

## Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria

### 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”

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The International Protection Considerations (Update V) provide UNHCR’s guidance on the international protection needs of asylum-seekers from Syria.<sup>1</sup> The present document provides relevant and up-to-date additional country of origin information (COI) relating to specific risk profiles and issues to assist decision-makers in asylum procedures with the application of the guidance provided by UNHCR in the International Protection Considerations (Update V).

UNHCR considers that,

*“(...) persons opposing, or perceived to be opposing, the Government, including civilians originating from, or residing in, areas perceived to be opposing the government, are likely to be in need of international refugee protection on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.”<sup>2</sup>*

It further considers that

*“(...) persons, who evaded conscription into compulsory or reservist military service or have deserted from the armed forces, are likely to be in need of international refugee protection on the basis of their political opinion or imputed*

<sup>1</sup> UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, [www.refworld.org/docid/59f365034.html](http://www.refworld.org/docid/59f365034.html).  
<sup>2</sup> *Ibid.*, p. 39.

*political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.*<sup>3</sup>

Furthermore, in its 2013 *Guidelines on Claims to Refugee Status Related to Military Service*,

*“(...) UNHCR has observed that recognizing the right of individuals to object to military service on the grounds that serving in the army would mean having to engage in activities which constitute violations of international humanitarian, criminal or human rights law, and granting refugee status in such cases, is consistent with the rationale underlying the exclusion clauses in the 1951 Convention.”*<sup>4</sup>

Available country of origin information demonstrates that the Syrian Government has harshly suppressed anti-government protests since 2011, and continues to violently suppress and punish any real or perceived dissent in areas under its control.<sup>5</sup> It employs very broad criteria when determining what constitutes political dissent: any criticism, opposition or insufficient loyalty to the government expressed in any way or form<sup>6</sup> regularly results in serious repercussions for the individual.<sup>7</sup>

Amongst those regularly perceived to be holding an anti-government opinion are civilians (and particularly men and boys of fighting-age) from (formerly) opposition-held

<sup>3</sup> UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, [www.refworld.org/docid/59f365034.html](http://www.refworld.org/docid/59f365034.html), p. 43.

<sup>4</sup> 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*, 3 December 2013, [www.refworld.org/docid/529ee33b4.html](http://www.refworld.org/docid/529ee33b4.html), paras 21, 22, 26-30.

<sup>5</sup> “President Bashar al-Assad’s government systematically detains, tortures and kills political opponents in Syria”; European Center for Constitutional and Human Rights (ECCHR), *2019 ECCHR Annual Report*, 2020, <https://bit.ly/35q9ufv>, p. 11. “The regime routinely characterized expression as illegal, and individuals could not criticize the regime publicly or privately without fear of reprisal. (...) It monitored political meetings and relied on informer networks”; US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html). “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, <https://freedomhouse.org/country/syria/freedom-world/2020>. See also, UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, [www.refworld.org/docid/59f365034.html](http://www.refworld.org/docid/59f365034.html), pp. 35-36 (and sources referenced therein).

<sup>6</sup> On the reported monitoring of critics’ online activities, including through a centralized surveillance system run by Syrian telecommunication companies, see: “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](http://www.ecoi.net/en/document/2026345.html). “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*, accessed 7 May 2020, <https://bit.ly/2xwGdD0>. See also, Hivos, *Silencing Across Borders: Transnational Repression and Digital Threats Against Exiled Activists from Egypt, Syria, and Iran*, February 2020, <https://bit.ly/3a7FTb5>; Freedom House, *Freedom on the Net 2019 – Syria*, 4 November 2019, <https://freedomhouse.org/country/syria/freedom-net/2019>.

<sup>7</sup> “According to Kristyan Benedict, Amnesty International UK’s crisis campaigns manager, “[A]nybody who the regime suspects of being disloyal can be a target for detention in Assad’s nightmarish prison system where torture remains systematic and widespread – these include political activists, protesters, human rights defenders, journalists, lawyers, doctors and humanitarian aid workers.” Nicholas Heras of the Centre for a New American Security assessed that “(...) anyone with ties to the opposition, even distantly, or to foreign actors like the United States and Turkey, are enemies. (...) It [the government] still feels vulnerable and it therefore is in no mood for leniency or any compromises”; (emphasis added); The Independent, *Assad Regime Detains Thousands of Syrians in Crackdown on Recaptured Areas*, 6 June 2019, <https://bit.ly/2V1UwIS>.

