu aufgebaut werden müssen. Die Regierung hat nur minimale Anstrengungen unternommen, um Trümmer und Leichen zu entfernen und die Infrastruktur des Lagers wiederaufzubauen. Zum Zeitpunkt der Erstellung dieses Dokuments befindet sich die Mehrzahl der 160.000 ehemaligen Bewohner von Yarmouk in der Vertreibung, und im Lager leben nur noch einige Familien, die während des Konflikts dort geblieben waren, sowie etwa 400 Familien, die Anfang November 2020 trotz Zerstörung und fehlender Grundversorgung zurückgekehrt waren; UNRWA, *UNRWA Mobile Health Clinic Brings a Sign of Hope to the Devastated Yarmouk Camp*, 11 January 2021, <http://bit.ly/3em6F5F>; UNRWA, *UNRWA Commissioner-General Makes Official Visit to Syria, Reviews Palestine Refugee Massive Humanitarian Needs*, 4 November 2020, <https://bit.ly/2U82nU6>; UNRWA, *Syria: Progress Highlights January-June 2020*, 7 October 2020, <https://bit.ly/3iAvtoQ>; AGPS, *Property-Theft Ongoing in Yarmouk Camp*, 13 January 2021, <http://bit.ly/3kplMft>; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, pp. 11-13; AGPS, *Families Displaced from Yarmouk Camp Face Mysterious Fate*, 21 May 2020, <https://bit.ly/2APCBhh>; MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, <https://bit.ly/2XO0Nbp>; AGPS, *Yarmouk Residents Appeal for Removal of Dead Bodies*, 29 April 2020, <https://bit.ly/2CekAtb>; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, <https://bit.ly/3ekek1o>; Arab Reform Initiative, *Palestinian Refugees of Syria's Yarmouk Camp: Challenges and Obstacles to Return*, 17 January 2019, <https://bit.ly/2TZym9d>; UNRWA, *Acting UNRWA Commissioner-General Makes Official Visit to Syria*, 11 December 2019, <https://bit.ly/34jJ7p7>; UNRWA, *Yarmouk (Unofficial Camp)*, 1 January 2019, <https://bit.ly/2GBPBdd>. Im November 2020 wurde ein Rückkehrverfahren nach Yarmouk eingeführt, siehe Fn. 208.

⁹³¹ Das Lager Neirab ist das größte offizielle Lager Syriens. Vor Ausbruch des Konflikts lebten dort über 20.000 palästinensische Flüchtlinge. Aufgrund seiner strategischen Lage in der Nähe des internationalen Flughafens von Aleppo und des Militärflugplatzes Neirab war das Lager wiederholt Schauplatz bewaffneter Konflikte, insbesondere nach 2013. Zwischen Ende 2012 und Oktober 2013 wurde das Lager Neirab von den Regierungstruppen belagert. Am 1. Januar 2019 lebten im Lager etwa 18.000 Flüchtlinge sowie Syrer, die durch den Konflikt vertrieben worden waren. Am 14. Mai 2019 wurde das Lager von mehreren Raketen bewaffneter oppositioneller Gruppen getroffen, wodurch mindestens 10 Zivilpersonen getötet und über 30 verletzt wurden; UNRWA, *UNRWA Condemns the Killing of 10 Civilians in the Palestine Refugee Camp of Neirab in Aleppo*, 16 May 2019, <https://bit.ly/3hAmTHp>; UNRWA, *Neirab Camp*, 1 January 2019, <https://bit.ly/3jGntUJ>. Zwischen März 2011 und März 2020 dokumentierte AGPS die willkürliche Festnahme und das Verschwindenlassen von 98 palästinensischen Flüchtlingen aus dem Lager Neirab; AGPS, *3 Palestinian Refugees Arrested by Syrian Security Forces in Aleppo*, 12 March 2020, <https://bit.ly/2YefpSJ>.

Lagers Ein El-Tal (beide in der Provinz Aleppo)⁹³² sowie des Lagers Dera'a (Provinz Dera'a).⁹³³ Die Regierungstruppen haben diese Flüchtlingslager und andere städtische und vorstädtische Gebiete, in denen sich palästinensische Flüchtlinge niedergelassen haben, durch Militärkampagnen, Belagerungen und „Versöhnungsabkommen“ sukzessive zurückerobert.⁹³⁴ Hunderte palästinensischer Flüchtlinge aus Süd-Damaskus und den Flüchtlingslagern Khan Eshieh, Yarmouk und Dera'a wurden im Rahmen von „Evakuierungsabkommen“ unter Zwang in die von der Opposition kontrollierten Gebiete in Idlib und die von der SNA kontrollierten Teile von Aleppo (Afrin, Azaz) vertrieben.⁹³⁵ Berichten zufolge fanden in vielen Lagern nach der Rückerobertung durch die Regierungstruppen umfangreiche Plünderungen statt.⁹³⁶ Wie in anderen von der Regierung kontrollierten Gebieten und insbesondere in zurückeroberten Gebieten sind palästinensische Männer, einschließlich derjenigen, die ein „Versöhnungsabkommen“ unterzeichnet haben, laut Meldungen gefährdet, von den Regierungstruppen

⁹³² Vor Ausbruch des Konflikts lebten etwa 7.000 Menschen im inoffiziellen Lager Ein El-Tal (andere Bezeichnung: Lager Handarat). Im April 2013 übernahmen bewaffnete oppositionelle Gruppen die Kontrolle über das Lager und zwangen sämtliche Bewohner in die Vertreibung. Die Machtverhältnisse im Lager änderten sich mehrfach, und schließlich wurde das Lager im September 2016 von den Regierungstruppen zurückerobert. Das Lager wurde fast vollständig zerstört, einschließlich der drei Schulen und des Gesundheitszentrums. Grundlegende Infrastrukturen und wichtige Dienstleistungen sind nicht vorhanden. Ab Mitte 2017 kamen schutzbedürftige Flüchtlinge in geringer Zahl zurück; *“however, basic infrastructure such as water supply and electricity has not been fully restored, preventing more families from returning and delaying plans for the rehabilitation of UNRWA facilities”*; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12. Siehe auch Palestinian Return Centre, *Civilians Left under Threat of War Remnants in Syria's Handarat Camp for Palestinian Refugees*, 12 May 2020, <https://bit.ly/3eabcFj>; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, <https://bit.ly/3ekek1o>; AGPS, *Displaced Families in Handarat Camp for Palestine Refugees Continue to Appeal for Reconstruction*, 11 October 2019, <https://bit.ly/3ebb4Ft>; AGPS, *Civilians Left under Threat of War Remnants in Syria's Hadarat Camp*, 6 September 2019, <https://bit.ly/3deQS40>; UNRWA, *Ein El Tal (Unofficial Camp*)*, 1 January 2019, <https://bit.ly/3jHPrPQ>. Laut AGPS waren im Mai 2020 32 palästinensische Flüchtlinge aus dem Lager noch immer unauffindbar, nachdem sie unter Zwang verschwunden waren: AGPS, *32 Palestinian Residents of Handarat Camp Forcibly Disappeared in Syrian Gov't Jails*, 19 May 2020, <https://bit.ly/3hBN9kx>. Ferner meldete AGPS, dass Mitglieder der regierungsnahen Miliz „Liwa Al-Quds“ Flüchtlinge gezwungen haben, ihre Häuser „zu sehr niedrigen Preisen“ zu verkaufen; AGPS, *Pro-Govt Squad in Syria Purchases Houses in Handarat Camp for Palestinian Refugees*, 8 May 2020, <https://bit.ly/2N6PFRJ>.

⁹³³ Das Lager Dera'a befindet sich in der Stadt Dera'a. Vor 2011 lebten dort 10.500 Flüchtlinge. Das Lager und seine Umgebung wurden von bewaffneten oppositionellen Gruppen kontrolliert, bis das Gebiet Mitte 2018 von den Regierungstruppen zurückerobert wurde. Der Konflikt führte zur Vertreibung von 90 % der Lagerbewohner und massiver Zerstörung, einschließlich sämtlicher Anlagen von UNRWA. Zum Zeitpunkt der Erstellung dieses Dokuments waren etwa 865 Familien in das Lager zurückgekehrt. Die Grundversorgung war teilweise wiederhergestellt. Blindgänger im Lager und seiner Umgebung stellen weiterhin eine Gefahr für die Bewohner dar; UNRWA, *Syria Regional Crisis Emergency Appeal 2021*, 2 March 2021, <https://bit.ly/2NTbIVB>, p. 12; Enab Baladi, *Rubble Accumulation in Daraa Camp of Palestinian Refugees Exacerbates its Residents' Suffering*, 1 September 2020, <https://bit.ly/2TLJfeg>; UNRWA, *UNRWA Shocked by the Death of Two Palestine Refugees in Dera'a, Appeals for Safety of Civilians: Statement*, 3 March 2020, <https://bit.ly/2UXC0AV>; AGPS, *Civilians Left under Threat of War Remnants in Syria's Daraa Camp for Palestinian Refugees*, 6 October 2019, <https://bit.ly/3dnwheh>. Laut AGPS sind seit 2011 268 palästinensische Flüchtlinge aus dem Lager gestorben, einschließlich durch Artilleriebeschuss, Heckenschützen, Kleinwaffenbeschuss und außergerichtliche Hinrichtungen. Laut Meldungen sind vier Flüchtlinge an den Folgen von Folter in Haftanstalten der Regierung gestorben; AGPS, *268 Palestinian Residents of Daraa Camp Pronounced Dead in War-Torn Syria*, 30 March 2020, <https://bit.ly/30VzM8P>.

⁹³⁴ SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, p. 9. Siehe auch Kapitel II.A.1.

⁹³⁵ AGPS, *Displaced Palestinian Families in Northern Syria Push for Urgent Humanitarian Action*, 13 June 2020, <https://bit.ly/3ebjkVS>; MEE, *'Poverty Everywhere': Palestinians in Syria Living in Desperate Conditions*, 20 February 2020, <https://bit.ly/2TUZvdd>; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, <https://bit.ly/3gJ8Gal>; Atlantic Council, *The Potential Loss of Refugee Status for Palestinian-Syrians in Afrin*, 1 April 2019, <https://bit.ly/2U22jWi>. Zu organisierten Evakuierungen von Kämpfern und Zivilpersonen aus ehemals von der Opposition kontrollierten Gebieten und der von IICISyria vorgenommenen Einstufung als „Zwangsvertreibungen“ siehe Kapitel III.A.1.d.

⁹³⁶ *“Almost immediately after [the retaking of Yarmouk], pro-government fighters went in and looted just about everything they could find: kitchen appliances, copper wiring, even the frames of the windows and doors. Former residents going to check on their homes found soldiers looting their belongings”*; MEI, *Talking about Water Pipes: The Fraught Reconstruction of Syria's Yarmouk Camp*, 6 May 2020, <https://bit.ly/2XO0Nbp>. *“Activists told AGPS that pro-government gunmen in Syria have been raking through Palestinian displacement camps and stealing refugees' belongings under the security pretext. This has been the case in the refugee camps of Yarmouk, AlHusainiya, AlSabina, Khan Eshieh, AlAyedeen in Hums, and AlRaml in Latakia”*; AGPS, *Palestinian Refugees Denounce Property-Theft in Syria*, 12 May 2020, <https://bit.ly/3eecyih>. *“(…) properties have often been looted or destroyed”*; UNRWA, *2020 Syria Regional Crisis Emergency Appeal*, 31 January 2020, <https://bit.ly/2Sf4eFc>, p. 6. Siehe auch AGPS, *Displaced Residents of Yarmouk Camp Denounce Property-Theft, Call for Urgent Return to Their Homes*, 22 November 2020, <https://bit.ly/3ndqL3r>; SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, p. 14; AGPS, *Property-Theft Ongoing in Yarmouk Camp for Palestinian Refugees*, 12 July 2020, <https://bit.ly/2XoDi9h>; AGPS, *Displaced Palestinians Warn of Property-Theft South of Damascus*, 23 February 2020, <https://bit.ly/2NfZlRr>; AGPS, *Property-Theft, Security Turmoil Reported in Handarat Camp for Palestine Refugees*, 26 September 2019, <https://bit.ly/3fFAZW0>. Zu Berichten über allgegenwärtige Plünderungen von Wohnhäusern und Geschäften in Gebieten, die von den Regierungstruppen zurückerobert wurden, siehe auch Kapitel III.A.1.d.

willkürlich verhaftet⁹³⁷ und zwangsrekrutiert zu werden.⁹³⁸ Palästinenser in Süd-Damaskus sind Berichten zufolge in ihrer Freizügigkeit eingeschränkt und müssen eine Sicherheitsüberprüfung durchlaufen, um die Stadt Damaskus betreten zu dürfen; ein Passierschein wird nur erteilt, wenn die betreffende Person ihre Loyalität gegenüber der Regierung beweisen kann.⁹³⁹

Lager und Gemeinschaften, die sich in der Nähe der Front befinden, sind weiterhin durch Bombardierungen, Raketen- und Mörserangriffe der Regierung⁹⁴⁰ und bewaffneter oppositioneller Gruppen einschließlich HTS gefährdet.⁹⁴¹ Nachdem sich die Sicherheitslage in der Provinz Dera'a verschlechtert hat, wurden palästinensische Flüchtlinge im Lager Dera'a, in Al-Muzayrib und Jilin Opfer

⁹³⁷ "Security patrols arrested dozens of young men in the town of Babila south of Damascus earlier this month [October 2020] under the pretext of searching for opposition sleeper cells and drug dealers, according to pro-opposition news site Sowt Al-Asimeh. Out of dozens of arrests, 12 targeted Palestinian men displaced from the neighbouring city of Al-Hajjar Al-Aswad. The 12 men were likely targeted for arrest deliberately, after they reportedly underwent security checks as part of their applications to return to their homes in Al-Hajjar Al-Aswad [Rural Damascus]. The arrests illustrate the dangers of formally requesting to return home to areas such as Al-Hajjar Al-Aswad. **Particularly at risk are those who security forces suspect of being opposition sympathisers, and who remained in former rebel-held areas after the regime retook control**" (Hervorhebung nur hier); Syria Report, *In Destroyed Damascus Suburbs, Arrests Show Dangers of Requesting to Return Home*, 14 October 2020, <https://bit.ly/3IA4bkE>. Im Mai 2019 meldete HRW die Verhaftung von 15 Palästinensern in der Provinz Damaskus-Umgebung, einschließlich in Babila, Qudsieh und Yalda, die im Mai 2018 wieder unter die Kontrolle der Regierung geraten waren. Zwei der verhafteten Palästinenser wurden in der Zentrale einer palästinensischen Hilfsorganisation festgenommen, in der sie beide arbeiteten. Beide Personen hatten Versöhnungsabkommen mit der Regierung geschlossen, und „keiner von ihnen wurde für den Militärdienst gesucht oder hatte an bewaffneten oppositionellen Aktionen teilgenommen“; HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, www.ecoi.net/en/document/2009102.html. Siehe auch AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2021, <http://bit.ly/3sAncqh>; AGPS, *Palestinian Breakaway Rebels Held in Syrian Prisons*, 28 December 2020, <http://bit.ly/3uEB8RV>; AGPS, *Palestinian Refugees Subjected to Crackdowns in Southern Damascus*, 6 November 2020, <https://bit.ly/33p6K23>; AGPS, *Palestinian Refugee Yaser Kareem Released from Syria Jail*, 18 November 2019, <https://bit.ly/3dft6VQ>; AGPS, *4 Palestinian Refugees Arrested in Southern Damascus Manhunt*, 26 October 2019, <https://bit.ly/3egRurp>; AGPS, *Palestinian Civilians, Activists Held in Syria's State-Run Jails*, 2 October 2019, <https://bit.ly/2NaBVcc>; SOHR, *Including Palestinians...the Regime's Security Services Continue the Campaign of Arrests in Qudsaya in the Countryside of the Capital Damascus*, 15 September 2019, <https://bit.ly/2XPaRAL>; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, <https://bit.ly/3gJ8Gal>. Siehe auch Kapitel III.A.1.d.

⁹³⁸ "Those who refuse conscription are subjected to crackdowns, abductions and even executions. As a result, thousands fled the tension-stricken country in the hunt for a safer shelter"; AGPS, *Syrian Regime Threatens Property-Confiscation Against Military Draft Evaders*, 6 February 2021, <http://bit.ly/37YUreX>. "Palestinian refugees in Syria have been reluctant to join pro-regime squads after it turned out that they have been involved in war crimes against civilians all the way through the Syrian warfare. (...) Hundreds of refugees have been kidnapped at government-run checkpoints and forced to carry out mandatory conscription. Dozens more were kidnapped from their homes and shelters to that very end"; AGPS, *Palestine Refugees Distressed as Pro-Gov't Battalion in Syria Calls for Military Conscription*, 2 August 2019, <https://bit.ly/3hGwyvX>. Palästinenser sind sowohl von der PLA als auch von palästinensischen regierungsnahen Gruppen wie Liwa Al-Quds rekrutiert worden; siehe z. B. AGPS, *Majority of Palestinians Reject PLA's Engagement in Syrian Conflict*, 14 January 2020, <https://bit.ly/3eDVstN>. Syria Call, *The Assad Regime Arrests 54 Young Men in Rural Damascus*, 7 October 2020, <https://bit.ly/35zNYFf>; AGPS, *PLA Push for Military Conscription in Syria*, 16 June 2020, <https://bit.ly/30NKeiV>; AGPS, *Arrest Sweep Targets Displaced Palestinians in Qudsaya*, 14 February 2020, <https://bit.ly/2BoGObt>; AGPS, *Palestine Liberation Army Launches Calls for Military Conscription in Syria*, 10 February 2020, <https://bit.ly/3fyGRjZ>; AGPS, *Palestinians Refugees Arrested in Southern Damascus Sweep*, 25 November 2019, <https://bit.ly/2NbMOCs>; AGPS, *Number of Migrants among Palestinians Sheltered in Syria Refugee Camp Growing Rapidly*, 23 August 2019, <https://bit.ly/2UQH9KU>; AGPS, *28 Palestinians Killed in Pro-Gov't Battles in Syria*, 19 July 2019, <https://bit.ly/2CaOX3K>; AGPS, *Palestinians in Syria Raise Concerns over Forced Military Conscription*, 27 June 2019, <https://bit.ly/3dmVrcB>; AGPS, *Dozens of Palestinian Youths Forced to Join PLA in Syria*, 3 June 2019, <https://bit.ly/2zO4HsN>. Siehe auch Kapitel III.A.2.

⁹³⁹ "In (...) Yalda, many members of the 2,000 displaced families still face movement restrictions"; UNRWA, *Syria: Achievements and Highlights in 2019*, 24 February 2020, <https://bit.ly/3ekek1o>. Laut Fayed Abu Eed, Direktor der AGPS: "[M]any Palestinians want to travel to the capital in order to go to school or university, but first we have to present documents to state security and prove our loyalty to the Assad regime. We must prove to them that we have supported the regime and have been on 'good behavior' throughout the civil war"; Syria Direct, *On the Anniversary of the Peace Deal in Southern Damascus "There Is no Amnesty, no Reconciliation"*, 14 May 2019, <https://bit.ly/3gJ8Gal>.

⁹⁴⁰ AGPS, *Palestinian Child Killed in Earlier Strike by Syrian Gov't Forces*, 5 April 2020, <https://bit.ly/30UGn3m>; AGPS, *Displaced Palestinian Families Panic-Stricken as Syrian Gov't Strikes Daraa*, 20 March 2020, <https://bit.ly/3dscy99A>; AGPS, *Mortar Shell Slammed into Palestinian Neighborhoods in Daraa*, 19 March 2020, <https://bit.ly/2YI7eNw>; AGPS, *Heavy Shelling Rocks Civilian Homes in Idlib*, 19 July 2020, <https://bit.ly/310XQY2>. Siehe auch Kapitel III.A.1.

⁹⁴¹ Am 14. Mai 2019 wurde das Lager Neirab von mehreren Raketen getroffen, die bewaffnete oppositionelle Gruppen abgefeuert hatten, wodurch mindestens 10 Zivilpersonen, einschließlich 5 Kindern, getötet und viele weitere verletzt wurden; Die UN-Untersuchungskommission stellte im April 2020 fest, dass "it was probable that the strike was carried out either by armed opposition groups or by Hayat Tahrir al-Sham"; UN Secretary-General, *Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents in Northwest Syria*, 6 April 2020, <https://bit.ly/3fFy1Ru>, para. 63. Siehe auch AGPS, *Rocket Slammed into Palestinian Refugee Home in Aleppo*, 18 July 2019, <https://bit.ly/2zPNrDw>; AGPS, *2 Civilians Injured as Rocket Hits AlRaml Camp for Palestinian Refugees in Latakia*, 26 April 2019, <https://bit.ly/3ekCKHU>; AGPS, *Rocket Hits Palestinian Family's Home in Aleppo*, 18 April 2019, <https://bit.ly/3ekxtjw>. Siehe auch Kapitel III.A.3.

von Gewalt und mussten sporadische Beschränkungen der Freizügigkeit hinnehmen.⁹⁴² Aus der Provinz Dera'a wurde gemeldet, dass Mordanschläge gegen Personen verübt wurden, da ihnen regierungsfreundliche bzw. -feindliche Verbindungen unterstellt wurden.⁹⁴³

Palästinensische Flüchtlinge, die früher in Syrien lebten, zählen laut Meldungen zu den Personen, die nach der Rückkehr in von der syrischen Regierung kontrollierte Gebiete verhaftet und/oder zwangsrekrutiert wurden.⁹⁴⁴

Nach der GFK genießen palästinensische Flüchtlinge, die vom persönlichen Geltungsbereich des Artikels 1 D erfasst sind, nach Artikel 1 D (1) ausgeschlossen worden sind (die den Schutz oder Beistand von UNRWA genießen oder in Anspruch nehmen dürfen) und anschließend nach Artikel 1 D (2) einbezogen werden (ist dieser Schutz oder diese Unterstützung aus irgendeinem Grunde weggefallen), ipso facto den Schutz der GFK, sofern die Artikel 1 C, 1 E oder 1 F GFK keine Anwendung finden.⁹⁴⁵

Über Asylanträge von Palästinensern, die nicht dem Geltungsbereich von Artikel 1 (D) GFK unterliegen, sollte gemäß Artikel 1 (A) (2) GFK entschieden werden. Neben den Informationen, die dem vorliegenden Risikoprofil zu entnehmen sind, enthalten auch die anderen Risikoprofile, die in diesem Dokument beschrieben werden (Kapitel III.A.1 bis III.A.11), relevante Herkunftslandinformationen und Hinweise für die Beurteilung des Schutzbedarfs.

B. Flüchtlingseigenschaft nach den erweiterten Kriterien des UNHCR-Mandats oder regionaler Übereinkünfte und Qualifikation für ergänzende Schutzformen

Die GFK ist das Fundament des Rechtsrahmens für den internationalen Schutz von Flüchtlingen. Die in der GFK enthaltenen Kriterien für die Anerkennung der Flüchtlingseigenschaft müssen so ausgelegt werden, dass Personen oder Personengruppen, die diese Kriterien erfüllen, nach der GFK ordnungsgemäß anerkannt und geschützt werden. Nur wenn festgestellt wird, dass ein Asylsuchender die Flüchtlingseigenschaften der GFK nicht erfüllt, z. B. weil die befürchtete Verfolgung nicht auf einem

⁹⁴² "On the evening of 28 February [2020], two Palestine refugees were killed by an improvised explosive device (IED) while walking back to their home in Dera'a camp. Tension between government forces and non-state armed groups has mounted in Dera'a governorate, with reconciliation agreements being increasingly fragile. On 19 March [2020], an UNRWA staff member was killed following an outbreak of armed violence in Jilina rural Dera'a; the same incident claimed the lives of a 13 year-old UNRWA student, together with his 10 year-old cousin"; UNRWA, Syria: Progress Highlights January-June 2020, 7 October 2020, <https://bit.ly/3iAvtoQ>. Siehe auch AGPS, Palestinian Refugees Distressed Following New Assassination in AIMuzeireeb, 20 February 2021, <http://bit.ly/3kev5ia>; AGPS, New Assassination Attempt Reported in Deraa Camp for Palestinian Refugees, 5 February 2021, <http://bit.ly/3pZzN4Q>; AGPS, Palestinian Refugee Families in Syria Raise Concerns over Simmering Assassinations, Abductions, 20 January 2021, <http://bit.ly/3srA0PA>; AGPS, Palestinian Refugees Terrified as Mortar Shells Hit Southern Syria, 10 November 2020, <https://bit.ly/3nkiD10>; UNRWA, COVID-19 Weekly Update 8 - 21 June 2020, 29 July 2020, <https://bit.ly/316GfXr>, p. 24; AGPS, Palestinian Refugee Assassinated South of Syria, 15 July 2020, <https://bit.ly/3i31ENE>; SOHR, Unidentified Gunmen Assassinate Palestinian Civilian in Daraa Countryside, 16 July 2020, <https://bit.ly/3hcJDMY>; AGPS, Palestinians in AIMuzeireeb Town Facing Mass Displacement, 15 May 2020, <https://bit.ly/2UZL48k>; AGPS, Palestinian Refugees in Gilin Town Raise Concerns over Mass Displacement, 10 May 2020, <https://bit.ly/2YddzSa>; AGPS, Palestinian Families Flee AIMuzeireeb Town to Daraa Refugee Camp, 6 March 2020, <https://bit.ly/30YMJPY>. Zur Sicherheitslage in Südsyrien siehe Kapitel II.B.1.b.

⁹⁴³ "Activists have accused pro-government militias of assassinating opposition affiliates south of Syria in violation of the reconciliation accords struck between the two sides"; AGPS, 5 Palestinian Refugees Assassinated South of Syria in 2020, 8 January 2021, <http://bit.ly/3bHfjO>. Am 12. April 2020 meldete AGPS, dass ein palästinensischer Flüchtling aufgrund seiner regierungsfreundlichen Verbindungen erschossen wurde; AGPS, Palestinian Refugee Fatally Shot South of Syria, 12 April 2020, <https://bit.ly/2YSU1Bo>. Siehe auch AGPS, Tension Running High in AIMuzeireeb's Palestinian Refugee Community Following Reports of 2 Assassination Attempts, 29 February 2020, <https://bit.ly/2AQsiW0>; AGPS, Member of Pro-Gov't Squad Killed in War-Torn Syria, 20 October 2020, <https://bit.ly/2Z4HXNV>. Siehe auch Kapitel III.A.1.d und III.A.3.

⁹⁴⁴ "Those who have returned to the Syrian territories have been subjected to arbitrary crackdowns and forced conscription with pro-government battalions"; AGPS, Thousands of Palestinian Families from Syria Torn Apart, 30 January 2020, <https://bit.ly/2CcQGFI>. Siehe auch AGPS, Palestinian Journalist Rafat Nabhan Released from Syrian Prisons, 1 September 2020, <https://bit.ly/2GT6L5P>; AGPS, Palestinian Woman Wahiba Abu Jamous Forcibly Disappeared in Syrian Jail, 7 January 2020, <https://bit.ly/3hA71Vn>; Foreign Policy, A Deadly Welcome Awaits Syria's Returning Refugees, 6 February 2019, <https://bit.ly/2HYBK0r>; AGPS, Palestinian Refugee Amjad Mootassem Held in Syrian Jail for 5th Consecutive Year, 23 December 2019, <https://bit.ly/2UWtMc9>; AGPS, Palestinian Refugee Najib Sweiti Secretly Held in Syrian State Jail, 26 January 2019, <https://bit.ly/2NdlDan>. Siehe auch Kapitel III.A.1.e.

⁹⁴⁵ Siehe UNHCR, Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html.

Verfolgungsgrund im Sinne der GFK beruht oder die Schwelle für die Anwendung der GFK-Definition aus sonstigem Grund nicht erreicht wird, sollten die im UNHCR-Mandat und regionalen Übereinkünften festgeschriebenen erweiterten Kriterien für die Gewährung von internationalem Schutz einschließlich subsidiären Schutzes geprüft werden.⁹⁴⁶

Angesichts der schwerwiegenden Verstöße gegen humanitäres Völkerrecht und die Menschenrechte sowie anhaltender bewaffneter Konflikte in Syrien ist UNHCR der Auffassung, dass die Flucht von Zivilpersonen aus Syrien weiterhin als Flüchtlingsbewegung einzustufen ist, wobei die Mehrzahl syrischer Asylsuchender weiterhin internationalen Flüchtlingsschutz benötigt, da sie die Voraussetzungen der Flüchtlingsdefinition von Artikel 1A(2) der GFK erfüllen. Ebenso erfüllen Palästinenser aus Syrien wahrscheinlich die Voraussetzungen von Artikel 1 D, sodass sie *ipso facto* unter die Bestimmungen der GFK fallen.⁹⁴⁷

Da die Situation in allen Teilen Syriens Veränderungen unterworfen ist, sollten Anträge von Syrern und Personen, die früher ihren gewöhnlichen Aufenthalt in Syrien hatten, auf internationalen Flüchtlingsschutz nach den erweiterten Kriterien des UNHCR-Mandats oder nach regionalen Übereinkünften oder auf ergänzende Schutzformen, einschließlich subsidiären Schutzes gemäß Artikel 15 der EU-Qualifikationsrichtlinie von 2011,⁹⁴⁸ jeweils sorgfältig im Licht der vom Antragsteller beigebrachten Nachweise und sonstiger aktueller und verlässlicher Informationen zur Situation in Syrien geprüft werden.

C. Erwägungen zur Anwendung einer internen Flucht- oder Neuansiedlungsalternative

1) Einleitung

Ein detaillierter analytischer Rahmen zur Beurteilung der Frage, ob eine interne Fluchtalternative oder eine interne Neuansiedlungsalternative gegeben ist, was auch als interne Schutzalternative bezeichnet wird⁹⁴⁹, findet sich in den UNHCR-Richtlinien zum internationalen Schutz Nr. 4: „*Interne Flucht- oder Neuansiedlungsalternative*“ im Zusammenhang mit Artikel 1 A (2) des Abkommens von 1951 bzw. des Protokolls von 1967 über die Rechtsstellung der Flüchtlinge.⁹⁵⁰

Bei der Prüfung der Möglichkeit einer Neuansiedlung sind die Relevanz und die Zumutbarkeit der vorgeschlagenen internen Flucht- oder Neuansiedlungsalternative zu beurteilen.⁹⁵¹ In Fällen, in denen eine begründete Furcht vor Verfolgung in einem bestimmten Teil des Herkunftslands nachgewiesen wurde, muss für die Entscheidung, ob das für die interne Flucht oder Neuansiedlung anvisierte Gebiet für die betreffende Person eine angemessene Alternative darstellt, ein längerer Zeitraum erfasst werden. Zu beurteilen sind nicht nur die zurückliegenden Umstände, die die gefürchtete Gefahr entstehen ließen und Anlass zur Flucht aus dem ursprünglichen Gebiet gaben, sondern auch die Frage, ob das anvisierte Gebiet eine sichere und sinnvolle Alternative für die Zukunft bietet. Die persönlichen

⁹⁴⁶ Siehe UNHCR Executive Committee, *Conclusion on the Provision on International Protection Including Through Complementary Forms of Protection*, No. 103 (LVI) – 2005, 7 October 2005, www.refworld.org/docid/43576e292.html.

⁹⁴⁷ Siehe Kapitel III.A.

⁹⁴⁸ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, www.refworld.org/docid/4f197df02.html, Article 15.

⁹⁴⁹ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, www.refworld.org/docid/4f06fa5e2.html, Article 8.

⁹⁵⁰ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.refworld.org/docid/3f2791a44.html (im Folgenden: UNHCR, GIP No. 4: "Internal Flight or Relocation Alternative", 23 July 2003, www.refworld.org/docid/3f2791a44.html).

⁹⁵¹ In Bezug auf Anträge auf internationalen Schutz in EU-Mitgliedstaaten ist Artikel 8 der Qualifikationsrichtlinie von 2011 anwendbar. Er beinhaltet eine Relevanz- und eine Zumutbarkeitsprüfung. Artikel 8 der Qualifikationsrichtlinie von 2011.

Umstände des betreffenden Antragstellers und die Verhältnisse im Neuansiedlungsgebiet müssen berücksichtigt werden.⁹⁵²

Wenn eine interne Flucht- oder Neuansiedlungsalternative in Asylverfahren erwogen wird, muss ein bestimmtes Gebiet identifiziert werden, für das die Neuansiedlung vorgeschlagen wird, und alle relevanten allgemeinen und persönlichen Umstände, die die Relevanz und Zumutbarkeit des vorgeschlagenen Neuansiedlungsgebiets für den jeweiligen Antragsteller betreffen, müssen soweit möglich festgestellt und gebührend berücksichtigt werden. Der Antragsteller muss eine angemessene Gelegenheit erhalten, zur behaupteten Relevanz und Zumutbarkeit der vorgeschlagenen internen Flucht- oder Neuansiedlungsalternative Stellung zu nehmen.⁹⁵³

Die Hinweise in diesem Kapitel beziehen sich auf Beurteilungen interner Flucht- oder Neuansiedlungsalternativen im Zusammenhang mit der Prüfung eines internationalen Schutzbedarfs nach der GFK (Kapitel III.A) oder gegebenenfalls nach den erweiterten Kriterien des UNHCR-Mandats und der Erklärung von Cartagena. Die Hinweise in diesem Kapitel beziehen sich auch auf Beurteilungen, die den internen Schutz nach Artikel 8 der Qualifikationsrichtlinie betreffen. Die Erwägung einer etwaigen internen Neuansiedlung ist für die Feststellung der Flüchtlingseigenschaft nach Artikel I Absatz 2 des OAU-Übereinkommens von 1969 nicht grundsätzlich relevant.⁹⁵⁴

2) Gebiete in Syrien, in denen keine interne Flucht- oder Neuansiedlungsalternative verfügbar ist

UNHCR ist der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative in Gebieten, die derzeit oder zuvor nicht von der Regierung kontrolliert werden bzw. wurden, angesichts anhaltender Konflikte, militärischer Operationen, Sicherheitsrisiken und Menschenrechtsverletzungen⁹⁵⁵, des Risikos künftiger Veränderungen der Gebietskontrolle, des Ausmaßes der Zerstörung ziviler Infrastrukturen und des hohen humanitären Bedarfs in diesen Gebieten nicht gegeben ist.⁹⁵⁶ Einige der Gebiete sind außerdem aufgrund von Sicherheitsbeschränkungen nicht zugänglich oder nur für ehemalige Bewohner zugänglich, die eine Sicherheitsüberprüfung erfolgreich durchlaufen haben.⁹⁵⁷

Ferner ist UNHCR der Ansicht, dass eine interne Flucht- oder Neuansiedlungsalternative nicht in Gebieten gegeben ist, in denen systematische Beschlagnahmen von Eigentum und/oder willkürliche Vertreibungen stattgefunden haben, da die Gefahr besteht, dass sich die Situation infolge von Migrationsbewegungen zuspitzt.⁹⁵⁸

3) Bevölkerungsgruppen, für die keine interne Flucht- oder Neuansiedlungsalternative verfügbar ist

Im Licht der aktuellen COVID-19-Pandemie und der fehlenden Möglichkeiten des syrischen Gesundheitssystems, angemessen auf die Pandemie zu reagieren⁹⁵⁹, ist UNHCR der Auffassung, dass für Personen, bei denen ein erhöhtes Risiko besteht, dass sie an COVID-19 schwer erkranken

⁹⁵² UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In Bezug auf Anträge auf internationalen Schutz in EU-Mitgliedstaaten siehe auch Artikel 8 Absatz 2 der Qualifikationsrichtlinie von 2011, der bestimmt: „... berücksichtigen die Mitgliedstaaten zum Zeitpunkt der Entscheidung über den Antrag die dortigen allgemeinen Gegebenheiten und die persönlichen Umstände des Antragstellers ...“

⁹⁵³ UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

⁹⁵⁴ UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 5. Artikel 1 Absatz 2 des OAU-Übereinkommens von 1969 erweitert die Flüchtlingsdefinition auf „jede Person, die aufgrund von äußerer Aggression, Okkupation, ausländischer Vorherrschaft oder Ereignissen, die ernsthaft die öffentliche Ordnung stören, sei es in ihrem gesamten Herkunftsland oder einem Teil davon oder in dem Land, dessen Staatsangehörigkeit sie besitzt, gezwungen ist, den Ort, an dem sie für gewöhnlich ihren Wohnsitz hatte, zu verlassen, um an einem anderen Ort außerhalb ihres Herkunftslandes oder des Landes, dessen Staatsangehörigkeit sie besitzt, Zuflucht zu nehmen“ (Hervorhebung nur hier). Die gleichen Erwägungen gelten für Personen, die von der Flüchtlingsdefinition in Artikel 1 Absatz 2 der Bangkok-Grundsätze erfasst sind, da sie mit der Flüchtlingsdefinition des OAU-Übereinkommens von 1969 identisch ist.

⁹⁵⁵ Siehe Kapitel II.B.1.b bis II.B.4 und Kapitel II.E.2 bis II.E.5.

⁹⁵⁶ Siehe Kapitel II.F.

⁹⁵⁷ Darunter fallen bestimmte Wohngebiete in der Stadt Damaskus wie Jobar, Barza, Qaboun und Yarmouk, die den ehemaligen Bewohnern nicht oder nur nach erfolgreicher Sicherheitsüberprüfung zugänglich sind; siehe Fußnote 553.

⁹⁵⁸ Siehe Kapitel II.D.3, III.A.6 und III.A.8.

⁹⁵⁹ Siehe Kapitel II.F.1.

(einschließlich Personen über 60 Jahren und Personen mit bestimmten Vorerkrankungen)⁹⁶⁰, eine interne Flucht- oder Neuansiedlungsalternative nicht relevant wäre.

4) Beurteilung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative in städtischen Gebieten, die von der Regierung kontrolliert werden

UNHCR gibt im Folgenden ausführliche Hinweise für die Prüfung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus⁹⁶¹ als der Hauptstadt und dem größten städtischen Gebiet, das während des gesamten Konflikts überwiegend unter der Kontrolle der Regierung geblieben ist.

Eine ähnliche Prüfung wäre bei der Beurteilung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative in anderen von der Regierung kontrollierten städtischen Gebieten durchzuführen.

5) Relevanzprüfung für die Stadt Damaskus

a) Beurteilung, ob der Antragsteller der ursprünglichen Verfolgungsgefahr ausgesetzt wäre

Die Stadt Damaskus wäre als Gebiet für den Vorschlag einer internen Flucht- oder Neuansiedlungsalternative nicht relevant, wenn der Antragsteller dort der ursprünglichen Verfolgungsgefahr ausgesetzt wäre.

Hat der Antragsteller begründete Furcht vor Verfolgung durch den Staat oder seine Akteure, besteht die Vermutung, dass die Prüfung einer internen Flucht- oder Neuansiedlungsalternative nicht relevant ist.

In Fällen, in denen der Antragsteller eine begründete Furcht vor Verfolgung durch nichtstaatliche Akteure hat, muss die Relevanz einer vorgeschlagenen internen Flucht- oder Neuansiedlungsalternative unter Berücksichtigung des Profils des Antragstellers und unter Beurteilung der Frage geprüft werden, ob der Verfolger die Möglichkeit und Motivation hat, den Antragsteller in der Stadt Damaskus zu verfolgen. Darüber hinaus ist hinsichtlich der Fähigkeit und des Willens des Staates, Schutz vor Menschenrechtsverletzungen durch nichtstaatliche Akteure zu gewähren, die Tatsachenlage zu berücksichtigen, die in Kapitel II.E.1 dargelegt wurde.

Hat der Antragsteller begründete Furcht vor Verfolgung durch seine Familie, seinen Stamm oder seine Gemeinschaft infolge gefährlicher traditioneller Bräuche oder religiöser Normen mit Verfolgungscharakter, einschließlich zur Rettung der „Familienehre“, besteht eine Vermutung für die fehlende Relevanz einer internen Flucht- oder Neuansiedlungsalternative im Licht vorhandener Beweise, die belegen, dass die Akteure motiviert und in der Lage sind, den Antragsteller in der Stadt Damaskus zu verfolgen, einschließlich z. B. aufgrund von Stammes-, familiären oder sonstigen Verbindungen, Unterstützung dieser Normen und Bräuche durch weite Teile der Bevölkerung und begrenzter Möglichkeiten des Staates, vor solchen Übergriffen zu schützen.

⁹⁶⁰ WHO, *Coronavirus Disease (COVID-19)*, 12 October 2020, <https://bit.ly/3dNaE92>. “All are susceptible. However, the elderly; people with underlying health conditions; vulnerable IDPs and refugees; and healthcare workers with inadequate personal protective equipment (PPE) are at greater risk”; OCHA / WHO, *Syrian Arab Republic: COVID-19 Humanitarian Update No. 21*, 30 November 2020, <https://bit.ly/2VQPui3>, p. 1.

⁹⁶¹ Die Stadt Damaskus besteht aus 15 Stadtbezirken, die in 95 Wohngebiete unterteilt sind, welche sich alle in der Provinz Damaskus befinden. Zwar grenzen viele Vororte an die Stadt Damaskus, doch liegen sie in der Provinz Damaskus-Umgebung (Arabisch: *Rif Dimashq*) und gelten nicht als Teil der Stadt Damaskus. Für den Rest dieses Kapitels bezeichnet die Stadt Damaskus nur die Stadt selbst und nicht ihre Umgebung. Siehe z. B. die Beschreibung und Landkarte bei Y. Abdin, *The Fragility of Community Security in Damascus and its Environs*, *International Review of the Red Cross* 99(3) (2019), <https://bit.ly/2RBJgJJ>, pp. 900, 901, 912. Für eine Karte der Bezirke der Provinz Damaskus, siehe Syria Report, *New Draft Zoning Plan in Polarised Damascus District*, 10 February 2021, <http://bit.ly/3kz9EZc>.

b) Beurteilung, ob der Antragsteller neuen Verfolgungsgefahren oder sonstigen Formen schwerer Schäden ausgesetzt wäre

Zusätzlich zu den vorgenannten Erwägungen in Bezug auf die ursprüngliche Verfolgungsgefahr im Heimatgebiet des Antragstellers müssen Entscheidungsträger auch feststellen, dass der Antragsteller in dem Gebiet, das für eine interne Flucht- oder Neuansiedlungsalternative vorgeschlagen wird, keiner neuen Form von Verfolgung oder einem sonstigen schweren Schaden ausgesetzt wäre. UNHCR hat in seinen Richtlinien zum internationalen Schutz Nr. 4 festgestellt:

„[Es] kann von einer Person, deren Furcht vor Verfolgung in einem Landesteil aus einem in der Genfer Flüchtlingskonvention genannten Grund festgestellt wurde, nicht erwartet werden, dass sie sich in einem anderen Gebiet niederlässt, in dem ebenfalls schwerer Schaden droht. Wäre die Person auch dort einem neuen Risiko eines schweren Schadens ausgesetzt, einschließlich einer schweren Bedrohung ihres Lebens, ihrer Sicherheit, ihrer Freiheit oder ihrer Gesundheit, oder massiver Diskriminierung, käme eine interne Flucht- oder Neuansiedlungsalternative nicht infrage, und zwar unabhängig davon, ob eine Verbindung zu einem Konventionsgrund besteht oder nicht. Bei der Beurteilung neuer Risiken wäre somit auch ein schwerer Schaden zu berücksichtigen, wie er allgemein unter [die erweiterten Flüchtlingskriterien oder] komplementäre Schutzformen fällt.“⁹⁶²

Die Beurteilung muss unter Zugrundelegung aktueller Informationen zum Herkunftsland erfolgen, einschließlich zur Sicherheitslage in der Stadt Damaskus.⁹⁶³ Bei Personen, die aus (derzeit oder früher) von nichtstaatlichen Akteuren kontrollierten Gebieten stammen, muss sorgfältig geprüft werden, ob ihnen in der Stadt Damaskus aufgrund ihrer vermeintlichen Verbindung zu bewaffneten oppositionellen Gruppen, einschließlich aufgrund ihres Herkunftsorts und/oder ihrer familiären Verbindungen, Verfolgung oder sonstige schwere Schäden drohen.⁹⁶⁴

Was Männer im wehrpflichtigen Alter betrifft, die zum Pflicht- oder Reservewehrdienst einberufen werden können, entstehen möglicherweise neue Verfolgungsgefahren in der Stadt Damaskus, die mit dem Wehrdienst zusammenhängen.⁹⁶⁵

Alleinstehende, verwitwete oder geschiedene Frauen, die tatsächlich oder vermeintlich keinen Schutz durch männliche Familienangehörige erhalten, sind möglicherweise ebenfalls neuen Risiken schwerer Schäden ausgesetzt, einschließlich Menschenhandel, Ausbeutung und sonstiger Formen des Missbrauchs.⁹⁶⁶

c) Beurteilung, ob der Zugang zur Stadt Damaskus praktikabel, sicher und auf legalem Weg möglich ist

In Fällen, in denen die Stadt Damaskus nicht aufgrund der oben unter den Buchstaben a und b genannten Erwägungen als relevante interne Flucht- oder Neuansiedlungsalternative ausgeschlossen wurde, ist zu prüfen, ob ein praktikabler, sicherer und auf legalem Weg möglicher Zugang zur Stadt Damaskus besteht.