areas;<sup>8</sup> draft evaders and deserters;<sup>9</sup> local council members;<sup>10</sup> activists;<sup>11</sup> journalists and citizen journalists;<sup>12</sup> humanitarian workers and civil defence volunteers;<sup>13</sup> medical personnel;<sup>14</sup> human rights defenders;<sup>15</sup> and academics.<sup>16</sup>

- <sup>8</sup> "In Duma, Jalaa, and Dhameer towns [Rural Damascus Governorate], GoS forces also conducted three large arrest operations for military aged males"; The Carter Center, *Weekly Conflict Summary | 23 - 29 September 2019*, 4 October 2019, <https://bit.ly/2W3I2iT>, p. 4. "In Yabrud and Qalamun (Rif Dimashq), for example, dozens of men aged between 20 and 25 years were arrested and forcibly disappeared during the period under review"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, [www.ecoi.net/en/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 67. "The Commission has previously documented a widespread and systematic pattern in which **men above the age of 15 years** had been arbitrarily arrested and detained by Government security, armed forces, or militia acting on their behalf during mass arrests, at checkpoints, or during house searches" (emphasis added); UN Human Rights Council, *Death Notifications in the Syrian Arab Republic*, 28 November 2018, <https://bit.ly/2FypAsI>, para. 1.
- <sup>9</sup> "During the reporting period, activists, civil defence volunteers, **conscript deserters**, recent returnees and others generally perceived to be opposition supporters **were the most likely to be detained arbitrarily**" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, <https://bit.ly/2nHPkvi>, para. 73. "Syrian Regime forces also carried out raids and mass arrests targeting all segments of society aged between 18 and 42 years, with the aim of forced conscription and reserve military service in their forces"; Syrian Network for Human Rights (SNHR), *At least 441 Cases of Arbitrary Arrests Documented in Syria in September 2019*, 2 October 2019, <https://bit.ly/2pa5yy2>, p. 5. "Those that were arrested were transferred to security branches for interrogation before being referred to the military judiciary. Dozens [of Palestinian draft evaders] were tortured to death during the process"; Omran for Strategic Studies, *The Syrian Military Establishment in 2019 – Sectarianism, Militias and Foreign Investment*, May 2019, <http://bit.ly/2XiPeGZ>, pp. 72-73. See also, The Washington Institute, *Can Assad's Demobilization, Demilitarization, and Rehabilitation Strategy Actually Consolidate Syria's Paramilitary Forces?*, 6 March 2019, <https://bit.ly/2WSC6sH>; Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, <https://bit.ly/2Yqfzn9>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, <https://bit.ly/2nHPkvi>, para. 73; Middle East Monitor, *Photo of Shackled Syria Men Forced to Serve in Military Goes Viral*, 4 December 2018, <https://bit.ly/2VyvHkF>.
- <sup>10</sup> "Another group targeted for arrests are former members of the 'local councils' that operated, and provided administrative governance, in eastern Ghouta while rebel factions controlled the territory"; Atlantic Council, *Breaking Ghouta Post-Reconciliation*, accessed 7 May 2020, <https://bit.ly/35hivXC> (with examples). See also, Syria Direct, *A Year After "Reconciliation": Arrests and Disappearances Abound in Southern Syria*, 18 July 2019, <https://bit.ly/2GiADW1>; European Institute for Peace (EIP), *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, pp. 30, 31; Enab Baladi, *A Year after the Syrian Alienation: How Has the Situation in Eastern Ghouta Changed?*, 21 February 2019, <https://wp.me/p7cv3Y-d18>; Qantara, *Local Government under Syria's Opposition: Of the People, by the People, for the People*, 20 December 2018, <https://bit.ly/2PsL273>.
- <sup>11</sup> "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, <https://freedomhouse.org/country/syria/freedom-world/2020>. See also, Syrian Observatory for Human Rights (SOHR), *Large-Scale Arrest Operation in Zabadani City West of Rif Dimashq after the Spread of Writings on Walls of the City Against the Syrian Regime*, 17 September 2019, <https://bit.ly/32MlwNX>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, <https://bit.ly/2nHPkvi>, para. 73.
- <sup>12</sup> "(...) freedom of expression is heavily restricted in government-held areas, and journalists or ordinary citizens who criticize the state face censorship, detention, torture, and death in custody"; Freedom House, *Freedom in the World 2019 – Syria*, 4 February 2019, [www.ecoi.net/en/document/2016055.html](http://www.ecoi.net/en/document/2016055.html). "Since antigovernment protests broke out in 2011, the authorities have detained hundreds of internet users, including several well-known bloggers and citizen journalists. (...) Once in custody, citizen journalists, bloggers, and other detainees frequently endure beatings and torture at the hands of government authorities"; Freedom House, *Freedom on the Net 2018 – Syria*, 1 November 2018, [www.ecoi.net/en/document/2001025.html](http://www.ecoi.net/en/document/2001025.html). See also, Reporters Sans Frontières (RSF), *Syria – Unbearable Environment*, accessed 7 May 2020, <https://rsf.org/en/syria>; Committee to Protect Journalists (CPJ), *Syrian Journalist Alaa Nayef al- al-Khalidi Died under State Torture, Official Tells Family*, 22 July 2019, <https://cpj.org/x/78b8>; Syria Direct, *With Return of 'Kingdom of Silence,' Journalists Contending with Checkpoints, Secret Police in Government-Held Syria – Report from the Shadows*, 10 December 2018, <http://bit.ly/2mWePJE>.
- <sup>13</sup> "(...) 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/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 69. On the targeting of rescue workers, including members of the White Helmets (Syria Civil Defense), by government forces, see e.g., SNHR, *The Most Notable Violations Against the Humanitarian Field During the Conflict in Syria*, 13 March 2019, <https://bit.ly/2TKIzYe>, p. 5; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 31 January 2019, <https://bit.ly/2nHPkvi>, para. 73; Human Rights Watch (HRW), *White Helmets Evacuation Shows What Can Be Accomplished in Syria*, 23 July 2018, <https://bit.ly/2LGySCO>.