Personen, die in die Stadt Damaskus einreisen, reisen hauptsächlich über die offiziellen Grenzübergänge aus dem Libanon und aus Jordanien oder über den Internationalen Flughafen Damaskus nach Syrien ein.⁹⁶⁷ Zum Zeitpunkt der Erstellung dieses Dokuments sind die meisten offiziellen Grenzübergänge aufgrund der COVID-19-Restriktionen weiterhin für nichtkommerziellen

⁹⁶² UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 20.

⁹⁶³ Siehe Kapitel II.B.1.a.

⁹⁶⁴ Siehe Kapitel III.A.1.

⁹⁶⁵ Siehe Kapitel III.A.2.

⁹⁶⁶ Siehe Kapitel III.A.9.e.

⁹⁶⁷ Zwar ist der Flughafen Damaskus in Betrieb, doch nur eine begrenzte Zahl von Fluggesellschaften führt dort regelmäßig Flüge durch, einschließlich Syrian Air, Cham Wings Airlines und Taqan Air, die u. a. nach/aus Abidjan, Amman, Beirut, Doha, Dubai, Erbil, Khartum, Kuwait, Teheran und Eriwan fliegen bzw. landen; Flight Radar, *Damascus International Airport: Syria*, Zugriff am 28. Februar 2021, <https://bit.ly/2lQn7h2>. Siehe auch Al-Monitor, *Syria Resumes Commercial Flights out of Damascus*, 1 October 2020, <https://bit.ly/3kksvGu>.

Reiseverkehr geschlossen.⁹⁶⁸ Bei der Einreise über die offiziellen Grenzübergänge und an den Flughäfen müssen Ausweisdokumente vorgelegt werden, und es findet eine Sicherheitsüberprüfung sowie gegebenenfalls eine Befragung statt.⁹⁶⁹ Bei Männern im wehrpflichtigen Alter wird auch die Ableistung des Wehrdienstes überprüft.⁹⁷⁰ Personen bestimmter Profile, die ohne Unbedenklichkeitsbescheinigung nach Syrien zurückkehren, laufen Gefahr, an der Grenze oder am Flughafen festgenommen zu werden.⁹⁷¹ In den letzten Jahren war der Flughafen Damaskus samt Umgebung mehrfach Ziel von Anschlägen.⁹⁷²

Die Einreise in die Stadt Damaskus auf dem Landweg über die Grenze zum Libanon oder vom Internationalen Flughafen Damaskus in die Stadt gilt allgemein als sicher, allerdings müssen feste und mobile Sicherheitskontrollstellen auf dem Landweg und bei der Einreise in die Stadt Damaskus passiert werden⁹⁷³, was die Vorlage von Ausweisdokumenten beinhaltet.⁹⁷⁴

d) Schlussfolgerung zur Relevanz der Stadt Damaskus als vorgeschlagene interne Flucht- oder Neuansiedlungsalternative

Im Licht der vorstehenden Erwägungen ist UNHCR der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus im Allgemeinen für die folgenden Personen nicht relevant ist:

- Personen, die ohne Ausweispapiere nach Syrien zurückkehren würden;
- Personen, die zu einer „Statusklärung“ verpflichtet sind;
- Personen, die aus zuvor oder derzeit nicht von der Regierung kontrollierten Gebieten stammen und als vermeintliche Regierungsgegner wahrgenommen werden könnten;
- Männer im wehrpflichtigen Alter, die aus Gewissensgründen den Militärdienst verweigern und/oder die Teilnahme an Aktivitäten verweigern, die Verstöße gegen humanitäres Völkerrecht, Völkerstrafrecht oder internationale Menschenrechte darstellen;
- Personen, die begründete Furcht vor Verfolgung durch einen staatlichen Akteur oder durch die Familie, den Stamm oder die Gemeinschaft infolge gefährlicher traditioneller Bräuche oder religiöser Normen mit Verfolgungscharakter haben; und
- alleinstehende, verwitwete oder geschiedene Frauen, die tatsächlich oder vermeintlich keinen Schutz durch männliche Familienangehörige erhalten.

6) Zumutbarkeitsprüfung für die Stadt Damaskus

a) Persönliche Umstände des Antragstellers

Ob die Stadt Damaskus eine zumutbare interne Flucht- oder Neuansiedlungsalternative darstellt, muss anhand der Umstände des Einzelfalls beurteilt werden, wobei die persönliche Situation des

⁹⁶⁸ “Border crossings remain impacted as Syria and neighboring countries continue implementation of precautionary measures. Most land borders into Syria remain closed, with some limited exemptions including commercial and relief shipments. (...) The GoS requires individuals arriving from official border crossing points with Lebanon to present a negative PCR certificate obtained within the past 96 hours at accredited laboratories. Those unable to present such a document are quarantined”; OCHA / WHO, COVID-19 Humanitarian Update No. 23, 1 February 2021, <https://bit.ly/2ZF9JB2>, p. 2. Siehe auch UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020)*, 11 December 2020, <https://bit.ly/3momPeR>, para. 33.

⁹⁶⁹ Alle zivilen Flughäfen stehen unter Kontrolle der Airforce Intelligence; SNHR, *Syrian Security Branches and Persons in Charge*, undated, <https://bit.ly/3cDGp1N>, p. 8. Zu den gemeldeten Festnahmen von Personen, die über offizielle Grenzübergänge und den Flughafen Damaskus zurückkehren, siehe Kapitel III.A.1.e.

⁹⁷⁰ Siehe Kapitel II.B.1.a (Fußnote 49) und III.A.2.

⁹⁷¹ Siehe Kapitel III.A.1.e.

⁹⁷² Garda World stellte im Juli 2020 fest: “[T]he security situation at Damascus International Airport has improved significantly over the past 12 months, although there remains an elevated risk of collateral damage to aircraft on the ground from Israeli airstrikes against the Iranian presence”; Garda World, *Syria Country Report*, letzte Aktualisierung am 15. Juli 2020, <http://bit.ly/2nlk99n>. Siehe auch *Times of Israel*, *Israeli Airstrikes Said to Hit Targets near Damascus*, 15 February 2021, <http://bit.ly/3kiDWiT>; UPI, *Israeli Missiles Kill 2, Injure 7 in Damascus Air Strike*, *Syria Reports*, 31 August 2020, <https://bit.ly/3dhfGdA>; Reuters, *Hezbollah Fighter Killed in Israeli Strike near Damascus*, 22 July 2020, <https://bit.ly/2lf47lg>; AFP, *Israel Claims Air Strikes on Bases of Militant Group near Damascus Airport Area*, 24 February 2020, <https://bit.ly/33QGnTm>; *Times of Israel*, *Satellite Images Show Major Damage at Damascus Airport Following Airstrikes*, 17 February 2020, <https://bit.ly/30Z13GS>.

⁹⁷³ Zu etwaigen Risiken an Kontrollstellen siehe Kapitel II.B.1.a.

⁹⁷⁴ Siehe Kapitel II.F.2.b.

Antragstellers zu berücksichtigen ist, einschließlich Alter, Geschlecht, Gesundheitszustand, etwaige Behinderungen, familiäre Situation und Verwandtschaftsverhältnisse, Bildungsstand und beruflicher Hintergrund sowie gegebenenfalls erlittene Verfolgung und deren psychische Auswirkungen.⁹⁷⁵

Die besondere Situation von Kindern sowie die rechtlichen Verpflichtungen von Staaten nach dem Übereinkommen über die Rechte des Kindes – insbesondere die Verpflichtung, sicherzustellen, dass das Wohl des Kindes eine vorrangige Erwägung bei allen Entscheidungen ist, die Kinder betreffen, und die Verpflichtung, die Meinung des Kindes angemessen und entsprechend seinem Alter und seiner Reife zu berücksichtigen – sind bei der Prüfung der Zumutbarkeit einer internen Flucht- oder Neuansiedlungsalternative, die Kinder betrifft, Rechnung zu tragen.⁹⁷⁶ Entscheidungsträger müssen angemessen beachten, dass Situationen, die von Erwachsenen lediglich als lästig empfunden werden, für ein Kind eine unangemessene Härte darstellen können.

Diesen Erwägungen kommt in Bezug auf unbegleitete und von ihren Familien getrennte Kinder besondere Bedeutung zu.⁹⁷⁷ Im Fall unbegleiteter und von ihren Familien getrennter Kinder aus Syrien ist UNHCR der Auffassung, dass neben der Voraussetzung einer sinnvollen Unterstützung der (erweiterten) Familie des Kindes in dem Gebiet der künftigen Neuansiedlung das Wohl des Kindes gemäß Artikel 3 (1) des Übereinkommens über die Rechte des Kindes ein vorrangig zu berücksichtigender Gesichtspunkt bei der Beurteilung der Verfügbarkeit einer internen Flucht- oder Neuansiedlungsalternative für das Kind sein muss.⁹⁷⁸

Bei der Feststellung, ob eine vorgeschlagene interne Flucht- oder Neuansiedlungsalternative für Personen mit besonderen Bedürfnissen zumutbar ist, einschließlich Personen mit Behinderungen und ältere Menschen, ist es besonders wichtig, nachzuweisen, dass Mitglieder ihrer (erweiterten) Familie im Gebiet der künftigen Neuansiedlung willens und in der Lage sind, dauerhaft Unterstützung zu leisten, um den festgestellten Bedürfnissen der Person nachhaltig – und, soweit erforderlich, dauerhaft – gerecht zu werden.

Angesichts der besorgniserregenden Menschenrechtssituation für Frauen in Syrien (siehe Kapitel III.A.9) sowie gesellschaftlicher Normen, die die Freizügigkeit von Frauen einschränken, und der allgemein niedrigen Beschäftigungsquote von Frauen in Syrien ist UNHCR der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative für Frauen, die allein einen Haushalt führen und tatsächlich oder vermeintlich keinen Schutz durch männliche Familienangehörige erhalten, nicht zumutbar ist.

b) Sicherheit

Der Vorschlag für eine interne Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus wäre nur dann zumutbar, wenn der Antragsteller dort sicher leben kann und weder Gefahr noch Risiko für Leib und Leben bestehen.⁹⁷⁹ Die Sicherheit muss auf Dauer gewährleistet und darf nicht trügerisch oder unberechenbar sein.⁹⁸⁰ Insoweit müssen die Informationen in Kapitel II.B in Bezug auf die Sicherheitslage in den von der Regierung kontrollierten Gebieten berücksichtigt werden.

c) Achtung der Menschenrechte und wirtschaftliches Überleben

Der Vorschlag für eine interne Flucht- oder Neuansiedlungsalternative in der Stadt Damaskus wäre nur dann zumutbar, wenn der Antragsteller dort seine grundlegenden Menschenrechte ausüben kann und er sein wirtschaftliches Überleben in menschenwürdigen Umständen sicherstellen kann.⁹⁸¹

⁹⁷⁵ UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26. Zum gehäuftem Auftreten psychischer Probleme in der syrischen Bevölkerung siehe auch Kapitel II.F.1.

⁹⁷⁶ UNGA, *Convention on the Rights of the Child*, 20 November 1989, United Nations Treaty Series, Vol. 1577, www.refworld.org/docid/3ae6b38f0.html, p. 3.

⁹⁷⁷ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)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, www.refworld.org/docid/4b2f4f6d2.html, paras 53-57.

⁹⁷⁸ UNGA, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, www.refworld.org/docid/3ae6b38f0.html, p. 3.

⁹⁷⁹ UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 27.

⁹⁸⁰ Ebenda.

⁹⁸¹ Ebenda, paras 29-30.

Allgemeine humanitäre Situation

Bei der Beurteilung, ob die Stadt Damaskus eine zumutbare interne Flucht- oder Neuansiedlungsalternative darstellt, müssen Entscheidungsträger die derzeitige Wirtschaftskrise, die alle von der Regierung kontrollierten Gebiete betrifft⁹⁸², sowie die hohe Armut und den damit einhergehenden humanitären Bedarf berücksichtigen.⁹⁸³ In der Stadt Damaskus, in der schätzungsweise 1,84 Mio. Menschen leben, benötigen 1,1 Mio. Menschen humanitäre Hilfe.⁹⁸⁴ Massenvertreibungen infolge des Konflikts⁹⁸⁵ haben dazu geführt, dass die Aufnahmekapazitäten der Stadt erheblich eingeschränkt sind.⁹⁸⁶ Berichten zufolge sind die Lebenshaltungskosten in der Stadt

⁹⁸² Syrien befindet sich in einer Wirtschaftskrise, die durch den Zusammenbruch der Landeswährung ausgelöst wurde. Die Krise ist in den Gebieten, die unter der Kontrolle der Regierung stehen, am stärksten spürbar und hat zu einer Verschlechterung des Lebensstandards und der staatlichen Leistungen geführt. *“Whereas administrative actors in northwest and northeast Syria have mitigated the effects of currency collapse by resorting to foreign currency, the Government of Syria cannot make such a pivot. Consequently, as needs are rising, its capacity is diminishing. The result is likely to be misery on a deeper and more widespread basis for Syrians living in Government-held areas. The collapse of the pound will have a pronounced impact in Government of Syria held areas in two crucial respects: state services and household income”*; COAR, *Cash Crash: Syria’s Economic Collapse and the Fragmentation of the State*, 13 July 2020, <https://bit.ly/32DtHyN>, p. 8. Siehe auch Atlantic Council, *2021 Budget Reveals the Depth of Syria’s Economic Woes*, 1 December 2020, <https://bit.ly/2Nu4Yb5>; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, pp. 26-27.

⁹⁸³ Laut Philip Spoerri, dem Leiter der IKRK-Delegation in Damaskus: *“[T]hese last months have been an economic nightmare for Syrians on top of almost a decade of brutal and unrelenting conflict. At a conservative estimate, there are hundreds of thousands of newly vulnerable people being pushed towards poverty and hunger”*; ICRC, *Syria: As Economic Crisis Bites, Lack of Humanitarian Access Costs Lives Every Day*, 30 June 2020, <https://bit.ly/319nERa>. Ein Lehrer in Damaskus erklärte: *“If I don’t buy masks or medicine, I may die or survive, but if I don’t buy bread for the family, we will all die of starvation (...) The choice is between bread and masks”*; The Independent, *‘A Choice Between Bread and Masks’: Syrians Face Calamity as Trump’s New Sanctions Combine with Surging Coronavirus*, 21 August 2020, <https://bit.ly/2RKVsYs>. *“After eight years of civil war, Damascus is faced with an enormous humanitarian crisis: nearly a million internally displaced persons from unsafe areas have settled temporarily or permanently in the city, whereas a large share of the residential properties in the formerly rebel-held eastern and southern fringe of the city is destroyed. The social demand for housing is huge, whereas the market supply for housing is limited due to economic uncertainties. At the same time, Damascus reaches its environmental limits, and the absorption of many newcomers might overstretch the city’s social resilience”*; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus: How the Geography- and Political Economy of Warfare Affects Housing Patterns*, Habitat International 96 (2020), <https://bit.ly/3hllayz> (im Folgenden: B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>), p. 12. Siehe auch Kapitel II.F.1.

⁹⁸⁴ Ausgehend von 700.000 Menschen in 2020; OCHA, *Syrian Arab Republic: 2021 Needs and Response Summary*, 22 February 2021, <https://bit.ly/3shgULZ>, p. 4; OCHA, *2020 HNO*, July 2020, p. 37. Es liegt keine offizielle Statistik vor, allerdings wurde die Einwohnerzahl von Damaskus 2016 durch die syrische Regierung höher geschätzt (2.011.000); Syria / Central Bureau for Statistics, *2017 Yearbook: Estimate of the Population in Syria by Governorates*, 2017, <https://bit.ly/2Tif6ms>. Siehe auch CGP, *Syria’s Economic Melt-down*, June 2020, <https://bit.ly/2HTOwhn>, p. 11.

⁹⁸⁵ *“The proportion of IDPs and returnees remained particularly high in Damascus Governorate; IDPs and returnees constitute an estimated 33 per cent of the total population in Damascus”*; OCHA, *2020 HNO*, July 2020, p. 39. Im Juni 2020 lebten schätzungsweise 625.000 Binnenvertriebene in Damaskus; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 7.

⁹⁸⁶ Der Konflikt hat zu erheblichen Vertreibungen und Fluchtbewegungen in urbane Gebiete geführt, einschließlich Damaskus. *“Although the armed conflict has ended in the surroundings of the capital city, it has left tremendous scars in the social structure and the urban fabric: a majority of homes in the Eastern and Southeastern fringe of the city are destroyed or severely damaged, whilst other parts of the city have absorbed nearly a million domestic migrants who fled from other parts of the Syrian territory”*; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 1. *“The conflict has deepened the process of urbanisation, forcing many from rural areas to be displaced. It is estimated that 72.6 percent of the population (13.7 million people) lived in urban areas in 2019, compared to 56 percent of the population in 2010. Latakia, Tartous and some areas of Damascus, witnessed a significant influx of people, while eastern Aleppo and Homs experienced an exodus. Of a total population estimated at around 20.8 million in February 2020, a bit more than 15 million were living in regime-controlled areas”*. Die Strategie der Regierung, gezielt urbane Gebiete anzugreifen, die von der Opposition kontrolliert werden, *“forced masses of displaced civilians to travel to government-controlled areas to look for better security and public services”*; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, pp. 6-7. *“Acute needs stemming from a lack of access to basic services, livelihoods and economic opportunities, combined with high levels of destruction to critical civilian infrastructure, including health facilities, water systems and schools, are also observed in (...) overburdened host communities in Damascus and Rural Damascus”* (Hervorhebung nur hier); OCHA, *Global Humanitarian Overview: Syria*, Zugriff am 28 February 2021, <https://gho.unocha.org/syria>.

Damaskus am höchsten⁹⁸⁷, und viele Bewohner der Stadt sind von ihren sozialen Netzwerken in Syrien und im Ausland abhängig, um ihre täglichen Ausgaben zu decken.⁹⁸⁸

Zugang zu angemessener Unterbringung

Während die Stadt Damaskus von dem Ausmaß der Zerstörung, das sich in anderen Provinzen ereignet hat, verschont geblieben ist, wurde in einigen Gegenden viel Wohnraum und Infrastrukturen zerstört, einschließlich Jobar, Qaboun und Yarmouk, und bislang sind keine oder nur wenige Wiederaufbaumaßnahmen unternommen worden.⁹⁸⁹

Wirtschaftskrise, Zerstörung von Wohnraum und Zustrom von Binnenvertriebenen haben in Verbindung mit der rasanten Inflation zu hohen Mietpreisen in der gesamten Stadt Damaskus geführt.⁹⁹⁰ Häufig verlangen Vermieter von ihren Mietern, die Miete für ein Jahr im Voraus zu entrichten.⁹⁹¹ Zudem sind die Immobilienpreise rapide gestiegen, sodass viele Menschen ratlos sind angesichts unbezahlbarer Mieten und der Unerschwinglichkeit jeglichen Grundeigentums, sei es auch noch so bescheiden.⁹⁹²

⁹⁸⁷ "The cost of living (food, housing, education, health and clothing) is most expensive in Damascus and has continuously risen with inflation. The monthly requirements for a family of five in Damascus increased from 380,000 SYP in January 2020 to 430,000 SYP (between \$331 and \$358) in April 2020, while the average monthly public wage did not exceed 60,000 SYP (between \$46 and \$50 per month)"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/31nZNxA>, p. 12. Bis Dezember 2020 war der monatliche Bedarf von 380.000 syrischen Pfund um 93 Prozent auf 732.000 Syrische Pfund gestiegen; Syria Report, *Tensions Rise as Syria's Cost of Living Surges by 93 Percent*, 20 January 2021, <http://bit.ly/3022aas>.

⁹⁸⁸ B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 12. Zu Einschränkungen für Überweisungen aus dem Ausland siehe Kapitel II.F.1.

⁹⁸⁹ "The al-Qaboun neighborhood witnessed systematic destruction since the Syrian regime re-controlled it in mid-2017 through dozens of bombings that targeted the remaining houses and buildings in separate areas of the neighborhood"; Enab Baladi, *After Expanding Area of Destruction... Regulatory Plan of al-Qaboun Neighborhood Ignores Residents' Property Rights*, 10 November 2020, <https://bit.ly/36iA4Jf>. "As of 3 December 2017, 93% of structures in Jobar neighbourhood were damaged or destroyed" and "rubble and unexploded remnants of war have yet to be removed, in addition to the re-establishment of basic civilian infrastructure, including electricity and water as more than 80% of all buildings in Yarmouk camp and its surrounding areas were destroyed"; REACH, *Syria Cities Damage Atlas*, 16 March 2019, <https://bit.ly/2H3uC2L>, pp. 17, 23. Siehe auch Syria Report, *Imminent Return? What Barzeh, Qaboun and Jobar May Have in Common*, 28 October 2020, <https://bit.ly/35AIY5F>; und Kapitel II.F.1 und III.A.12.

⁹⁹⁰ "Latakia and Damascus welcomed a significant number of IDPs from different areas of the country. In both cities, IDPs increased the pressure on existing availability of housing, infrastructure and services. This situation increased housing prices, especially rentals, preventing many IDPs from finding accommodation". (...) "In Damascus, many IDPs turned to 'collective centres' (public buildings and factories used to house five or more IDP families) or informal settlements where they faced poor access to basic services"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 8. Bevor sich die Abwertung des syrischen Pfunds im Dezember 2019 beschleunigte, sagte ein Einwohner von Damaskus: "the price hikes in Damascus are obscene, especially the cost of accommodation. Now the situation is even worse, and salary increases do not achieve anything because the Syrian lira is unstable"; Syria Direct, *Residents of Damascus Suffer under Rising Prices and Economic Slowdown*, 8 December 2019, <https://bit.ly/2Eaixrv>. Siehe auch Enab Baladi, *House Rents Rise to Record Levels in Damascus... What Are the Reasons?*, 7 May 2018, <https://bit.ly/33A1sjn>. "As landlords profited from a saturated real estate market, those seeking refuge faced extortionary rental costs. A flat in a working-class neighborhood of central Damascus could fetch \$250 per month – roughly three times the salary of a typical civil servant – even when it had no kitchen or windows. Owners sometimes demand a year's rent in advance, in hard currency"; Synaps, *No Damascus Like Home*, 10 February 2020, <https://bit.ly/32Hun5V>. "Tens thousands of families were displaced from their demolished hometowns to Damascus, Lattakia, Tartous and Hama where they could find secure safe homes to live in"; Syria Times, *Real Estate Sector in Damascus*, 21 June 2020, <https://bit.ly/2S5YQEB>. Siehe auch Fanack, *Risk of Tensions as Cost of Living Surges in Syria*, 8 February 2021, <https://bit.ly/37C7Jhq>; Syria Report, *Cost of Living Increased Again Significantly Last Year*, 15 January 2020, <https://bit.ly/3iYbAZ6>.

⁹⁹¹ Synaps, *No Damascus Like Home*, 10 February 2020, <https://bit.ly/32Hun5V>; Enab Baladi, *House Rents Rise to Record Levels in Damascus... What Are the Reasons?*, 7 May 2018, <https://bit.ly/33A1sjn>.

⁹⁹² "A few months ago, Damascus city and its suburbs witnessed astronomical rise in the prices of real estate because the deterioration of Syrian currency with the American-European sanctions on Syria and Lebanon's instability situation. Working class and governmental employees cannot buy a small flat in a suburb close to Damascus city because its price reach to 60 million Syrian Pound. 'I have 40 million Syrian Pound. I cannot find a suitable flat to buy. What can I do? I cannot take a loan from a governmental or private bank and I cannot borrow some money from my old parents who [hardly] can buy their food. I and my wife make 130. 000 SP monthly salaries,' Rami, 34-year-old, an electricity engineer works at the Ministry of Electricity and his wife a governmental teacher said to Syria Time"; Syria Times, *Real Estate Sector in Damascus*, 21 June 2020, <https://bit.ly/2S5YQEB>. "Owning a property – a necessary step to start a family – remains a far-fetched dream for young people in the regions under the regime's control. Property prices have also risen along with the dollar, though at a slower rate, and have

Binnenvertriebene sind überwiegend in informelle Siedlungen in den städtischen Randgebieten gezogen, da sie zu den teureren Wohnungsmärkten vieler Stadtteile keinen Zugang haben.⁹⁹³ Die informellen Siedlungen sind oft überbevölkert und haben keinen geregelten Zugang zu öffentlicher Infrastruktur und Versorgungsdiensten.⁹⁹⁴ Sicherheitsvorkehrungen verhindern außerdem den Zugang von Binnenvertriebenen und anderen Geringverdienern zum Wohnungs- und Dienstleistungsmarkt in anderen Stadtteilen.⁹⁹⁵

Die Sicherung der Unterbringung, einschließlich vorübergehender Unterbringung⁹⁹⁶, in Damaskus beinhaltet auch gesetzlich vorgeschriebene Verfahren und Sicherheitsprozeduren, die je nach dem Profil der betreffenden Person auch Gefahren für deren Sicherheit beinhalten können wie Befragungen und Festnahmen. Nicht immer wird das Sicherheitsclearing erteilt, das für die Anmietung und den Kauf einer Wohnung vorausgesetzt wird.

Mietverträge (und deren Verlängerungen) müssen beim Büro des Gouverneurs (Bürgeramt oder *Maktab khidmet al-muwathineen*) formalisiert werden, wodurch eine geringe Gebühr anfällt.⁹⁹⁷

become very expensive. Any apartment in a suburban area would cost about USD10,000. Although the regime's banks are offering mortgage loans, they are still not nearly enough to buy a house, and their long-term premiums seem impossible to pay: a 5m Syrian Lira loan will cost the borrower an additional 90,000 Syrian Lira over 15 years, which seems impossible in a country with a per capita income of not more than 80,000 Lira for all workers in both private and public sectors"; Reform Initiative, No Homeland, No Future: Alawite Youth As the Backbone of the Assad Regime, 4 August 2020, <https://bit.ly/3662qqp>. Am 9. September 2020 hob das Ministerium für Binnenhandel und Produktion den Preis für Zement um 50 % an, um sich an die steigenden Preise auf dem Schwarzmarkt anzupassen, was zu einem Ansteigen der Immobilienpreise führen wird. "On the consumer level, the increasing prices (both a reflection of inflation and the runaway depreciation of the Syrian pound) will raise home prices and the costs of rehabilitation and repair activities"; COAR, Syria Update: 14 September 2020, 14 September 2020, <https://bit.ly/2ESLGI6>. Das Ministerium erhöhte die Preise im Dezember 2020 erneut um 80 Prozent; COAR, Syria Update: 4 January 2021, 4 January 2021, <https://bit.ly/3dxJrsN>. Siehe auch, Syria Report, Syria Hikes Cement Prices Again, Production Stable, 23 December 2020, <https://bit.ly/2MIJDZ2>; Enab Baladi, Formalities and Increased Prices of Building Materials Hinder Restoration in Damascus Old City, 21 January 2021, <https://bit.ly/3dybkAU>; Enab Baladi, Damascus... Renting Costs Less than Restoring War-Affected Houses, 8 September 2020, <https://bit.ly/35c0LO6>.

⁹⁹³ "(...) three districts, located at the western side of the old city, are characterized by a high social status: Malki, Kafar Sousah and Mazzeh. (...) Other districts with a relatively high social status are Mazzeh and the old city and its northern surroundings. The districts with the lowest social status can be found in the southern and eastern fringe of the city. It concerns districts with a high degree of informal housing in the Ghouta oasis, such as Duma, Harasta and Arbin [Rural Damascus Governorate], and the former Palestinian refugee camp Yarmouk and its surroundings. (...) during the Syrian war, IDPs have mainly migrated to neighborhoods with a relatively low social status, and a high degree of informality. (...) the housing shortage among IDPs is enormous"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 11. Im März 2019 schätzte ein Forscher, dass 60 % der Binnenvertriebenen in Damaskus in informellen Siedlungen leben; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, <https://bit.ly/2RBjgJj>, p. 911.

⁹⁹⁴ "These informal settlements are characterized by their high population density, ranging from 400 to 1,200 persons per hectare. Most of them are irregularly connected to public infrastructural services such as sewers, drinking water, electricity, telephones and roads. (...) Social services such as health and educational facilities and police stations are totally non-existent"; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, <https://bit.ly/2RBjgJj>, pp. 917-918. "In these areas, there is access to basic services such as sanitation, water and electricity, however, the infrastructure is vulnerable and a slight amount of damage can affect the whole area"; DIS, Syria: The Socio-Economic Situation in Damascus City, March 2019, <https://bit.ly/2HdnHUV>, p. 8.

⁹⁹⁵ "The present-day security barriers and checkpoints have entrenched the division of the residential districts in the city and its peaceful environs along religious, regional and ethnic lines and even on the basis of economic class. These security measures have made the districts even more introverted than before and have prevented any residential intermixture, especially in regard to accommodation of the refugees flooding into Damascus and its environs, who are distributed in accordance with a security agenda consistent with the identity and characteristics of each residential district"; International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRC 99(3), 2019, <https://bit.ly/2RBjgJj>, p. 916.

⁹⁹⁶ Einzelpersonen, die in einem Hotel übernachten möchten, müssen an der Rezeption einen Pass, einen Identitätsausweis, ein Familienstammbuch oder einen Auszug aus dem Melderegister mit dem Foto des Inhabers des Dokuments vorlegen, andernfalls ist eine Übernachtung nicht möglich. Familien müssen ein Familienstammbuch oder einen Auszug aus dem Familienregister vorlegen, aus dem die Rechtsbeziehungen der Familienmitglieder hervorgehen. Hotels sind verpflichtet, jeden Tag eine Liste mit den Personalien ihrer Hotelgäste an das Direktorat für politische Sicherheit zu übermitteln („*Waraqat Al-Amn*“). Diese Informationen werden auch an andere Sicherheits- und Geheimdienste weitergegeben. UNHCR information, December 2020.

⁹⁹⁷ Der Vermieter muss urkundlich belegen, dass er der Eigentümer der Immobilie ist, und darüber hinaus die letzte Stromrechnung sowie ein Original und eine Kopie seines Identitätsausweises vorlegen, während der Mieter ein Original und eine Kopie seines Identitätsausweises, ein Familienstammbuch (sofern eine Familie die Wohnung anmietet) und Kopien des Identitätsausweises jedes anderen erwachsenen Familienmitglieds, das in der Wohnung wohnt, vorlegen muss; UNHCR information, December 2020.

2018 hat das Innenministerium die Regelung abgeschafft, die ein Sicherheitsclearing für Mietverträge vorschrieb. Nunmehr setzt das Bürgeramt die Polizeibehörde über den Mietvertrag in Kenntnis, und die Polizei benachrichtigt das Direktorat für politische Sicherheit (*Idarat Al-Amn Al-Siyasi*).⁹⁹⁸

Vermieter verlangen normalerweise den Abschluss eines Mietvertrags, um sich davor zu schützen, dass Personen ihre Immobilie im Rahmen informeller Vereinbarungen besetzen, da die gesetzlich vorgesehenen Räumungsverfahren langwierig und aufwändig sind. Außerdem können Vermieter auch davor zurückschrecken, ihre Immobilien an ihnen nicht bekannte Personen zu vermieten, insbesondere wenn die potenziellen Mieter aus derzeit oder ehemals nicht von der Regierung kontrollierten Gebieten stammen, da die Vermieter eine Befragung durch die Sicherheitsbehörden befürchten und nicht für etwaige Straftaten des Mieters verantwortlich gemacht werden möchten.⁹⁹⁹

Wohnungskauf: Sowohl für den Kauf als auch den Verkauf von Wohnimmobilien ist ein vorheriges Sicherheitsclearing beim Direktorat für politische Sicherheit einzuholen. Personen, nach denen gefahndet wird, einschließlich aufgrund ihrer (vermeintlichen) regierungsfeindlichen Aktivitäten oder Wehrdienstentziehung, wird das Sicherheitsclearing verweigert.¹⁰⁰⁰

Zugang zu Grundversorgungsdiensten

Die öffentliche Infrastruktur in der Stadt Damaskus ist überlastet, und beim Zugang zu Versorgungsdiensten kann es zu Unterbrechungen kommen.¹⁰⁰¹ Berichten zufolge steigt der Druck auf

⁹⁹⁸ UNHCR information, December 2020. "(...) in 2018, the Ministry of Interior released Decree No. 2744, which cancelled the requirement to obtain security approval in order to make lease contracts. However, the new decree did impose several security measures that would have to be followed when leasing. Involved parties are required to register the rental contract with an administrative unit such as a municipal council. Copies of the contract must then be sent to local police to check the legal status of the tenant and see if they are wanted by security forces or the judiciary. Then, police must send a copy of the contract to the local Political Security branch in charge of the area to conduct a security background check. In practice, Decree No. 2744 did not really remove the security approval requirement for leasing, but rather tied the process to the police"; Syria Report, *Explained: Security Approvals and Infringements on Property Rights*, 23 September 2020, <https://bit.ly/2Tmk1Tp>. "In respect of a leasing arrangement the applicant must submit the lease to the municipality, which refers it to the closest police station to the property. The police are then responsible for providing the application to the intelligence services who will perform a cross-check of the applicant's name. If security issues are detected, approval is denied and the application is subsequently investigated. This security clearance provides an additional level of control by the Syrian government on everyday property transactions, further hindering the rights of non-Syrians, IDPs and refugees and especially affecting anyone who may have issues with an intelligence service"; PAX, *Legal Obstacles to Housing, Land and Property Rights in Syria*, 6 March 2019, <https://bit.ly/340lmhU>, p. 6.

⁹⁹⁹ UNHCR information, December 2020.

¹⁰⁰⁰ "The exclusion of those deemed disloyal to the state is being realized through the creation of a legal architecture of citizenship and personhood that denies 'disloyal' Syrians various rights, including rights of residency, **property ownership**, bank accounts, and so on. The aim of these laws is to effectively cast out segments of the population that are constituted as real or potential threats" (Hervorhebung nur hier); POMEPS, *Syria, Crisis Ecologies, and Enduring Insecurities in the MENA*, 27 October 2020, <https://bit.ly/3a1aESS>. "In Syria, real estate sales, inheritances or transfer of ownership require clearance from the Ministry of Finance. With the issuance of Circular No. 463 [in 2015], obtaining this clearance requires obtaining security approval. Often this is done by submitting a request to the Political Security branch in charge of the area where the real estate is located. In cases where the prospective buyer or seller is wanted for security reasons – such as anti-regime activities, having not done mandatory military service, having previously committed a crime or having been sentenced to prison – authorities will not grant the approval"; Syria Report, *Explained: Security Approvals and Infringements on Property Rights*, 23 September 2020, <https://bit.ly/2Tmk1Tp>. "The regime's government justified the circular under the pretext of preventing the purchase or lending of real estate by 'terrorists' who take it as headquarters and to protect property documents from loss or forgery. (...) if security issues were detected for the seller or buyer for whatever reason, or they were deserters of mandatory enlistment or reserve military service, have previously committed an offense or a misdemeanor, or have been sentenced to imprisonment, they would be denied the security clearance." Enab Baladi berichtete: "[A]ccording to people working in the real estate field, the rate of security clearance applications that are met with refusal is estimated at 60 percent"; Enab Baladi, "Security Clearance"... Property Protection Tool or Disruption to Citizens' Lives, 17 July 2020, <https://bit.ly/2To4jaz>. Siehe auch Syria Direct, *After Stealing their Dream of Freedom, Damascus Goes after Syrians' Assets*, 7 November 2019, <https://bit.ly/31Jr0uu>; FES, *Reclaiming Home: The Struggle for Socially Just Housing, Land and Property Rights in Syria, Iraq and Libya*, September 2019, www.ecoi.net/en/document/2023128.html, p. 76.

¹⁰⁰¹ "Even those who haven't been displaced and live in less destroyed cities and towns are suffering under deteriorating living standards and shortages of basic services and goods. Inhabitants of cities like Sweida, **Damascus**, Tartus and Latakia have reported a lack of electricity supply; shortages of heating oil and cooking gas; scarcity and inflated prices of basic products, in particular the high price of bread. Moreover, public health and education facilities are increasingly ill-equipped, lack skilled personnel and function poorly" (Hervorhebung nur hier); FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1.

die verfügbaren Infrastrukturen und Dienste durch die Präsenz von Binnenvertriebenen.¹⁰⁰² Selbst wenn Waren und Dienstleistungen verfügbar sind, können diese häufig nur unter Einsatz persönlicher Beziehungen („wasta“) und/oder finanzieller Mittel bezogen werden, um korrupte Amtsträger zu bezahlen.¹⁰⁰³

Nahrungsmittel: In den Gebieten, die von der Regierung kontrolliert werden, schwankt die Verfügbarkeit subventionierter und nicht subventionierter Waren, einschließlich Grundnahrungsmitteln¹⁰⁰⁴, und in Syrien herrscht eine extreme Weizen- und Brotknappheit.¹⁰⁰⁵ Im

¹⁰⁰² Laut Schätzungen von OCHA leben 87 % aller Binnenvertriebenen in urbanen Zentren, und somit erhöht sich *“the stress on often overstretched resources, infrastructure and services”*. Viele städtische Gemeinden, einschließlich Damaskus, sind *„überbelastet“*, d. h. über 30 % ihrer Bevölkerung besteht aus Binnenvertriebenen; OCHA, 2020 HNO, July 2020, pp. 13, 39. Siehe auch GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 8. *“Two informal settlements close to the Old City that have remained relatively undamaged during the war (MazzeH 86 and Rukn Eddin) have attracted many IDPs. These settlements have not increased in size, but have densified during recent years due to overcrowding and the addition of new floors. Another area that has received many IDPs during the conflict is located on the former frontline between government forces and rebel factions in the eastern side of the city: Dwellaa and Jaramana. The results clearly show that the presence of IDPs is low in districts that have only recently been subject to open warfare, such as Qaboun, Duma, Harasta, Arbin and Darayya. This means that the incoming IDPs have increased the pressure on the existing housing stock and the facilities in these neighborhoods”*; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 11. *“Vulnerability to food insecurity in the Syrian Arab Republic is very similar across urban and rural areas. This is in line with previous surveys, mainly because people in urban areas have better access to markets and to more potential income opportunities. However, IDPs are mostly concentrated in urban areas, which creates pressure on urban services”*; United Nations Food and Agriculture Organization (FAO), *Special Report: FAO/WFP Crop and Food Security Assessment Mission to the Syrian Arab Republic*, 5 September 2019, www.ecoi.net/en/document/2017140.html, p. 53. Siehe auch International Review of the Red Cross, *The Fragility of Community Security in Damascus and its Environs*, IRRIC 99(3), 2019, <https://bit.ly/2RBjGjJ>, pp. 911-912.

¹⁰⁰³ *“The difficult living conditions, coupled with the lack of accountability, have led to the proliferation of corrupt officials in different state entities at all managerial levels. Corruption dominates the mechanisms of service provision in regime-controlled areas”*; Chatham House, *Assessing Control and Power Dynamics in Syria*, November 2020, <https://bit.ly/2K3xAWP>, p. 21. *“In order to receive COVID-19 care, patients have had to pay bribes for hospital admission, as well as for their own oxygen supplies”*; PHR, *Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria*, December 2020, <https://bit.ly/3oJWHg8>. In Damaskus, *“[O]nly the well-connected get hospital beds”*, wenn sie an COVID-19 erkrankt sind; The Economist, *Victory for Bashar al-Assad Has Meant more Suffering for His People*, 26 September 2020, <https://econ.st/3ahk4cO>. Im Januar 2019 teilte ein Studierender mit *“You’ve got to get gas using wasta [connections] (...) That’s if you can find it all”*; Syria Direct, *Waiting for a Place in the Gas Line’: Residents of Government-held Syria Voice Discontent over Fuel, Electricity Shortages*, 30 January 2019, <https://bit.ly/33HfaRE>. Siehe auch, The Telegraph, *‘The War Riche’: Syrian Elites Skirt US Sanctions amid Economic Turmoil*, 15 November 2020, <https://bit.ly/37gxq7q>; Enab Baladi, *Coronavirus Opens New Door to Corruption in Syria*, 11 September 2020, <https://bit.ly/34akrSR>. Im Jahr 2019 belegte Syrien im jährlichen Korruption Perceptions Index (CPI) für 2020 den 178. Platz unter 180 Ländern. Im Vergleich dazu belegte Syrien zu Beginn des Konflikts im Jahr 2010 den 127. Platz; Transparency International, *Corruption Perceptions Index*, 28 January 2021, <http://bit.ly/3kjc4v2>.

¹⁰⁰⁴ *“In government-controlled areas, prices on staple items can rise several times over the course of a day, forcing many stores to close as they simply can’t cope with the chaos. Some essentials, including sugar and rice, are being rationed by the government. But even those, along with medicines, are becoming harder and harder to find at all”*; CBS News, *As Their Country Crumbles, Syrians Wrestle with the “Terrifying” Prospect of Life as Refugees*, 17 September 2020, <https://cbsn.ws/35NVlec>. *“Inhabitants of cities like Sweida, Damascus, Tartus and Latakia have reported a lack of electricity supply; shortages of heating oil and cooking gas; scarcity and inflated prices of basic products, in particular the high price of bread”*; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, p. 1. Siehe auch SOHR, *As Fuel, Electricity and Bread Crises Continue in Regime-Held Areas: Syrian Pound’s Value Hits New Record Low, and Commodity Prices Rise Again*, 11 February 2021, <https://bit.ly/3uifanE>; SOHR, *Damascus: Fight Outside Bakery Leaves Three People Wounded in Al-Dwel’a Area*, 7 February 2021, <https://bit.ly/2NI0LXI>; Syria Report, *Government Faces Various Challenges to Meet Food Import Needs*, 12 August 2020, <https://bit.ly/35Zznoy>.