This document provides country of origin information about three of these sub-profiles (protestors/activists, draft evaders and persons from formerly opposition-held areas, with a particular focus on Al-Tal town in Rural Damascus Governorate as a concrete example). In addition, information is provided in respect to the issuance and application of partial amnesty decrees; the issuance of national passports abroad; and possible risks upon return to Syria.

As noted in UNHCR's International Protection Considerations (Update V), an overall assessment of an applicant's claim for international protection will have to take into account all elements relevant to his or her claim, including all aspects of the applicant's profile as well as all other relevant circumstances of the case such as the applicant's place of origin/residency and conflict-related developments in the area, religious/ethnic background, gender, age, professional/educational background, family and tribal links, political activities, military service duty and the mode of departure (legal/illegal exit). Given that parties to the conflict in Syria use very broad criteria to attribute political affiliation to individuals and whole groups or communities, it is of particular importance to carefully assess cases in a holistic manner. For this purpose, **an assessment of whether the applicant meets the criteria of the refugee definition in the 1951 Convention must consider each aspect of the applicant's profile, taken alone and in combination with each other.**

## 1. Participation in Anti-Government Protests

In 2011 and 2012, anti-government protests were violently suppressed by the government, with protestors and those perceived to be supporting the protests subjected to arbitrary arrest, enforced disappearance, torture and other forms of ill-treatment, prosecutions under the overly broad counterterrorism law of 2012 and without due regard for defendants' right to a fair trial in counter-terrorism and military

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<sup>14</sup> "Throughout the conflict in Syria, the Syrian government has systematically targeted medical facilities and personnel, killing doctors, nurses, and others as they care for the sick and injured in hospitals, clinics, and in the field. Health professionals have also been arrested, disappeared, imprisoned, tortured, and executed – often for upholding their professional commitment to treat all patients, regardless of political affiliation. PHR has documented the deaths of 912 medical personnel from the start of the conflict in 2011 through August 2019"; Physicians for Human Rights (PHR), *Medical Personnel Are Targeted in Syria*, 2019, <https://bit.ly/2mt9okH>. See also, New York Times, *Where Doctors Are Criminals*, 20 December 2019, <https://nyti.ms/2FqSDN4>; Atlantic Council, *Breaking Ghouta Post-Reconciliation*, accessed 7 May 2020, <https://bit.ly/35hivXC> (with examples); SOHR, *The Regime's Security Forces Arrest a Doctor and a Number of Nurses from Douma City in the Countryside of the Capital Damascus*, 28 September 2019, <https://bit.ly/2onRaCz>; World Medical Association, *World's Health Professionals Call for an End to Syria Hospital Air Strikes*, 16 September 2019, <https://bit.ly/2pJn6BL>; Amnesty International, *Syria: Families Left Alone to Find Answers about Disappeared Relatives*, 30 August 2019, <https://bit.ly/2MKH2yg>.