¹⁰⁰⁵ *“The capital, Damascus, and all provinces under the control of the Syrian regime have experienced a worsening bread crisis, as regime authorities have been unable to find proper solution to the most stifling crisis ever in Syria”*; SOHR, *Major Violations and Severe Crises Deprive Civilians of Their Most Basic Rights...Renewed Israeli Attacks, amid Simmering Iranian-Russian Conflict*, 7 December 2020, <https://bit.ly/37IOYdb>. Im Dezember 2020, *“the Ministry of Domestic Trade and Consumer Protection decreased the quantities of wheat flour distributed to the bakeries across the country by 16 percent, leading to a dramatic reduction in amounts available and causing longer queues at bakeries”*; Syria Report, *Tensions Rise as Syria’s Cost of Living Surges by 93 Percent*, 20 January 2021, <https://bit.ly/37HcGFS>. *“The past couple of weeks have seen growing queues across state bakeries in Syria, highlighting the government’s difficulties securing and distributing a key element of the Syrian diet. Besides queueing – in some cities there are reports that people are waiting up to three hours before they can buy their bread – a growing number of Syrians are complaining of the poor quality of the bread, and of the fact that they are being extorted by some bakeries and have to pay between SYP 300 and SYP 800 per pack”*; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic*

September 2020 wurde berichtet, dass die Benzin- und Brotknappheit „typische Merkmale der von der Regierung kontrollierten Gebiete“ sind.¹⁰⁰⁶ Die Lebensmittelpreise sind erheblich gestiegen¹⁰⁰⁷, wobei städtische Gebiete stärker betroffen sind als ländliche Regionen, insbesondere weil in städtischen Gebieten mehr Menschen im öffentlichen Sektor beschäftigt sind und ihre Gehälter zusammen mit dem syrischen Pfund an Kaufkraft eingebüßt haben.¹⁰⁰⁸ Von dem Anstieg der Preise für Nahrungsmittel in ganz Syrien ist auch Damaskus betroffen¹⁰⁰⁹, und beinahe ein Drittel der Bevölkerung von Damaskus sprach von „unzureichendem Nahrungsmittelkonsum“ im Sechsmonatszeitraum Juli-Dezember 2020.¹⁰¹⁰ In ganz Syrien, einschließlich Damaskus, greift eine große Zahl von Menschen auf negative Bewältigungsstrategien im Zusammenhang mit dem Nahrungsmittelkonsum zurück, z. B.

and Social Challenges, State Dysfunction, 23 September 2020, <https://bit.ly/3m0FAWf>. “The worsening bread crisis has resulted in the closure of many bakeries in regime-controlled cities, after failing to get their allocations of flour. This, in turn, led to the rise of corruption and emergence of new ‘black market’ for selling bread”; SOHR, *Hardship in Regime-Controlled Areas: “Smart Card” Fails to Contain Bread and Fuel Crises, Placing Additional Burdens on Syrian People*, 24 September 2020, <https://bit.ly/2H3v69r>. Im September 2020: “The Syrian government ordered that daily family bread rations be reduced after failing to provide subsidized bread and gasoline to the people”; Asharq Al-Awsat, *Damascus under Fire for Poor Handling of Bread, Gasoline Shortages*, 20 September 2020, <https://bit.ly/3hNlcEc>. Siehe auch SOHR, *Damascus: Fight Outside Bakery Leaves Three People Wounded in Al-Dwel’a Area*, 7 February 2021, <https://bit.ly/2NI0LXI>; Washington Post, *Syria’s Bread Lines Are so Long that Children Have to Skip School to Wait in Them*, 26 December 2020, <http://wapo.st/3b0ib4R>; SNHR, *Citizens Throng in Front of a Bakery amid COVID-19 Pandemic while Ruling Regime is Wholly Indifferent to the People’s Suffering even if Bread Becomes a Dream*, 18 October 2020, <https://bit.ly/37gdl5>; Enab Baladi, *Residents of Damascus Suffer Difficult Access to Bread: Limited Quotas and Long Bread Lines*, 18 October 2020, <https://bit.ly/3dGt7E7>.

¹⁰⁰⁶ Syria Direct, *How Does the Assad Regime Create and Benefit from the Deteriorating Living Conditions in Syria?*, 24 September 2020, <https://bit.ly/3kLvp6Z>. “Syria is seeing a twin supply crisis of both bread and oil, which is generating rising tensions among the population and highlighting the dysfunction of the government. The fact that these twin crises are occurring while the winter has not yet started does not bode well for the coming months. The shortages are a consequence of numerous factors, including the longer term accumulated fallout of the war, the destruction of the economy and dysfunction of the Syrian state”; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, <https://bit.ly/3m0FAWf>. “The international community should anticipate that the Syrian government will be unable to procure wheat at needed levels for the foreseeable future. Logistical challenges, financing shortfalls, and issues stemming from freight and insurance are proximate factors in the current wheat shortage, while tertiary factors such as gas and fuel shortages and rising prices have also squeezed bakeries. However, the root cause of Damascus’s wheat woes is the inability to capture more of the nation’s domestic output”; COAR, *Syria Update: 12 October 2020*, 12 October 2020, <https://bit.ly/3kiBQyH>. Aus Gebieten, die von der Regierung kontrolliert werden, wurde berichtet, dass es vor Bäckereien und an Tankstellen zu Auseinandersetzungen und Kämpfen gekommen ist; SOHR, *Damascus Starving, as Government Keeps Mishandling the Crisis*, 15 November 2020, <https://bit.ly/38LJcZ>; SOHR, *Public Discontent Grows among Civilians over Poor Living Conditions in Syrian Regime-Held Areas, as Bread and Fuel Crisis Deepen*, 19 October 2020, <https://bit.ly/31qAN8r>; SOHR, *Child Injured in Indiscriminate Gunfire by “Air-Force Intelligence” Service in Rural Daraa*, 13 October 2020, <https://bit.ly/35judSg>; SOHR, *Fuel Crisis: Civilian Killed in Hama Following Disputes over Priority to Gas Up Cars*, 14 September 2020, <https://bit.ly/34b2xzN>; SOHR, *Three People Injured after Disputes over Priority to Gas Up Their Cars*, 6 September 2020, <https://bit.ly/2lO8TWP>.

¹⁰⁰⁷ “(...) markets in Latakia, Homs, Hama, Damascus, Daraa, Al-Sweida and Tartus provinces have seen a significant rise in the prices of all goods, in addition to the disappearance and unavailability of a large number of goods and commodities”; SOHR, *“Caesar Act” in Regime-Controlled Areas: Ordinary Syrians Are Victims of Severe Sanctions and Al-Assad Government Is Trying to Improve Its Image*, 20 June 2020, <https://bit.ly/2H2UgVs>. Siehe auch SOHR, *New Increase in Foodstuffs Prices and Public Transportation Hardship: Popular Anger Grows over Chronic Crises in Regime-Held Areas*, 9 December 2020, <https://bit.ly/374EB2x>; The Arab Weekly, *Woes Compounded by Pandemic, Economic Crisis in War-Stricken Syria as Holy Month Begins*, 26 April 2020, <https://bit.ly/377Vcmv>. Siehe auch Kapitel II.F.1.

¹⁰⁰⁸ “While both urban and rural areas in Syria have been affected by the recent increase in the price of commodities, it is the urban households who seem to be less able to absorb the increase in prices. This is largely due to the types of employment in urban areas. The most affected were public sector workers who mentioned that they could ill afford the increase in prices with limited alternatives to increase their income to match the increase in prices”; WFP, *Syria: Review on the Impact of Rising Food Prices*, March 2020, <https://bit.ly/3ndacFi>. “[T]he composition of the labour force [in Latakia and Damascus] is dominated by public sector employment, services and commercial activities and to a lesser extent manufacturing”; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 8. Siehe auch Enab Baladi, *How Do Employees Earn their Living in Damascus these Days? Through Legitimate or Twisted Ways?*, 21 February 2020, <https://bit.ly/32OUM1R>.

¹⁰⁰⁹ Zwischen Januar 2020 und Januar 2021 stieg der Preis für den WFP-Referenzwarenkorb in der Provinz Damaskus um 229 %. Im gleichen Zeitraum büßte das syrische Pfund auf dem informellen Wechselmarkt in Damaskus 64 % seines Werts ein; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 74*, 23. Februar 2021, <https://bit.ly/3qS87zW>, pp. 1, 4. In Damaskus “most of its residents complain about high prices and their inability to cope with a living reality that is getting worse day after day”; Enab Baladi, *Retired Government Employees in Damascus Are Not Taken into Account by Syrian Government*, 14 September 2020, <https://bit.ly/33AjLoB>. Ein Mitarbeiter einer NRO in Syrien stellte fest: “No food disappeared, but it’s impossible to afford”. Financial Times, *Syria’s Children ‘Go to Bed Hungry’ as Prices Soar*, 24 May 2020, <https://on.ft.com/3mvKo6U>. Ein Reporter meldete, dass sich der Tomatenpreis in Damaskus zwischen März und April 2020 verdoppelt hat; Middle East Online, *Food Prices Across Syria Double in a Year*, 28 April 2020, <https://bit.ly/2FPTfil>.

¹⁰¹⁰ WFP, *Syria mVAM Bulletin 51*, 11 January 2021, <https://bit.ly/3asU91I>, p. 2. Siehe auch Kapitel II.F.1.

werden weniger Lebensmittel sowie Lebensmittel schlechterer Qualität gekauft, kleinere Portionen konsumiert, weniger Mahlzeiten eingenommen und man leiht sich Essen oder Geld.¹⁰¹¹

In Damaskus subventioniert die Regierung Zucker, Reis, Tee, Sonnenblumenöl und Brot durch das sogenannte „Smart Card“-System.¹⁰¹² Viele Familien müssen jedoch weiterhin Lebensmittel zu regulären Marktpreisen kaufen, da subventionierte Waren nicht verfügbar sind¹⁰¹³ und nur eine begrenzte Menge pro Person/Familie freigegeben wird.¹⁰¹⁴ Die Preise für einige subventionierte Lebensmittel wurden im Juli und Oktober 2020 angehoben¹⁰¹⁵, und aufgrund der Weizenknappheit war die Regierung gezwungen, im Oktober 2020 die subventionierten Brotrationen zu reduzieren, die jeder Familie zugeteilt werden.¹⁰¹⁶ Berichten zufolge haben sich Bäckereien geweigert, Brot zu

¹⁰¹¹ Ebenda, p. 5. *“But the situation is also worsening in government-held areas, where people are now increasingly talking about the risks they face of going hungry, said Matt Hemsley, a Damascus-based policy and communications advisor at Oxfam, who says the lack of jobs and money is driving people to the brink. ‘We have anecdotal reports that people are taking quite desperate measures. People talking to us, telling us they’re gathering, boiling, and eating weeds,’ Lowcock said. ‘This is not what people do unless they’re desperate’ ”*; Foreign Policy, *In Syria, a Grim Trade-Off Between Tackling Pandemic and Famine*, 7 July 2020, <https://bit.ly/2RF9yIm>. *“[U]rban areas reported between 60% to 80% of people they knew buying on credit (up from 50% in September 2019). Of those buying on credit, interviewees across urban and rural areas alike reported around 60% to 70% of a household’s food expenditure was bought on credit, with some areas (Aleppo city, Al-Hasakeh, Lattakia city, Dar’a and Quneitra) reporting up to 100% of household food expenditure was on credit”*; WFP, *Syria: Review on the Impact of Rising Food Prices*, March 2020, <https://bit.ly/3ndacFi>. Siehe auch Al Arabiya, *Syrians Forced to Adapt as Country’s Economy Worsens*, 19 May 2020, <https://bit.ly/3dvNdkI>.

¹⁰¹² Anfang 2019 führte die Regierung die „Smart Card“ (elektronische Karte) für den Verkauf von Produkten wie Benzin, Heizöl und Kochgas zu ermäßigten Preisen ein. Am 1. Februar 2020 begann die Regierung damit, bestimmte subventionierte Lebensmittel über das Smart-Card-System zur Verfügung zu stellen; zum Zeitpunkt der Erstellung dieses Dokuments zählten Reis, Zucker, Tee, Sonnenblumenöl und Brot dazu. Für jede Lebensmittelkategorie wurde eine Höchststration je Person bzw. Haushalt festgelegt, die zu subventionierten Preisen erworben werden kann; Syria Report, *Bread Distributed Through Smart Card System as Influential Company Loses Lucrative Contract*, 22 April 2020, <https://bit.ly/3duwZYA>; Syria Report, *Government Increases Food Allocation Through Smart Card System*, 4 March 2020, <https://bit.ly/2SW7i9Y>; Syria Report, *Government Starts Distribution of Food Items at Discounted Prices*, 5 February 2020, <https://bit.ly/31brNnz>; Syria Report, *Petrol Shortages Raise Tensions in Damascus*, 10 April 2019, <https://bit.ly/3k1N8an>.

¹⁰¹³ *“Since the end of June [2020], several subsidised food commodities are no longer being sold by the Syrian Trade Establishment because of various difficulties importing these products. If the problem remains unresolved, the food security of more Syrians will be in danger. (...) In the black market, sugar is now sold at SYP 1,500 per kilogramme. STE should be selling it at SYP 500, up from SYP 300, but in practice there is no sugar on its shelves”*; Syria Report, *Government Faces Various Challenges to Meet Food Import Needs*, 12 August 2020, <https://bit.ly/3nSXg7J>. FAO, *GIEWS Country Brief: Syrian Arab Republic*, 22 December 2020, <https://bit.ly/3pJrQ3e>, p. 1.

¹⁰¹⁴ *“Basics such as flour, sugar, rice, cooking gas, fuel and medicine are increasingly hard to find on shop shelves. What is left is subject to price gouging, often by profiteers with ties to the regime”*; The Guardian, *Syria Introduces Limits on Subsidised Bread as Economic Crisis Bites*, 5 October 2020, <https://bit.ly/3ljvr6z>. *“As the cost-of-living crisis worsens in Syrian regime-held territories – especially with shortages of gasoline, bread and other basic goods meant to be provided through the government-subsidised ‘smart card’ system – a black market for the same commodities, alongside the private sector, seems to be prospering. (...) it seems that these very measures and mechanisms are but a means of strengthening the ‘free market’ (of unsubsidised goods) and opening the door to illicit profits for influential people with ties to the Assad regime”*; Syria Direct, *How Does the Assad Regime Create and Benefit from the Deteriorating Living Conditions in Syria?*, 24 September 2020, <https://bit.ly/3kLvp6Z>. *“(...) quantities that are insufficient for a typical Syrian family”*; MEI, *“People Can’t even Afford to Buy Bulgur”: Discontent Is on the Rise as Syria’s Economic Crisis Worsens*, 28 February 2020, <https://bit.ly/3lrLPTx>.

¹⁰¹⁵ *“The Syrian government doubled the price of subsidised bread last week [on 28 October 2020] after failing to secure enough wheat to meet demand, greatly increasing the risk of food shortages as the winter season approaches. The hike comes shortly after similar price hikes for oil products, leaving many Syrians less and less able to secure their daily needs”*; Syria Report, *Winter Food Shortages Loom as Price of Subsidised Bread Soars*, 4 November 2020, <https://bit.ly/3n465KD>. Siehe auch Syria Direct, *Damascus Struggles to Import Food as Syrians Go Hungry*, 3 September 2020, <https://bit.ly/30gcg5F>; Syria Report, *Pound Devaluation Raises Prices of Subsidised Food Items*, 8 July 2020, <https://bit.ly/2FHO5Gc>.

¹⁰¹⁶ *“The Syrian government has introduced rules limiting the amount of subsidised bread available per person at bakeries, putting larger families at risk of starvation as the country’s crippling economic crisis deepens. Under a recent government order, a household of two is entitled to just one packet of bread a day; a family of four two packets; and a family of six to three packets. Families of seven or more people, however, are limited to four packets of bread, no matter how many are in the house”*; The Guardian, *Syria Introduces Limits on Subsidised Bread as Economic Crisis Bites*, 5 October 2020, <https://bit.ly/3ljvr6z>. Siehe auch Global Citizen, *Syrian Families Scramble for Food as Government Cuts Bread Subsidies*, 5 October 2020, <https://bit.ly/36Eb2Fa>; Syria Report, *Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction*, 23 September 2020, <https://bit.ly/3m0FAWf>.

subventionierten Preisen zu verkaufen, da Knappheit herrscht und die Unterschiede zwischen den offiziellen Preisen und den Schwarzmarktpreisen groß sind.¹⁰¹⁷

Zugang zur „Smart Card“ in der Provinz Damaskus: Neuankömmlinge in Damaskus können eine „Smart Card“ erhalten und subventionierte Nahrungsmittel und Benzin in Anspruch nehmen, wenn sie die folgenden Dokumente vorlegen: 1) Nachweis der Identität (Ausweisdokumente der Familienmitglieder oder Familienstammbuch oder Auszug aus dem Familienregister), 2) Mietvertrag oder Dokumente zum Nachweis des Grundeigentums in Damaskus und 3) Strom- oder Wasserrechnung (mit dem Nachweis der Zahlung innerhalb der letzten 6 Monate).¹⁰¹⁸ Bei Personen, die in informellen Siedlungen leben, werden Strom- oder Wasserrechnungen als ausreichender Nachweis des Wohnsitzes angesehen. Menschen, die bisher in einer anderen Provinz Subventionen durch die „Smart Card“ erhalten haben, müssen sich ummelden, indem sie eine Wohnsitzbescheinigung des *Mukhtar* (Gemeindevorsteher) vorlegen.¹⁰¹⁹

Gesundheit: Zwar sind die Gesundheitseinrichtungen in Damaskus größtenteils funktionsfähig¹⁰²⁰, doch sind Medikamente oft nicht oder nur zu hohen Preisen verfügbar.¹⁰²¹ Private Gesundheitsversorgung ist möglich, für die Mehrheit der Bevölkerung jedoch unerschwinglich.¹⁰²²

¹⁰¹⁷ Auf der Straße beträgt der Brotpreis das Fünffache – oder noch mehr – des subventionierten Preises. Während der subventionierte Preis im September 2020 bei 50 Syrischen Pfund lag, verkauften einige Bäckereien ihr Brot für bis zu 800 Syrischen Pfund, was bedeutet, dass *“the largest Syrian families will expend much of a full day’s public sector salary (between 2,167 SYP and 3,636 SYP, based on a 22-day working month) on bread alone”*; COAR, *Syria Update: 28 September 2020*, 28 September 2020, <https://bit.ly/33nhwGt>.

¹⁰¹⁸ UNHCR information, December 2020.

¹⁰¹⁹ Die Wohnsitzbescheinigung wird erteilt, wenn nachgewiesen wird, dass die betreffende Person im jeweiligen Wohngebiet lebt, z. B. durch Vorlage eines Mietvertrags, einer Eigentumsurkunde oder einer Stromrechnung; UNHCR information, December 2020. *“Government officials hope the smart cards will be able to simplify distribution, reduce corruption, and help stem the tide of rising food insecurity, but the system’s stringent registration requirements seem poorly adapted to Syria’s messy bureaucratic reality. Depending on the type of subsidies sought, activating a smart card requires documents such as family booklets, ID cards, and sometimes national ID numbers and proof of residence. Given that millions of citizens – especially those displaced from their homes, or who formerly lived under rebel control – lack the necessary paperwork, even Syria’s tightly controlled state-run press is now warning that many are locked out of the smart card system, losing access to state assistance just as it is needed more than ever”*; The New Humanitarian, *No Papers, no Rights: Understanding Syria’s Civil Documentation Crisis*, 30 July 2020, www.ecoi.net/en/document/2035291.html.

¹⁰²⁰ Der WHO zufolge waren im Dezember 2019 in Damaskus 85 % (52 von 61) der öffentlichen Gesundheitszentren funktionsfähig und relativ zugänglich. Allerdings hatten 2 der 53 funktionsfähigen oder teilweise funktionsfähigen Gesundheitszentren keinen Zugang zu Wasser, und 7 hatten keinen Zugang zu einem Generator und waren deshalb von Stromausfällen betroffen; WHO, *HeRAMS Annual Report: Public Health Centres in the Syrian Arab Republic*, 2020, <https://bit.ly/35Z6ZD0>. *“State services in Damascus are for example generally better than in the rest of the country, although quality is affected by the lack of qualified staff and basic equipment and medicine”*; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 15.

¹⁰²¹ *“The Syrian capital has been suffering from a severe shortage of medicines, especially those for heart diseases, hypertension, and diabetes, amid accusations that pharmacists are monopolizing them and not adhering to the prices that were set by the Health Ministry”*; North Press, *Medicine Shortages and Pharmacists Accused of Monopolization in Damascus*, 26 October 2020, <https://bit.ly/3dYPQeG>. *“Many medicines and health care equipment are reportedly missing, including vitamin C capsules, antibiotics and, more importantly, oxygen cylinders. When they are not missing, their prices have increased significantly. According to state media, 40-litre and 60-litre oxygen cylinders are being sold at SYP 450,000 and SYP 500,000 respectively, up from SYP 25,000 and SYP 50,000 only a few months ago. The new prices are around ten times the average salary of a civil servant”*; Syria Report, *Covid-19 Update: Official Estimates that 150,000 People Have Been Infected in Damascus Alone*, 12 August 2020, <https://bit.ly/2ZJqwTS>. Laut SOHR hat das Fehlen von Medikamenten *“forcing a large number of citizens to buy the necessary medicines on a daily basis from the black market at double prices”*; SOHR, *“Caesar Act” in Regime-Controlled Areas: Ordinary Syrians Are Victims of Severe Sanctions and Al-Assad Government Is Trying to Improve Its Image*, 20 June 2020, <https://bit.ly/2H2UgVs>. *“The ongoing currency plunge has been reflected in the increasing prices of medicines, as it is the case of many goods and products. As all Syrian provinces have experienced considerable soaring prices, especially Damascus, Syrian Observatory sources have monitored lack of some medicines like medicines for kidney diseases, liver disease, cardiovascular disease, blood pressure, diabetes, antipyretics and others”*; SOHR, *Worsening Economic crisis: Medicine Shortages and High Prices Plague Entire Syria*, 9 June 2020, <https://bit.ly/31a6cMc>. Siehe auch Arab News, *Syrians Dread Impact of Caesar Act Sanctions Aimed at Assad*, 24 June 2020, <https://bit.ly/2RyCl5p>; Xinhua, *Spotlight: Syrians Complain of Skyrocketing Prices amid Tough Economic Situation*, 7 June 2020, <https://bit.ly/3dZLXpQ>.

¹⁰²² *“While populations of certain cities have no chance of survival due to the absence of hospitals, other social groups might meet the same fate because they have neither the money to pay for private clinics nor the ‘connections’ to powerful figures who can give them favourable access to public ones”*; FES, *COVID-19 and the Syrian Economy: Implications for Social Justice*, July 2020, www.ecoi.net/en/document/2032645.html, pp. 1-2. Siehe auch B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 16; Enab Baladi, *Coronavirus Opens New Door to Corruption in Syria*, 11 September 2020, <https://bit.ly/33KX0yy>; The National, *Syria’s Coronavirus Crisis Becoming Clear in Damascus*, 29 August 2020, <https://bit.ly/344cGhN>.