<sup>15</sup> "The Syrian government and its allies have also systematically targeted health facilities and health workers as part of a wider strategy of war aimed at breaking civilian populations and forcing them into submission. (...) the majority of the formerly detained health workers interviewed by PHR were arrested by Syrian government forces specifically because of their status as care providers, and their real or perceived involvement in the provision of health services to opposition members and sympathizers"; PHR, "My Only Crime Was That I Was a Doctor" – *How the Syrian Government Targets Health Workers for Arrest, Detention, and Torture*, 4 December 2019, <https://bit.ly/37YWYnQ>. See also, Frontline Defenders, #Syria, accessed 7 May 2020, <https://bit.ly/35R1vrD>; Amnesty International, *Syria: Families Left Alone to Find Answers about Disappeared Relatives*, 30 August 2019, <https://bit.ly/2MKH2yg>; UN Office of the High Commissioner for Human Rights (OHCHR), "The Syrian Crisis Is Breaking Our World" – *Briefing to the Security Council under Arria Formula on the Situation in the Middle East (Syria): Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein*, 19 March 2018, <https://bit.ly/2m6SZC8>.

<sup>16</sup> "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, <https://freedomhouse.org/country/syria/freedom-world/2020>.



field courts, as well as summary and extra-legal executions at the hands of government forces.<sup>17</sup> According to the Independent International Commission of Inquiry,

*“the Syrian Government perpetrated the crimes of extermination, murder, rape or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions of dissidents, as well as those perceived to be sympathetic to armed groups.”<sup>18</sup>*

Large numbers of protestors have been arbitrarily arrested during protests, during security raids that regularly followed protests, as well as from their homes, workplaces, schools, and from hospitals. Arrests were reported to have occurred irrespective of an individual’s level of involvement: protest bystanders, protestors, protest organizers and leaders, as well as those who provided any kind of assistance to protestors (e.g. providing medical assistance to wounded protestors, providing information to media and human rights organizations, or harbouring protestors) or those who showed sympathies for the protests have been targeted for arbitrary arrest and detention.<sup>19</sup> An

<sup>17</sup> “(...) 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 (...). Detainees and individuals forcibly disappeared by Syrian Regime forces are subjected to exceptionally brutal and sadistic methods of torture, which have **assumed a vengeful character since the popular uprising for democracy began in March 2011**” (emphasis added); SNHR, *At Least 156 Cases of Arbitrary Arrests Documented in Syria in March 2020*, 2 April 2020, <https://bit.ly/2VQUToP>, pp. 5, 6. “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” (emphasis added); US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html). “By furthering an all-encompassing definition of terrorism, the Syrian regime equips itself with a legal tool that can be interpreted broadly as criminalizing not only horrific acts of terrorism but also peaceful human rights activity and dissent; contributing to a climate of fear in which everyday citizens may hesitate to partake in constitutionally and internationally protected activities (...);” TIMEP, *TIMEP Brief: Law No.19 of 2012: Counter-Terrorism Law*, 1 July 2019, <https://bit.ly/2n9Nzre>. HRW “documented that Syrian authorities have used overbroad language in the counterterrorism law to criminalize providing humanitarian aid, recording human rights abuses, and engaging in peaceful dissent”; HRW, *Syria: Suspects’ Families Assets Seized*, 16 July 2019, <https://bit.ly/2Y5MvAB>. “(...) military field court have continued to try civilians and have been an effective tool for the liquidation of political opponents **and peaceful protestors during the years of the current conflict**” (emphasis added); Omran for Strategic Studies, *The Syrian Military Establishment in 2019 – Sectarianism, Militias and Foreign Investment*, May 2019, <http://bit.ly/2XiPeGZ>, p. 139. “(...) arrests were frequently made based **on the suspicion that an individual would be participating in a protest**”; Syrian Justice and Accountability Centre (SJAC), *Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents*, April 2019, <https://bit.ly/2VBzAZA>, p. 21.