Laut Meldungen hat die COVID-19-Pandemie die Krankenhäuser überwältigt, was zu „Überfüllung und chaotischen Zuständen“ geführt hat.¹⁰²³ Berichten zufolge überwachen und verheimlichen die staatlichen Sicherheitsdienste offensichtliche COVID-19-Fälle in öffentlichen Krankenhäusern in Damaskus.¹⁰²⁴ Es wurde gemeldet, dass Patienten, selbst wenn sie dringend medizinische Versorgung benötigen, auf persönliche Kontakte zurückgreifen oder Bestechungsgelder zahlen müssen, um Zugang zu Krankenhäusern, Ventilatoren oder Medikamenten in Damaskus zu erhalten.¹⁰²⁵ Der durch Wehrpflicht und Flucht verursachte Mangel an qualifiziertem Personal in Damaskus hat zu einer Verschlechterung des Bildungs- und Gesundheitswesens geführt.¹⁰²⁶

Bildung: Die Schulen in Damaskus sind überfüllt, und es fehlt an Lehrern und Lehrmaterial.¹⁰²⁷

Treibstoff und Strom: In Damaskus herrscht Treibstoffknappheit, der Treibstoffpreis ist auf dem Schwarzmarkt erheblich gestiegen, und durch den Wertverlust des syrischen Pfunds hat sich die Treibstoffkrise zugespitzt.¹⁰²⁸ Zudem führt die Treibstoffkrise wie bereits in den vergangenen Jahren

- ¹⁰²³ “(...) with one interviewee likening scenes to those in a science fiction or horror movie. The interviewee noted that he saw many patients lying in the corridors of the hospital without any care, and several people falling on the ground while waiting in the corridors. There was no spacing or any notable health measures to stop the spread of the disease”; SJAC, ‘Like a Horror Movie’: Major COVID-19 Outbreak in Damascus and Failed Response, 13 August 2020, <https://bit.ly/2ZKjgaD>. Johan Mooij, Syria Response Director bei WVI, erklärte am 30. Juli 2020: “We have already heard reports that the increase in cases has overwhelmed the capacity of local hospitals, with the Ministry of Health instructing hospitals in Damascus and rural Damascus to stop taking in COVID-19 patients”; WVI, Syria on the Brink of Further Disaster as COVID-19 Cases Escalate, 30 July 2020, <https://bit.ly/2FMIHAW>. Am 28. Februar 2021 waren in Syrien 15.533 COVID-19-Fälle und 1.023 COVID-19-Todesfälle registriert; WHO, Syrian Arab Republic Situation, Zugriff am 28. Februar 2021, <http://bit.ly/357YILE>. Beobachter gingen in Schätzungen davon aus, dass die Inzidenz viel höher war als von offizieller Seite angegeben, und ein Forscherteam kam zu dem Ergebnis, dass sich nur 1,25 % der tatsächlichen COVID-19-Todesfälle in Damaskus in den offiziellen Statistiken wiederfanden; Imperial College COVID-19 Response Team, Report 31: Estimating the Burden of COVID-19 in Damascus, Syria: An Analysis of Novel Data Sources to Infer Mortality Under-Ascertainment, 15 September 2020, <https://bit.ly/303NsgT>, pp. 5-6, 15. “With a medical sector vastly diminished by the conflict across the country, the actual numbers are likely significantly higher than acknowledged figures, and the impact greater”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 21 January 2021, www.ecoi.net/en/document/2045772.html, para. 40. Siehe auch, SOHR, Coronavirus in Regime-Held Areas: Syrian Provinces Record 36,000 New Confirmed Cases, Nearly 1,350 Deaths, and Misinformation Continues by Authorities, 6 February 2021, <https://bit.ly/3ufdxat>; New York Times, Coronavirus Cases in Syria Go Uncounted amid Shortages of Critical Supplies and Medical Personnel, 19 December 2020, <http://nyti.ms/3o9dQzW>; UNSC, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020), 11 December 2020, <https://bit.ly/3m0mPeR>, para. 3.
- ¹⁰²⁴ PHR, Obstruction and Denial: Health System Disparities and COVID-19 in Daraa, Syria, December 2020, <https://bit.ly/3oJWHg8>, p. 19; MEI, Ravaged by War, Syria’s Health Care System is Utterly Unprepared for a Pandemic, 23 April 2020, <https://bit.ly/2FLBf9w>.
- ¹⁰²⁵ Syria Direct, Syria’s COVID-19 Vaccine Is Expected by April, but Fair Access Is not Guaranteed, 14 January 2021, <https://bit.ly/3qlw10R>; Enab Baladi, Coronavirus Opens New Door to Corruption in Syria, 11 September 2020, <https://bit.ly/33KX0yy>. Laut Washington Post sind sogar Masken für viele unerschwinglich: “Reusable masks now cost more than two days of salary for average government employees”; Washington Post, Coronavirus Is Out of Control in Syria, no Matter what the Government Says, 25 September 2020, <https://wapo.st/318NMLX>. Siehe auch Al Jazeera, In COVID-Hit Syria, People ‘Prefer to Die than Come to Hospital’, 5 October 2020, <https://bit.ly/31taAGm>.
- ¹⁰²⁶ International Review of the Red Cross, The Fragility of Community Security in Damascus and its Environs, IRRC 99(3), 2019, <https://bit.ly/2RBjGjJ>, pp. 913-914.
- ¹⁰²⁷ “The need for teacher training is enormous as the number of teachers in Syria’s formal education system has declined by more than half in the past five years. The remaining teachers have not received systematic in-service training during the war, and newly recruited teachers often lack the required qualifications”; Finn Church Aid (FCA), FCA to Support Quality Education in Syria with USD 680,000 from Syrian Humanitarian Fund, 9 October 2020, <https://bit.ly/3dPbu51>. “Children have access to schools and primary education in almost all areas of Damascus and Rural Damascus. In areas where there are no schools, children can attend schools in neighbouring areas. However, schools are overcrowded and suffer from shortages of teachers, and in remote areas, children have to go long distances to go to school”; DIS, Syria: Security and Socio-Economic Situation in the Governorates of Damascus and Rural Damascus, October 2020, www.ecoi.net/en/document/2038473.html, p. 27. Siehe auch Al-Watan (regierungsnahe Zeitung), Shortage of Textbooks Due to High Prices of Raw Materials, 9 September 2020, <https://bit.ly/3jxtqIM>; B. Wind and B. Ibrahim, The War-Time Urban Development of Damascus, 2020, <https://bit.ly/3hllayz>, p. 19; North Press Agency, Demands for Virtual Learning in Damascus after Fears of Coronavirus Outbreak among Students, 29 August 2020, <https://bit.ly/349i6b4>; The New Arab, Syria: A Wrecked School System, a Country in Ruins, 5 February 2019, <https://bit.ly/3kfVdby>.
- ¹⁰²⁸ Im Januar 2021 ging Tankstellen in Damaskus nach Berichten der Kraftstoff aus und es bildeten sich lange Schlangen an den Zapfhähnen; The Syrian Observer, Citizens Scramble to Get Gas in Damascus, 11 January 2021, <https://bit.ly/3uF0b7s>. “In Damascus, Aleppo, Homs, Suweida, and Lattakia queues at some gas stations are up to three kilometres long and waiting time

dazu, dass die Menschen Schwierigkeiten haben, an Heizöl und Kochgas zu kommen (Kochgas wird sowohl zum Kochen als auch zum Heizen verwendet).¹⁰²⁹ Aufgrund der gestiegenen Treibstoffkosten sind die Preise für den öffentlichen Transport in den von der Regierung kontrollierten Gebieten, einschließlich Damaskus, im Lauf der zweiten Hälfte des Jahres 2020 in die Höhe geschossen, wodurch die Mobilität von finanziell bereits stark eingeschränkten Menschen beeinträchtigt wurde.¹⁰³⁰ In Damaskus und anderen von der Regierung gehaltenen Gebieten kommt es zu Stromknappheit und zu Stromausfällen.¹⁰³¹

Erwerbschancen

Menschen ohne politische oder familiäre Kontakte („wasta“) sind womöglich nicht in der Lage, in Damaskus eine Beschäftigung zu finden¹⁰³², und selbst diejenigen, die über Kontakte verfügen, haben

can reach 12 hours. As with bread, this is leading to tensions and there are reports that on September 13 [2020] a man died in Hama after fighting occurred between people queueing at a gas station“; Syria Report, Twin Oil and Bread Crises Highlight Depth of Economic and Social Challenges, State Dysfunction, 23 September 2020, <https://bit.ly/3m0FAWf>. “In government-controlled regions of Syria, people spend hours waiting in line to fill up their tanks. The cost of 20 liters (5.2 gallons) of gasoline is now 25,000 Syrian pounds (\$11) on the black market while the subsidized price at gas stations is 5,000 Syrian pounds (\$2.3). Most Syrians make less than \$100 a month, which leaves them unable to afford black market prices“; AP, Syria Blames US for Harsh Fuel Crisis Paralyzing the Country, 17 September 2020, <https://bit.ly/2FPYS0W>. Siehe auch SNHR, Civilians’ Cars Overcrowd in Front of a Fuel Station in All Syria, 12 September 2020, <https://bit.ly/2FOHSYM>; VOA, Syrian Economy Continues to Struggle as Sanctions Bite, Shortages Hit, 8 September 2020, <https://bit.ly/2RPD340>. Berichten zufolge erwägt die Regierung, die Subventionen für Benzin einzustellen; Syria Report, Government Raises Price of Unsubsidised Petrol by Nearly Half, 14 October 2020, <https://bit.ly/376W22T>.

¹⁰²⁹ Etliche Menschen “have reported reducing consumption of diesel for heating by more than half in the cold winter months“; AP, Syria Temporarily Cuts Supplies of Fuel to Meet Shortages, 10 January 2021, <http://wapo.st/3bvqrdf>. “[I]n December 2020, the Syrian government had to take more measures to tackle the lack of fuel and reduce the heating diesel entitlement per family from 200 litres to 100 litres. The decision has been implemented in Rural Damascus, Quneitra, As-Sweida, Homs, Hama, Dar’a, Aleppo, Lattakia and Tartous while it is yet to be implemented in Damascus, Deir-ez-Zor, Ar-Raqqa and Al-Hasakeh“; WFP, Syria Country Office: Market Price Watch Bulletin Issue 73, 19 January 2021, <https://bit.ly/2NaKhB2>, p. 2. Siehe auch NPR, Hours in Bread Lines: People Across Syria Struggle to Get Food, 1 December 2020, <http://n.pr/3bAtXDD>; Asharq Al-Awsat, Damascus Cheapest Worldwide, but Worst Place to Live, 24 November 2020, <http://bit.ly/2LDDleq>; COAR, Syria Update: 28 September 2020, 28 September 2020, <https://bit.ly/33nhwGt>. In den vergangenen Jahren hatte Syrien bereits mit Heizstoff-, Benzin- und Kochgasknappheit zu kämpfen, doch hat die aktuelle Wirtschaftskrise die Lage verschärft; France 24, Damascus Further Rations Subsidised Petrol, 10 May 2020, <https://bit.ly/36y5z2q>; Rozana Radio, Will Syria Witness Hunger Revolution in 2020?, 16 January 2020, <https://bit.ly/3jjHuQF>.

¹⁰³⁰ “As a part of fuel crisis’ consequences, the transport sector is suffering greatly in regime-held areas, as taxis and public transportation are becoming unaffordable to ordinary Syrians; and car owners are now buying fuel from the black market at higher prices instead of the non-existing subsidised petrol at petrol stations. The transport crisis has been concentrated in vital areas across the Syrian cities, along with the lack of public transport linking cities to the countryside. Accordingly, residents have faced many challenges while traveling from one place to another, particularly employees and university students who found themselves forced to use private cars or taxis in order to get to their schools, universities and work, which, in turn, added additional and significant financial burdens on them“; SOHR, Major Violations and Severe Crises Deprive Civilians of Their Most Basic Rights...Renewed Israeli Attacks, amid Simmering Iranian-Russian Conflict, 7 December 2020, <https://bit.ly/3710Ydb>. “In August [2020], Damascus increased the average bus ticket prices for destinations shorter than 10 kilometres to SYP 75 from SYP 45, while for longer destinations they doubled to SYP 100 from SYP 50“; Syria Report, Oil Shortages Push Public Transport Fares Higher, 16 September 2020, <https://bit.ly/32TWQWh>. Siehe auch SOHR, Poor Services in Regime-Controlled Areas Hit Students with Unaffordable Costs and Force Many to Drop Out, 13 February 2021, <https://bit.ly/3aF1dZ5>; SOHR, Poor Transportation Services Ignite Public Anger, 6 November 2020, <https://bit.ly/3573N7y>; Rozana Radio, Stifling Transportation Crisis in Damascus and its Countryside Exhausts Students, 28 October 2020, <http://bit.ly/3i3Vu0Y>; COAR, Syria Update: 21 September 2020, 21 September 2020, <https://bit.ly/2RNYofD>.

¹⁰³¹ Obwohl die Stromversorgung in der Stadt Damaskus laut Berichten stabiler ist als in anderen Teilen des Landes, ereignen sich in vielen Stadtteilen regelmäßig Stromausfälle und Generatoren sind nicht für alle Menschen bezahlbar; Enab Baladi, No Effective Solutions to Electricity Crisis in Damascus and Its Countryside, 12 December 2020, <https://bit.ly/2W9XLxl>. Im Januar 2021 berichtete eine Quelle jedoch, “households in Damascus receive only one hour of electricity every six hours“; COAR, Syria Update: Damascus Flails as Syrians Abroad Queue for COVID-19 Vaccine, 25 January 2021, <https://bit.ly/3r79xXw>. Siehe auch Kapitel II.F.1 und Fn. 1000.

¹⁰³² “(...) there is little equality of opportunity even in relatively stable government-controlled areas, as access to employment and investment is often dependent on personal, political, or communal affiliations“; Freedom House, Freedom in the World 2020: Syria, March 2020, www.ecoi.net/en/document/2030806.html. “Compelled to rent accommodations, and with no local networks to facilitate finding work or getting access to public services, return to Syria may end up making [refugees who return to Syria] more, not less vulnerable“; ICG, Easing Syrian Refugees’ Plight in Lebanon, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 24. Ein Forscher erklärt: “if you are Alawite and use good connections (Arabic: Wasta), your chance of being employed in public positions is much higher than other groups such as Christians, Sunni Arabs or Kurds“; DIS, Syria: Consequences of Illegal Exit, Consequences of Leaving a Civil Servant Position without Notice and the Situation of Kurds in Damascus, June 2019, www.ecoi.net/en/document/2011587.html.

eventuell Schwierigkeiten, ihren Lebensunterhalt zu sichern.¹⁰³³ Außerdem erzielen sogar Menschen, die eine Arbeit haben, aufgrund der derzeitigen Wirtschaftskrise nicht genügend Einnahmen, um ihre Familien versorgen zu können¹⁰³⁴, einschließlich Beschäftigten im öffentlichen Dienst, die einen erheblichen Teil der Erwerbsbevölkerung ausmachen.¹⁰³⁵ Sowohl im öffentlichen als auch im privaten Sektor ist der Wert der Gehälter¹⁰³⁶, bemessen am aktuellen Wechselkurs, rapide gesunken.¹⁰³⁷ Viele

¹⁰³³ "Even those perceived the most loyal – Alawites related to fallen soldiers residing on the Syrian coast – report having to pay bribes to secure public sector jobs"; CGP, *Syria's Economic Meltdown*, June 2020, <https://bit.ly/2HTOwhn>, p. 8. Die Entscheidung der Regierung, 2021 weniger neue Stellen im öffentlichen Sektor zu schaffen, wird wahrscheinlich zu einer Verschlimmerung der Lage führen: "The government also estimated that it would create 70,000 jobs in the public sector, down from 16 percent from 83,416 jobs this year [2020]. Each year the government commits to recruiting tens of thousands of people as part of its effort to curb unemployment"; Syria Report, *Syria's 2021 Budget to Decline by a Quarter in Dollar Terms*, 30 September 2020, <https://bit.ly/3drsXAe>.

¹⁰³⁴ "No public sector salary in Syria covers the cost of living in Damascus. (...) The private sector wage scale is uneven. A small tranche earns generous salaries many times greater than public sector counterparts, while most private sector workers earn far less and enjoy fewer wage guarantees than public workers"; COAR, *The Syrian Economy at War*, 10 November 2020, <https://bit.ly/3a7oK51>. "The national average price of the WFP standard reference food basket (SYP 84,095 in June 2020), is now higher than even the highest official monthly government salary of SYP 80,240, highlighting the serious deterioration of purchasing power in Syria since October 2019 and the increasing unaffordability of basic food items on Syrian markets"; WFP, *The Socio-Economic Impacts of the Covid-19 Pandemic in the Syrian Arab Republic (April - June 2020)*, October 2020, <https://bit.ly/35WxdnQ>, p. 6. Der Referenzwarenkorb hinsichtlich von Lebensmitteln erreichte ein Spitzenniveau von SYP 121,066 (US\$ 97 bei dem offiziellen Wechselkurs 1,250/US\$) im Januar 2021; WFP, *Syria Country Office: Market Price Watch Bulletin Issue 74*, 23 February 2021, <https://bit.ly/3dKORRn>, p. 1. "Today, the average monthly salary does not exceed \$50, around 85 percent of the population is living in poverty, prices continue to skyrocket, the unemployment rate is at least 50 percent, and international sanctions are exacerbating the economic situation"; Atlantic Council, *Will Nine Years of War and Deteriorating Governance Spark a New Movement Inside Syria?*, 21 August 2020, <https://bit.ly/2SVGXZN>. "For those lucky enough to work, the real value of the average monthly salary of 50,000 Syrian pounds has fallen from around £50 at the end of 2019 to around £12 now"; BBC, *Assad under Pressure as Economic Crisis Spirals*, 15 June 2020, <https://bbc.in/3lItEYO>. "Basic salaries, around 50,000 pounds, or \$71.43 at the official rate, a month for a government job that constitute most jobs in the country, are not enough for most Syrians with the worsening economy. According to Danny Makki, a Syria analyst, even rent for most Syrians is a challenge, especially for those living in the capital Damascus, and, without massive changes, the situation will only worsen" (Hervorhebung nur hier); Al Arabiya, *Syrians Forced to Adapt as Country's Economy Worsens*, 19 May 2020, <https://bit.ly/3dvNdki>. "The majority of families in regime-controlled areas live in harsh conditions, especially those with low incomes and families who make a living off government jobs' salaries"; SOHR, *Food Prices Hike with Absence of Regime's Government Role amid Coronavirus Crises*, 1 April 2020, <https://bit.ly/3nVNLVx>. "In the public sector, still the largest employer in Syria, even employees with academic degrees and extensive work experience earn a salary of barely 60,000 Syrian pounds (\$100) per month, including benefits. Entry-level jobs for university graduates yield less than half of that. UN estimates put the annual average per capita income in Syria at \$479. The pay that conscripted soldiers receive (36,500 pounds per month, or \$65-75) almost looks generous in comparison, and while most Syrians dread conscription, it can nevertheless be a fallback for those who would otherwise have no income"; ICG, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, www.ecoi.net/en/document/2024712.html, p. 25. Siehe auch Enab Baladi, *Retired Government Employees in Damascus Are Not Taken into Account by Syrian Government*, 14 September 2020, <https://bit.ly/33AjLoB>.

¹⁰³⁵ "(...) the state remains by far the largest employer in the country, with around 1.5 million public workers and 500,000 pensioners. The importance of state employment in the economy and labour force increased significantly during the war as wide sectors of the private sector economy were destroyed"; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, p. 21. "The importance of state employment in the economy and labour force increased significantly during the war as wide sectors of the private sector economy were destroyed"; GCSP / EUI, *State Institutions and Regime Networks as Service Providers in Syria*, June 2020, <https://bit.ly/36GA7PV>, p. 21.

¹⁰³⁶ "Qassioun, a weekly published by one of several branches of the Syrian Communist Party, estimated that the average monthly budget that a family living in Damascus would need to have a decent life increased to SYP 660,000 at the end of September, up from SYP 380,000 at the end of 2019, an increase of 74 percent. (...) The budget required for food, which represents half the expenses, has more than doubled since the beginning of the year from SYP 147,000. The food budget is a measure based on an average daily intake of 2,400 calories, which many Syrians can no longer achieve. With average monthly salaries in the public sector at around SYP 50,000-60,000, few Syrian families spend anywhere close to what they would theoretically need, which highlights the difficult conditions they go through"; Syria Report, *Syrians' Cost of Living Surges by 74 Percent since Start of the Year*, 14 October 2020, <https://bit.ly/3j0Eub5>.

¹⁰³⁷ "The depreciation of the pound has consistently eroded the real value of salaries in the public sector, which remains the backbone of Syria's labor market. (...) In November 2019, the Government of Syria increased wages by a uniform 20,000 pounds across the public sector scale. After the bump, wages at the bottom (i.e. the 'fifth bracket') of the salary scale 'rose' to 47,675 pounds, yet depreciation meant that the real value of salaries in the bracket – approximately \$52 – was virtually unchanged from the beginning of the year. Since then, the pound's depreciation has continued, and a public sector worker earning 47,675 pounds now takes home the equivalent of \$22 per month"; COAR, *The Syrian Economy at War: Armed Group Mobilization as Livelihood and Protection Strategy*, 30 September 2020, <https://bit.ly/3m5kflg>. "Even if employment opportunities are available, they are in

Menschen sind von prekären Einkommensquellen abhängig, einschließlich Tagelöhnern.¹⁰³⁸ Berichten zufolge sind zum Überleben mindestens zwei Einkommensquellen erforderlich.¹⁰³⁹ Die Pension, die Regierungsbeamten im Ruhestand gezahlt wird, reicht laut Meldungen nicht aus, um den täglichen Mindestbedarf einer Familie zu decken.¹⁰⁴⁰

Gründung und Betrieb kleiner und mittlerer Unternehmen werden laut Berichten durch bürokratische gesetzliche und administrative Prozeduren¹⁰⁴¹, finanzielle und Importbeschränkungen aufgrund wirtschaftlicher Sanktionen sowie Korruption und allgemeine Rechtslosigkeit erschwert.¹⁰⁴² Infolge der Wirtschaftskrise mussten viele kleine Unternehmen schließen.¹⁰⁴³

fact unemployment in disguise: public and private workers are now paid below USD25 per month. In the private sector, employees have to work long hours for a wage of no more than USD20. With the relatively high cost of living, the average Syrian family needs at least USD150 a month to meet their daily needs”; Arab Reform Initiative, *No Homeland, No Future: Alawite Youth As the Backbone of the Assad Regime*, 4 August 2020, <https://bit.ly/3662qqp>. “Part of the perception of Alawi privilege is the guarantee codified in law of a government job to one member of each family that has lost a man in the war. (...) With growing demand, however, such sinecures have become harder to obtain. Kheder described how his sister-in-law’s family was entitled to one such job because her brother was killed fighting for the regime, but even then the family had to use connections (‘wasta’) to get the position, for the mother. The process took a year, and it pays only about \$40 a month, while renting a small apartment in Tartus’ outskirts, for example, would cost twice as much”; New York Review of Books, *Between Regime and Rebels: A Survey of Syria’s Alawi Sect*, 22 July 2019, <https://bit.ly/353gSze>.

¹⁰³⁸ Tagelöhner waren besonders stark durch die COVID-19-Restriktionen beeinträchtigt; The Arab Weekly, *Woes Compounded by Pandemic, Economic Crisis in War-Stricken Syria as Holy Month Begins*, 26 April 2020, <https://bit.ly/377Vcmv>. Siehe auch Enab Baladi, *Syrian Economy Resumes Activity... Poverty and Bankruptcy Outweigh Coronavirus*, 2 May 2020, <https://bit.ly/3k15zw5>. Im November 2020 gaben 50 % der befragten Haushalte in Damaskus an, in den letzten sechs Monaten wegen der COVID-19-Pandemie eine oder mehr Einkommensquellen verloren zu haben; WFP, *Syria mVAM Bulletin 50*, 30 November 2020, <https://bit.ly/3pNVogQ>, p. 5.

¹⁰³⁹ “The sharp decline in the value of state salaries is prompting state employees to take second jobs, but also to demand bribes, or increase the amounts they were already extracting”; MEI, “People Can’t even Afford to Buy Bulgur”: Discontent Is on the Rise as Syria’s Economic Crisis Worsens, 28 February 2020, <https://bit.ly/3lrLPTx>. “For instance, a taxi driver has to work two and perhaps three shifts in the morning, evening, and by night. The same situation applies to the private sector workers, as many of them work in other jobs after the end of their work hours, such as teaching or translating. (...) Nowadays, the entire family, including husband, wife, sons, and daughters, have to work, each according to his ability”; Enab Baladi, *How Do Employees Earn their Living in Damascus these Days? Through Legitimate or Twisted Ways?*, 21 February 2020, <https://bit.ly/32OUM1R>. “At the heart of Syria’s crumbling state is its embattled bureaucracy, which is so severely underpaid and under-resourced that civil servants can only live by taking on multiple jobs and engaging in diversifying forms of petty corruption”; Synaps, *War by other Means*, 30 September 2019, <https://bit.ly/2TdBVrs>. Siehe auch COAR, *The Syrian Economy at War: Armed Group Mobilization as Livelihood and Protection Strategy*, 30 September 2020, <https://bit.ly/3m5kFLg>; B. Wind and B. Ibrahim, *The War-Time Urban Development of Damascus*, 2020, <https://bit.ly/3hllayz>, pp. 11-12.

¹⁰⁴⁰ “The salaries of retired employees in the Syrian government are between 20 and 40 thousand SYP (between 9 and 18 USD), as monitored by Enab Baladi”; Enab Baladi, *Retired Government Employees in Damascus Are not Taken into Account by Syrian Government*, 14 September 2020, <https://bit.ly/3nUgnhO>. Siehe auch Al Arabiya, *Syrians Forced to Adapt as Country’s Economy Worsens*, 19 May 2020, <https://bit.ly/3dvNdkl>.

¹⁰⁴¹ Unter den 190 Ländern, die die Weltbank 2019 in ihrem „Ease of Doing Business“-Index bewertet hat, nimmt Syrien Platz 176 ein; World Bank, *Doing Business: Comparing Business Regulation in 190 Economies*, 2019, <https://bit.ly/3dUe9KG>, p. 4; World Bank, *Syrian Arab Republic: Doing Business 2020*, 24 October 2019, <https://bit.ly/2TBLIII>. Auch für Anmietung und Kauf kommerzieller Immobilien ist eine Unbedenklichkeitsbescheinigung erforderlich, siehe oben „Zugang zu angemessener Unterbringung“.

¹⁰⁴² Der Inhaber eines Lebensmittelgeschäfts “had to pay huge bribes to both customs and the Trade Ministry just to keep his business open. If he had refused, he would have faced false accusations that he is working outside the law – charges such as importing unauthorized goods – and would be forced to close his shop and potentially face time in prison, as has happened to thousands of businessmen and traders in the past months”; Atlantic Council, *Will Nine Years of War and Deteriorating Governance Spark a New Movement Inside Syria?*, 21 August 2020, <https://bit.ly/2SVGXZN>. “Law and order remain absent while corruption is more rampant and disruptive than ever before, creating severe risks and uncertain returns for all who would dare do business there. Syria’s market has become so toxic that most foreign investors – and many Syrian ones – already stay far away from it”; War on the Rocks, *Will more Syria Sanctions Hurt the very Civilians They Aim to Protect?*, 10 June 2020, <https://bit.ly/2TakaJT>. “According to the US embassy in Damascus, barriers like old policies and regulations which are antithetical to free market still exist. Furthermore, transparency is nil and contractual obligations are hard to enforce with a judiciary that is not working. Corruption, cronyism, limited financing, and confusing laws on taxes, duties, and tariffs are the other major problems for business in Syria”; AsiaBizNews, *Doing Business in Syria*, 2020, <https://bit.ly/31CNxc3>. “The Syrian business environment is characterized by lack of transparency and efficiency, heavy state interference and control, and the absence of subsidy or support”; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 25. Siehe auch COAR, *The Syrian Economy at War*, 10 November 2020, <https://bit.ly/3a7oK51>.

¹⁰⁴³ “Many shops, such as gas stations and bakeries, have also closed with the collapse of the currency”; Atalayar, *Syria Goes to the Polls amidst Deep Economic and Social Crisis*, 17 July 2020, <https://bit.ly/33Z3zP6>. “The instability of the Syrian pound against the dollar is having a multiplier effect on factories and businesses, especially smaller ones. Several small businessmen have been forced to stop production, possibly laying off workers in the process”; Syria Direct, *Residents of Damascus Suffer under Rising Prices and Economic Slowdown*, 8 December 2019, <https://bit.ly/316jHws>. Siehe auch TRT World, *Syria Sanctions: Small Businesses on the Brink Due to Failing Economy*, 15 July 2020, <https://bit.ly/33Yxlni>.

Obwohl die Bedeutung von Frauen in der Arbeitswelt gestiegen ist, haben sie weiterhin mit Schwierigkeiten zu kämpfen, wenn sie sich am Erwerbsleben beteiligen und versuchen, außerhalb des eigenen Haushalts zu arbeiten.¹⁰⁴⁴

Berichten zufolge werden Personen, die für regierungstreu gehalten werden, bei der Zuteilung staatlicher Hilfen prioritär behandelt.¹⁰⁴⁵

d) **Schlussfolgerung zur Zumutbarkeit der Stadt Damaskus als vorgeschlagene interne Flucht- oder Neuansiedlungsalternative**

Aufgrund der ausgesprochenen Schwierigkeiten, mit denen Syrer bei der Sicherung ihrer Grundversorgung vor dem Hintergrund einer sich verschlechternden wirtschaftlichen und humanitären Lage, hoher und zunehmender Armut, Ernährungsunsicherheit und Arbeitslosigkeit sowie Druck auf dem Wohnungs- und Dienstleistungsmarkt zu kämpfen haben, ist UNHCR der Ansicht, dass eine interne Flucht- oder Neuansiedlungsalternative für die Stadt Damaskus grundsätzlich nicht zumutbar ist.

Die einzige Ausnahme zu dieser Feststellung bilden gesunde Erwachsene, die alle der folgenden Voraussetzungen erfüllen: a) keine Verantwortung für andere Familienangehörige, b) garantierter Zugang zu Wohnraum und c) garantierter Zugang zu praktikablen Verdienstmöglichkeiten, die genügend Einkommen erzielen, um die Grundversorgung abzudecken, wobei die steigenden Preise in der Stadt Damaskus zu berücksichtigen sind. Wie oben dargelegt, ist UNHCR der Auffassung, dass eine interne Flucht- oder Neuansiedlungsalternative für Frauen, die allein einen Haushalt führen und tatsächlich oder vermeintlich keinen Schutz durch männliche Familienangehörige erhalten, nicht zumutbar ist.

D. Ausschlussgründe

Angesichts der schwerwiegenden Verstöße gegen international Menschenrechte und das humanitäre Völkerrecht, die in der von Konflikten und Repressionen geprägten Geschichte Syriens gemeldet wurden, können Ausschlussgründe nach Artikel 1 F GFK bei einzelnen Asylgesuchen von Menschen aus Syrien in Betracht kommen. Ausschlussgründe sind zu prüfen, wenn das Asylgesuch des Antragstellers Hinweise darauf enthält, dass er möglicherweise an der Begehung von Straftaten, die in den Anwendungsbereich von Artikel 1 F GFK fallen, beteiligt war oder mit ihnen in Verbindung steht. Angesichts der potenziell schwerwiegenden Folgen eines Ausschlusses vom internationalen Flüchtlingsschutz sind die Ausschlussgründe eng auszulegen und zurückhaltend anzuwenden. In jedem Fall müssen die Umstände des Einzelfalls umfassend gewürdigt werden.¹⁰⁴⁶

¹⁰⁴⁴ "Unequal access to economic opportunities seems to be driven not only by lack of work opportunities, but also social stigma and cultural barriers. A 2017 Bareeq survey of Syrian women inside and outside the country found 81% of respondents stating that 'current social and cultural norms in Syria impede women's success.' In 2018, UNDP ranked Syria 136 out of 160 countries in its Gender Inequality Index"; Bertelsmann Stiftung, *BTI 2020 Country Report: Syria*, 29 April 2020, www.ecoi.net/en/document/2029497.html, p. 18. Siehe auch North Press Agency, *Working Women in Syria's Damascus Face Sexual Harassment, Exploitation*, 4 February 2021, <http://bit.ly/2O5v44i>; FES, *COVID-19 and Women in Syria: Deepening Inequalities*, July 2020, <https://bit.ly/33Bc9E3>, p. 2; und Kapitel II.F.2.c.

¹⁰⁴⁵ Ein Beispiel: "Following al-Assad's announcement of the state-run SFT's [Syria for Trade] greater involvement in the economy, cars carrying cheap vegetables were sent out to Damascus. Two out of Damascus' 95 neighborhoods – Ash al-Warwar and Mezzeh 86 – were selected for piloting the program. Both neighborhoods are inhabited almost entirely by Alawites, many of them low-ranking officers. Given that Damascus has only five Alawite-majority neighborhoods, the likelihood of picking two of them at random is equal to 0.2%"; CGP, *Syria's Economic Meltdown*, June 2020, <https://bit.ly/2HTOwhn>, p. 9.

¹⁰⁴⁶ Für detaillierte Hinweise zur Auslegung und Anwendung von Artikel 1 F GFK siehe UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

Der potenzielle Ausschluss aufgrund der Beteiligung an Kriegsverbrechen¹⁰⁴⁷ sowohl in internationalen als auch in nicht-internationalen bewaffneten Konflikten¹⁰⁴⁸, Völkermord¹⁰⁴⁹, Verbrechen gegen die Menschlichkeit¹⁰⁵⁰ und schweren nichtpolitischen Straftaten¹⁰⁵¹ ist im Zusammenhang mit Syrien besonders relevant. Unter bestimmten Umständen ist ein Ausschluss in Bezug auf Handlungen zu prüfen, die den Zielen und Grundsätzen der Vereinten Nationen zuwiderlaufen.¹⁰⁵² Zu den Handlungen,

¹⁰⁴⁷ Artikel 1 F (a) GFK. Kriegsverbrechen sind schwere Verstöße gegen das humanitäre Völkerrecht, die eine individuelle Verantwortlichkeit begründen, welche sich unmittelbar aus dem Völkerrecht ergibt. Die einschlägigen Bestimmungen des humanitären Völkerrechts und die entsprechenden Bestimmungen des Völkerstrafrechts unterscheiden internationale bewaffnete Konflikte (einschließlich Besatzungssituationen) von nicht-internationalen bewaffneten Konflikten. Für detaillierte Erläuterungen siehe UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 30-32. Im Zusammenhang mit einem nicht-internationalen bewaffneten Konflikt kann der Begriff „Kriegsverbrechen“ für schwere Verstöße gegen die relevanten Vorschriften des humanitären Völkerrechts (d. h. gemeinsamer Artikel 3 der Genfer Abkommen von 1949, einige Bestimmungen des Zusatzprotokolls II und Regeln des Völkergewohnheitsrechts) ab Beginn der 1990er Jahre angewandt werden. Der Internationale Strafgerichtshof für das ehemalige Jugoslawien (IStGH) hat entschieden, dass ab diesem Zeitpunkt davon ausgegangen werden kann, dass Verstöße gegen Bestimmungen des humanitären Völkerrechts, die für nicht-internationale bewaffnete Konflikte gelten, eine strafrechtliche Verantwortlichkeit nach dem Völkergewohnheitsrecht auslösen; siehe *Prosecutor v. Dusko Tadic aka "Dule"*, *Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1, 2 October 1995, www.refworld.org/docid/477dfb520.html, para. 134. Schwere Verstöße gegen die vorgenannten Bestimmungen des humanitären Völkerrechts, die sich vor diesem Zeitpunkt ereigneten, können nicht als „Kriegsverbrechen“ angesehen werden, fallen jedoch eventuell in den Anwendungsbereich der „schweren nichtpolitischen Straftaten“ (Artikel 1 F (b)) oder gegebenenfalls der „Verbrechen gegen die Menschlichkeit“ (Artikel 1 F (a)).

¹⁰⁴⁸ Im Juli 2012 stellte das IKRK fest, dass Syrien von einem nicht-internationalen bewaffneten Konflikt betroffen ist, was zur Folge hat, dass humanitäres Völkerrecht in allen Gebieten gilt, in denen Kampfhandlungen stattfinden; ICRC, *Syria: ICRC and Syrian Arab Red Crescent Maintain Aid Effort amid Increased Fighting*, 17 July 2012, <https://bit.ly/3h2bakv>. Nach US-Luftangriffen auf einen syrischen Militärstützpunkt im April 2017 stellte das IKRK fest, dass die Situation in Syrien *“now amounts to an international armed conflict”*; Reuters, *Exclusive: Situation in Syria Constitutes International Armed Conflict: Red Cross*, 7 April 2017, <http://reut.rs/2o5KKDy>. IICISyria stellte das Vorliegen eines nicht-internationalen bewaffneten Konflikts in der Arabischen Republik Syrien erstmals im August 2012 fest: *“the commission has determined that the intensity and duration of the conflict, combined with the increased organizational capabilities of the FSA, do, in fact, meet the legal threshold for a non-international armed conflict. With this determination, the commission applied IHL, including Common Article 3, in its assessment of the actions of the parties during hostilities”*; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2012, A/HRC/21/50, www.refworld.org/docid/503485d02.html, Annex II, para. 3. *“Syria is currently engaged in a series of armed conflicts. First, the Syrian government is engaged in several non-international armed conflicts against a wide array of rebel groups. Second, there is arguably an international armed conflict between Syria and members of the US-led international coalition and Turkey. There is arguably a military occupation of parts of northern Syria by Turkey. Finally, part of Syrian territory, the Golan Heights, is occupied by Israel”*; Geneva Academy/RULAC, *Syria*, letzte Aktualisierung am 14. Februar 2018, <https://bit.ly/3kc0kcc> (mit weiteren Informationen zu den internationalen und nicht-internationalen bewaffneten Konflikten in Syrien und Gebieten unter militärischer Besatzung).

¹⁰⁴⁹ Im Zusammenhang mit einem Ausschluss unterliegt Völkermord dem Geltungsbereich von Artikel 1 F (a) GFK als „Verbrechen gegen die Menschlichkeit“. Die zielgerichteten Aktionen von ISIS gegen die religiöse Minderheit der Jesiden im Irak seit Mitte 2014, einschließlich der Verbringung von Frauen und Mädchen nach Syrien, sind von IICISyria als „Völkermord“ bezeichnet worden: *“ISIS has committed, and continues to commit, the crime of genocide, as well as multiple crimes against humanity and war crimes, against the Yazidis”*; UN Human Rights Council, *“They Came to Destroy”: ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, www.refworld.org/docid/57679c324.html, para. 201.

¹⁰⁵⁰ Artikel 1 F (a) GFK. Es ist weithin anerkannt, dass während des gesamten anhaltenden Konflikts Verbrechen gegen die Menschlichkeit begangen worden sind, einschließlich durch die Regierungstruppen, HTS und ISIS; siehe z. B. fortlaufende Berichterstattung von IICISyria, abrufbar unter www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx. Siehe auch Kapitel II.E.

¹⁰⁵¹ Artikel 1 F (b) GFK. Im Kontext von Syrien stellen Handlungen wie Ermordungen, Entführungen und Folter, die von den Regierungstruppen, bewaffneten oppositionellen Gruppen oder kriminellen Gruppen (sowohl vor als auch nach 2011) begangen werden, wahrscheinlich „schwere nichtpolitische Verbrechen“ im Sinne von Artikel 1 F (b) GFK dar, wenn sie nicht mit einem bewaffneten Konflikt verbunden sind. Darunter fallen schwere Verbrechen, die als terroristisch angesehen werden oder von Mitgliedern einer Gruppe begangen werden, die als „terroristisch“ gilt, wie z. B. abscheuliche Handlungen, die den Einsatz von Gewalt und die willkürliche Verletzung von Zivilpersonen oder die Androhung ihrer Verletzung beinhalten. Siehe auch Fußnote 1051.

¹⁰⁵² Artikel 1 F (c) GFK. Nach Ansicht von UNHCR gilt diese Ausschlussbestimmung nur für Verbrechen, die aufgrund ihrer Art und Schwere insofern internationale Auswirkungen haben, als sie den internationalen Frieden und die internationale Sicherheit oder die friedlichen Beziehungen zwischen Staaten beeinträchtigen können. Für detaillierte Erläuterungen siehe UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 46-49. Unter bestimmten Umständen können Handlungen, die als terroristisch angesehen werden, zu einem Ausschluss gemäß Artikel 1 F (c) führen. Dies gilt für Handlungen, die Kriegsverbrechen und/oder Verbrechen gegen die Menschlichkeit im Sinne von Artikel 1 F (a) darstellen, da Handlungen, die dem Geltungsbereich dieses Ausschlussgrundes unterliegen, auch *„den Zielen und Grundsätzen der Vereinten Nationen*

die Berichten zufolge von den Parteien der bewaffneten Konflikte in Syrien begangen wurden, zählen u. a. vorsätzliche oder willkürliche Angriffe auf Zivilpersonen und **Objekte, die nach dem humanitären Völkerrecht geschützt sind**, Einsatz verbotener Waffen, Handlungen, die der Verbreitung von Angst und Schrecken in der Zivilbevölkerung dienen, kollektive Bestrafung, absichtliches Aushungern von Zivilpersonen durch Vorenthalten humanitärer Hilfe, Entführungen und erzwungenes Verschwinden von Personen, Folter und sonstige grausame, unmenschliche oder erniedrigende Behandlung oder Strafe, Geiselnahme, Ausrottung, Mord, außergerichtliche und summarische Hinrichtung, Vergewaltigung und sonstige Formen sexueller Gewalt, einschließlich sexueller Sklaverei, Plünderung, Zwangsvertreibung von Zivilpersonen sowie Zwangs- und Kinderrekrutierung.¹⁰⁵³

Um einen Ausschluss zu rechtfertigen, muss die individuelle Verantwortlichkeit in Bezug auf eine Straftat nachgewiesen sein, die von Artikel 1 F GFK erfasst wird. Eine solche Verantwortlichkeit besteht, wenn eine Person eine Straftat begangen hat oder an ihr in einer Art beteiligt war, die ihre strafrechtliche Verantwortlichkeit auslöst, z. B. indem sie eine Straftat angeordnet oder zu dieser Straftat angestiftet, Vorschub geleistet oder sich daran beteiligt hat oder indem sie einen Beitrag zu einer Straftat geleistet hat, die von einer Gruppe von Personen begangen wurde, die ein gemeinsames Ziel verfolgten. Bei Personen, die sich innerhalb einer militärischen oder zivilen Hierarchie in einer verantwortungsvollen Position befinden, kann die individuelle Verantwortlichkeit auch durch die Befehlsverantwortung/Vorgesetztenverantwortung ausgelöst werden. Einwendungen gegen eine strafrechtliche Verantwortlichkeit sowie Verhältnismäßigkeitserwägungen können in Betracht kommen. In diesem Zusammenhang zu berücksichtigen sind Belege für eine Praxis der Zwangsrekrutierung, insbesondere von Kindern.

Die Beteiligung an einem bewaffneten Konflikt ist für sich genommen kein Ausschlussgrund. Auch die bloße Zugehörigkeit zu einer Gruppe oder Organisation, die an Handlungen beteiligt ist, die dem Geltungsbereich von Artikel 1 F GFK unterliegen, ist für sich genommen nicht ausreichend, um einen Ausschlussgrund anzuwenden. Eine umfassende Beurteilung der Umstände des jeweiligen Einzelfalls ist erforderlich, um festzustellen, ob die betreffende Person Handlungen, die unter Artikel 1 F GFK fallen, persönlich begangen hat oder an ihnen in einer Art beteiligt war, dass ihre persönliche strafrechtliche Verantwortlichkeit nach dem Völkerrecht ausgelöst wird.¹⁰⁵⁴

Im Zusammenhang mit Syrien sind insbesondere die nachstehenden Profile besonders sorgfältig zu prüfen:¹⁰⁵⁵

- i. (ehemalige) hochrangige Mitglieder der syrischen Regierung und der Baath-Partei (*vor und nach 2011*);
- ii. (ehemalige) Mitglieder der Syrian Armed Forces, einschließlich der Syrisch-Arabischen Armee / SAA (und einschließlich der PLA)¹⁰⁵⁶ und insbesondere: alle hochrangigen Militäroffiziere, alle Offiziere und Unteroffiziere, die bei der Republikanischen Garde (*Al-Haras Al-Jumhuri*), den

zuwiderlaufen“, aber auch für Verbrechen, die nach den internationalen Übereinkünften und Protokollen betreffend den Terrorismus verboten sind. Im Rahmen der korrekten Anwendung von Artikel 1 F (c) auf Fälle, die eine terroristische Handlung betreffen, sollte man sich jedoch weniger auf die Bezeichnung „Terrorismus“ fixieren und stattdessen prüfen, in welchem Umfang die Handlung das internationale Geschehen berührt, d. h. zu prüfen sind die Schwere des Verbrechens, seine internationalen Auswirkungen sowie seine Folgen für den internationalen Frieden und die internationale Sicherheit. Nach Auffassung von UNHCR können terroristische Handlungen nur dann einen Ausschluss nach dieser Vorschrift begründen, wenn sie diese weiter gefassten Merkmale erfüllen. Siehe UNHCR, *Yasser alSirri (Appellant) v. Secretary of State for the Home Department (Respondent) and DD (Afghanistan) (Appellant) v. Secretary of State for the Home Department (Respondent): UNHCR's Composite Case in the Two Linked Appeals*, 23 March 2012, www.refworld.org/docid/4f6c92b12.html.

¹⁰⁵³ Berichten zufolge gingen von allen Seiten Menschenrechtsverletzungen (vor und nach 2011) und schwere Verstöße gegen humanitäres Völkerrecht (Stand Juli 2012) aus. Siehe Kapitel II.E.

¹⁰⁵⁴ In einigen Fällen kann die persönliche Verantwortung für Handlungen, die zu einem Ausschluss führen, vorausgesetzt werden, und zwar wenn die Mitgliedschaft in einer besonders gewalttätigen Gruppe und die Beteiligung an ihren Aktivitäten auf freiwilliger Grundlage erfolgten. Für detaillierte Hinweise zur Auslegung und Anwendung von Artikel 1 F GFK siehe UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

¹⁰⁵⁵ Die Aufzählung nennt die Hauptakteure, die zu bestimmten Zeiten in Syrien aktiv waren, und ist nicht abschließend.

¹⁰⁵⁶ Für die aktuelle Stationierung und Organisation der Syrian Arab Army (SAA) siehe International Review, *Current Syrian Army Deployments*, 13 December 2019, <https://bit.ly/3cAR5OQ>; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, <https://bit.ly/2UjMudT>.

Spezialeinheiten, der 4. Panzerdivision, der Militärpolizei¹⁰⁵⁷ oder den Verteidigungskompanien (*Saraya Al-Difa'*, 1984 aufgelöst) gedient haben, und alle militärischen Bediensteten, die nach März 2011 gedient haben, einschließlich in Militärkrankenhäusern;¹⁰⁵⁸

- iii. (ehemalige) Mitglieder der Sicherheits- und Geheimdienste, einschließlich des Nationalen Sicherheitsbüros (*Maktab Al-Amn Al-Qawmi*), des Direktorats für politische Sicherheit (*Idarat Al-Amn Al-Siyasi*), des Direktorats für allgemeine Sicherheit (*Idarat Al-Amn Al-'Amm*), des militärischen Nachrichtendienstes (*Shu'bat Al-Mukhabarat Al-'Askariyya*) und des Direktorats für den Geheimdienst der Luftwaffe (*Idarat Al-Mukhabarat Al-Jawiiyya*)¹⁰⁵⁹, sowie Personen, die einem dieser Dienste, ohne ihm offiziell anzugehören, Informationen geliefert haben (Informanten) (*vor und nach 2011*);
- iv. (ehemalige) Mitglieder regierungstreuer Truppen, einschließlich (nicht abschließend) Volkskomitees (*Lijan Sha'abiya*) und National Defence Forces (*Quwat Al-Difa' Al-Watani / NDF*)¹⁰⁶⁰, Adler des Wirbelwinds (*Nusur Al-Zawba'a*)¹⁰⁶¹, Milizen, die wohlhabenden alawitischen Geschäftsleuten nahestehen und eine enge Verbindung zur syrischen Regierung und speziell der Assad-Familie aufweisen¹⁰⁶², regierungstreue palästinensische Gruppen, z. B.

¹⁰⁵⁷ Die Militärpolizei verwaltet die Militärgefängnisse in Sednaja (Damaskus-Umgebung) und Balooni in der Stadt Homs und verwaltete bis Mai 2015 Tadmur (ländlicher Osten von Homs). Laut IICISyria: "[S]ince mid-2012, the Military Police has been in charge of transferring and holding prisoners between branches and courts." Ferner spielte die Militärpolizei eine entscheidende Rolle bei der systematischen Registrierung von Todesfällen in Haftanstalten der Regierung, "indicating knowledge of the deaths among the superiors of the agency"; UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, paras 41, 58-59.

¹⁰⁵⁸ New York Times, *Syrian Doctor Accused of Torture Is Arrested in Germany*, 22 June 2020, <https://nyti.ms/2B44G14>; SNHR, *Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in its Detention Centres and Military Hospitals*, 21 October 2019, <https://bit.ly/2MzcUDZ>; Zaman Al Wasl, *Data of Doctors Tortured and Killed Detainees in Homs Military Hospital*, 25 April 2019, <https://bit.ly/2Aaopiy>; Washington Post, *'The Hospitals were Slaughterhouses': A Journey into Syria's Secret Torture Wards*, 2 April 2017, <https://wapo.st/2zgpDbG>.

¹⁰⁵⁹ Das Nationale Sicherheitsbüro (vollständige Bezeichnung: *Nationales Sicherheitsbüro des Regionalkommandos des syrischen Regionalverbands* (der Baath-Partei)) wird von Generalmajor Ali Mamlouk geleitet und ist für die offizielle Koordination und Überwachung der vier unabhängigen Sicherheits-/Geheimdienste zuständig. "Syria's four intelligence services – the Air Force Intelligence Service (*Al-Mukhabarat al-Jawiya*), the Military Intelligence Service (*Al-Mukhabarat al-Askariya*), the Political Intelligence Service (*Al-Amn al-Siyasi*), the General Intelligence Service (*Al-amn al-Amm*), and the National Intelligence Service (*Al-Amn al-Wattani*), which oversees the others – practice widespread, systematic torture. Each agency has a central branch in Damascus, as well as regional branches"; ECCHR, *Human Rights Violations in Syria: Torture under Assad*, April 2020, <https://bit.ly/3h4IFnm>, pp. 4-5. "In Syria four independent security structures exist. These are divided between 'military' – the Military Intelligence Directorate and the Syrian Air Force – which fall under the remit of the Ministry of Defense, and 'political' – the General Intelligence Directorate and the Political Security Directorate – formally under the structure of the Ministry of Interior (MOI). Each of the two political security services has two separate departments each, for internal and external security"; Carnegie MEC, *Russia's Role in Reforming Syrian Special Services*, 26 March 2020, <https://bit.ly/3dJgoj5>. "Endowed with extensive extralegal power, the dreaded mukhabarat surveil, and suppress, possible threats from external enemies, the domestic opposition, the army, the bureaucracy, and each other"; Thomas Pierret, "Syrian Arab Republic", in Sean Yom (ed.), *Government and Politics of the Middle East and North Africa: Development, Democracy, and Dictatorship*, 9th edition 2019, <https://bit.ly/2SC7omR>, p. 12. "The Syrian security apparatus encompasses the military and civil police forces, as well as four intelligence agencies. They are the Military Intelligence Directorate, the Air Force Intelligence Directorate, the General Intelligence Directorate, and the Political Security Directorate. Each of these agencies has headquarters in Damascus composed of several central branches and administers branches throughout the country, together holding thousands of detainees in their custody"; UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, para. 36. Siehe auch ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, pp. 5-8; SNHR, *Syrian Security Branches and Persons in Charge*, nicht datiert, <https://bit.ly/3cDg0p1N>.

¹⁰⁶⁰ Mit Ausbruch des syrischen Aufstands 2011 griffen lokale „Volkskomitees“ zu den Waffen, um die Regierung zu unterstützen und ihre Familien und Wohngebiete gegen bewaffnete oppositionelle Gruppen zu verteidigen. Ab Mitte 2012 wurden diese fragmentierten lokalen Gruppen zunehmend in die NDF integriert und einer übergeordneten Kommandostruktur unterstellt. Diese NDF-Einheiten haben während des gesamten Konflikts Seite an Seite mit SAA-Truppen gekämpft. Laut MEI: "NDF is a nationwide structure for some pro-government militias that focus on defending home areas and whose financial support varies throughout the country"; MEI, *As Iran Redeploys amid COVID-19, Russia is Filling the Vacuum in Eastern Syria*, 5 June 2020, <https://bit.ly/2zbpUMZ>. Siehe auch VOA, *Who Are Syria's National Defense Forces?*, 26 August 2020, <https://bit.ly/2FhxX7H>; International Review, *An Analysis of Syrian NDF Media: 2014-2018*, 19 July 2018, <https://bit.ly/2Y895eh>.

¹⁰⁶¹ Die Adler des Wirbelwinds sind der bewaffnete Flügel der Syrischen Sozialen Nationalistischen Partei/SSNP. (Ehemalige) Mitglieder der Adler des Wirbelwinds sind gegebenenfalls im Hinblick auf etwaige Handlungen, die zu einem Ausschluss führen und vor 2011 im Zusammenhang mit der Beteiligung Syriens am libanesischen Bürgerkrieg stattfanden, zu überprüfen. Zur Rolle der Gruppe im syrischen Konflikt siehe Clingendael Institute, *Eagles Riding the Storm of War: The Role of the Syrian Social Nationalist Party in the Civil War*, January 2019, <https://bit.ly/3cB6rCR>.

¹⁰⁶² Clingendael Institute, *The Syrian Desert Hawks: Flying no More*, February 2020, <https://bit.ly/3h49IOI>; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, <https://bit.ly/2UiMudT>.

Volksfront zur Befreiung Palästinas – Generalkommando / PFLP-GC¹⁰⁶³, Jerusalem-Brigade (*Liwa Al-Quds Al-Filastini*) und Free Palestinian Movement (FPM)¹⁰⁶⁴, sowie Gruppen, die mit ausländischen schiitischen Milizen in Verbindung stehen, einschließlich der libanesischen Hisbollah, der Quds-Force der Iranischen Revolutionsgarden (IRGC), irakischer Milizen (z. B. *Asaib Ahl al-Haq*, *Kataib Hizb Allah*, Badr-Organisation, *Harakat Hizb Allah Al-Nujaba* und *Kataib Sayyid Al-Shuhada*) sowie afghanischer (*Liwa Fatemiyoun*)¹⁰⁶⁵ und pakistanischer Milizen (*Zeinabiyoun Brigade*)¹⁰⁶⁶ (*nach 2011*);¹⁰⁶⁷

- v. (ehemalige) Mitglieder der Polizei, einschließlich insbesondere der Emergency Police und der Riot Police (*vor und nach 2011*);
- vi. (ehemalige) Staatsanwälte und Richter, die für das Oberste Staatssicherheitsgericht / SSSC (1966 bis 2011), das Wirtschaftssicherheitsgericht / ESC (1977 bis 2004), das Anti-Terror-Gericht (*seit Juli 2012*) sowie Strafgerichte und militärische Feldgerichte (*vor und nach 2011*) gearbeitet haben;¹⁰⁶⁸
- vii. (ehemalige) Mitarbeiter von Gefängnissen und Haftanstalten, insbesondere Direktoren, Verwaltungsbeamte, Wärter und Aufseher (*vor und nach 2011*);
- viii. (ehemalige) Mitglieder von Gruppen, die der UN-Sicherheitsrat als terroristische Vereinigungen eingestuft hat, einschließlich HTS (früher Al-Nusra-Front / Jabhat Fatah al-Sham), Al-Qaida und ISIS (*nach 2011*);¹⁰⁶⁹
- ix. (ehemalige) Mitglieder bewaffneter oppositioneller Gruppen / Bündnisse, einschließlich Gruppen, die mit der FSA, der NLF und der SNA verbunden sind (*nach 2011*);
- x. (ehemalige) Mitglieder der Muslimbruderschaft (*Jama'at Al-Ikhwan Al-Muslimun*) (*insbesondere zwischen 1976 und 1982*);¹⁰⁷⁰
- xi. (ehemalige) Mitglieder der kurdisch dominierten bewaffneten Truppen und Sicherheits-/Geheimdienste, einschließlich SDF (*Quwwat Suriya Al-Dimuqatiya*), YPG, YPJ, interner Sicherheitsdienste der AANES (*Asayish*), Militärrat der Suryoye / MFS, Sutoro (Assyrisches Sicherheitsbüro, bewaffneter Flügel der Assyrischen Einheitspartei / SUP) (*nach 2011*);
- xii. (ehemalige) Mitglieder von Gruppen und Netzwerken, die an Aktivitäten der organisierten Kriminalität beteiligt sind (*vor und nach 2011*).

¹⁰⁶³ (Ehemalige) Mitglieder der PFLP-GC sind gegebenenfalls im Hinblick auf etwaige Handlungen zu überprüfen, die vor 2011 stattfanden und zu einem Ausschluss führen.

¹⁰⁶⁴ SNHR, *3,196 Syrian Palestinians Were Killed by Syrian Regime Forces, Including 491 Due to Torture, Between March 2011 and July 2020, and 49 Appeared in Caesar Photos*, 29 July 2020, <https://bit.ly/33xXOsb>, pp. 10-11; The Long War Journal, *Palestinian Militia Reports High Number of Fatalities on Syria's Frontlines*, 3 June 2019, <https://bit.ly/3dJa9f9>; Omran Center for Strategic Studies, *Military Actors and Structures in Syria in 2018*, 31 December 2018, <https://bit.ly/2A0XwO8>, p. 91; Shabaka, *Palestinians and the Syrian War: Between Neutrality and Dissent*, 29 January 2017, <https://bit.ly/2Y7etOR>.

¹⁰⁶⁵ Atlantic Council, *Factbox: Iranian influence and Presence in Syria*, 5 November 2020, <https://bit.ly/32LMdEE>; Long War Journal, *Iranian-Founded Afghan Shia Militia Celebrates 7th Anniversary in Aleppo*, 12 May 2020, <https://bit.ly/2UmKdyq>; MEI, *Understanding the Fatemiyoun Division: Life Through the Eyes of a Militia Member*, 22 May 2019, <https://bit.ly/3hcyAUy>.

¹⁰⁶⁶ The Arab Gulf States Institute in Washington, *Using Syria as a Training Ground: The Case of the Pakistani Zeinabiyoun Brigade*, 17 July 2018, <https://bit.ly/2XDM5ok>.

¹⁰⁶⁷ VOA, *How Qassem Soleimani Managed Iran's Proxies in the Middle East*, 7 January 2020, <https://bit.ly/2MD7yrq>; Carnegie MEC, *Russia and Syrian Military Reform: Challenges and Opportunities* 26 March 2020, <https://bit.ly/2XG0Abb>; MEI, *The Lion and the Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, <https://bit.ly/2UiMudT>; Washington Institute, *The Shia Militia Mapping Project*, May 2019, <https://bit.ly/2MFthi4>; Carnegie Endowment for International Peace, *Tehran's Shia Foreign Legions*, 30 January 2018, <https://bit.ly/2UjSpPJ>.

¹⁰⁶⁸ ICTJ, *Syria's Detained, Abducted, and Forcibly Disappeared*, May 2020, <https://bit.ly/2Bzsqx9>, pp. 14-15. Siehe auch UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, www.refworld.org/docid/56b9f4c24.html, para. 16; und Kapitel II.E.1.

¹⁰⁶⁹ UNSC, *Security Council Resolution 2253 (2015) [on Renaming of Al-Qaida Sanctions Committee as "1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee" and the Al-Qaida Sanctions List as "ISIL (Da'esh) and Al-Qaida Sanctions List" and on Extension of the Mandate the Office of the Ombudsperson for a Period of 24 Months from the Sate of Expiration of Its Current Mandate in Dec. 2017]*, 17 December 2015, S/RES/2253 (2015), www.refworld.org/docid/56ec00684.html. Die konsolidierte Liste des UN-Sicherheitsrats ist hier abrufbar: www.refworld.org/docid/56ec00684.html.

¹⁰⁷⁰ Counterterrorism Project, *The Muslim Brotherhood in Syria*, Zugriff am 28. Februar 2021, <https://bit.ly/2Y770za>; Washington Institute for Near East Policy, *Sectarianism in Syria's Civil War*, 2018, www.ecoi.net/en/document/2026613.html, p. 8; Carnegie MEC, *The Muslim Brotherhood in Syria*, February 2012, <https://bit.ly/3h2YiKX>.

IV. Moratorium für Zwangsrückführungen

Angesichts des anhaltenden Konflikts, der Unsicherheit und der Kontaminierung mit explosiven Kampfmittelrückständen, schwerwiegender Bedenken hinsichtlich der Rechtsstaatlichkeit¹⁰⁷¹ und weitverbreiteter Menschenrechtsverletzungen¹⁰⁷², einschließlich gegenüber Rückkehrern¹⁰⁷³, eines fragmentierten Gemeinwesens und des Fehlens echter Versöhnungsbemühungen¹⁰⁷⁴, massiver Zerstörung und Beschädigung von Wohneigentum, kritischen Infrastrukturen und landwirtschaftlich genutzten Flächen¹⁰⁷⁵ sowie zunehmender wirtschaftlicher und humanitärer Krisen, die sich durch die COVID-19-Pandemie verschärfen¹⁰⁷⁶, ersucht UNHCR die Staaten weiterhin, syrische Staatsangehörige und Personen, die früher ihren gewöhnlichen Aufenthalt in Syrien hatten, einschließlich Palästinensern mit ehemaligem Wohnsitz in Syrien, nicht zwangsweise nach Syrien rückzuführen, unabhängig davon, ob das betreffende Gebiet von der Regierung oder von einer staatlichen oder nichtstaatlichen Organisation kontrolliert wird. UNHCR ruft den Staaten darüber hinaus in Erinnerung, dass weiterhin Beschränkungen für den Zugang humanitärer Hilfsorganisationen bestehen¹⁰⁷⁷, was den freien und ungehinderten Zugang zu Rückkehrern einschränkt.¹⁰⁷⁸ In den meisten Fällen wäre eine zwangsweise Rückkehr zudem irreversibel, da die Nachbarländer ihre Grenzen zu Syrien streng kontrollieren.¹⁰⁷⁹

Darüber hinaus ist UNHCR weiter der Auffassung, dass es nicht angemessen wäre, syrische Staatsangehörige und Personen, die früher ihren gewöhnlichen Aufenthaltsort in Syrien hatten, in Nachbarländer und andere, nicht unmittelbar angrenzende Länder in der Region zwangsweise rückzuführen, sofern keine besonderen Vereinbarungen getroffen wurden, die gewährleisten, dass die Betroffenen wieder in das Land einreisen dürfen und wieder internationalen Schutz in Anspruch nehmen können.

UNHCR setzt sich für die Achtung des fundamentalen Menschenrechts der Rückkehr in das Herkunftsland ein. Jegliche Unterstützung, die UNHCR bei der Rückkehr nach Syrien leistet, richtet sich an schutzbedürftige Personen, die sich in voller Kenntnis der Situation in ihrem Herkunftsort oder einer alternativen Region ihrer Wahl freiwillig für eine Rückkehr entscheiden. Jegliche Maßnahmen, mit denen UNHCR eine freiwillige Rückkehr nach Syrien unterstützt, einschließlich Bemühungen für eine nachhaltige Wiedereingliederung von Rückkehrern und Binnenvertriebenen in Syrien, sind nicht als eine von UNHCR vorgenommene Beurteilung der Sicherheitslage oder anderer Aspekte der Lage in Syrien in Bezug auf Menschen anzusehen, die in Asylländern Flüchtlingschutz beantragt haben. Freiwillige Rückkehr und zwangsweise Rückführung sind zwei grundverschiedene Situationen, die bei den zahlreichen beteiligten Akteuren unterschiedliche Verantwortlichkeiten auslösen. Bis die Voraussetzungen für eine freiwillige Rückkehr in Sicherheit und Würde geschaffen sind, ist es weiterhin unerlässlich, einen Schutzraum für Flüchtlinge aus Syrien, einschließlich Personen, die früher ihren gewöhnlichen Aufenthaltsort in Syrien hatten, aufrechtzuerhalten und die Bedingungen beizubehalten, die den Betroffenen gewährleisten, dass sie in den Aufnahmeländern bleiben können und ihre Rechte dort gewahrt werden.

¹⁰⁷¹ Siehe Kapitel II.B und II.C.

¹⁰⁷² Siehe Kapitel II.E.

¹⁰⁷³ Siehe Kapitel III.A.1.e.

¹⁰⁷⁴ Siehe Kapitel II.F.2.a.

¹⁰⁷⁵ Siehe Kapitel II.F.1.

¹⁰⁷⁶ Siehe Kapitel II.F.1.

¹⁰⁷⁷ Siehe Kapitel II.F.3.

¹⁰⁷⁸ Siehe Kapitel II.D.3.

¹⁰⁷⁹ Siehe Kapitel II.D.1.

UNHCR, das UN- Flüchtlingshilfswerk

UNHCR-Erwägungen zum Schutzbedarf von Personen, die aus der **Arabischen Republik Syrien** fliehen

6. aktualisierte Fassung

März 2021

UNHCR, das UN-Flüchtlingshilfswerk

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