<sup>18</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, *Detention in the Syrian Arab Republic: A Way Forward*, 8 March 2018, <https://bit.ly/3caSGeX>, para. 12.

<sup>19</sup> See, for example: “In response to the protests that broke out across the country in 2011, the government launched a coordinated campaign to arrest, detain and forcibly disappear **peaceful opponents of the government**. At the outset, **its primary targets for arrest were peaceful demonstrators and long-standing political activists**” (emphasis added); Amnesty International, *‘Between Prison and the Grave’ – Enforced Disappearances In Syria*, 5 November 2015, [www.refworld.org/docid/563b1c3a4.html](http://www.refworld.org/docid/563b1c3a4.html), p. 27. “In 2011, Government forces reportedly targeted schools where students and teachers were **believed to be participating in anti-Government demonstrations**. Witnesses reported that schools were damaged or destroyed, and many schoolchildren and teachers were arrested at school” (emphasis added); UN Secretary-General, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, 27 January 2014, S/2014/31, [www.refworld.org/docid/52f222744.html](http://www.refworld.org/docid/52f222744.html), para. 41. “Military commanders undertook a coordinated policy together with intelligence agencies to **target civilian protesters through mass arrests and enforced disappearances in 2011 and early 2012**” (emphasis added); UN Human Rights Council, *Without a Trace: Enforced Disappearances in Syria*, 19 December 2013, [www.refworld.org/docid/52b44c234.html](http://www.refworld.org/docid/52b44c234.html), para. 13. “Defectors, **activists and fighting-age men** were systematically sought out during these operations [against strongholds of the armed opposition]. (...) Most arrests were made in four situations: those believed to be planning to defect or who had refused to follow orders (usually to open fire on civilians); during house searches;

analysis of a sample set of 5,000 documents taken from government facilities undertaken by the Syrian Justice and Accountability Centre (SJAC) showed that the government made no distinction between protestors, government critics, members of armed groups and terrorists; rather, they were all broadly considered as “*inciting elements*” and as such singled out for arrest.<sup>20</sup> Arrests were also made in order to

at checkpoints; **and protestors, either at or subsequent to protests**” (emphasis added); 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](http://www.refworld.org/docid/503485d02.html), paras. 52, 66. “The Government has continued to arbitrarily arrest and detain **suspected protestors**, opposition activists, human rights defenders and deserters. Arbitrary arrests typically were not formally acknowledged and suspects were often held incommunicado without their families being notified about their arrest or whereabouts. (...) During protests, military and security forces would often encircle the protestors. Those arrested, including the wounded among them, would be transported in Government buses and trucks to detention centres operated by security agencies, sometimes after being temporarily held in facilities such as sports stadiums or schools. In addition, soldiers and security agents often carried out arrests at checkpoints on the basis of lists of wanted persons prepared by the local security branch. (...) Security agencies continued to systematically arrest wounded patients in State hospitals and to interrogate them, often using torture, about their **supposed participation in opposition demonstrations or armed activities**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 22 February 2012, A/HRC/19/69, [www.refworld.org/docid/50d2f40c2.html](http://www.refworld.org/docid/50d2f40c2.html), paras 58-59, 63. “The defectors described large-scale arbitrary arrests during protests and at checkpoints, as well as ‘sweep’ operations in residential neighborhoods in a number of governorates. Defectors who participated in such operations said that they conducted the arrests either on the basis of lists of wanted individuals that they received from their commanders or **more general orders to arrest the protestors** or residents of specific neighborhoods” (emphasis added); HRW, “By All Means Necessary!': Individual and Command Responsibility for Crimes Against Humanity in Syria, 15 December 2011, [www.refworld.org/docid/4f05a2c92.html](http://www.refworld.org/docid/4f05a2c92.html), p. 41. “According to many accounts gathered, arbitrary arrests and unlawful detentions were widespread and occurred at an alarming rate in places such as Homs, Hama, Jisr AlShughour, Dara and in Rif Dimashq, regarded as supportive of the protest movement”. (...) Other arrests targeted activists **who participated or helped to organize demonstrations** and whose names appeared on security forces’ lists” (emphasis added); 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](http://www.refworld.org/docid/4edde9d02.html), paras 52, 55. “The 88 individuals reported to have died in custody after being detained for **their actual or suspected involvement in the pro-reform protests** were of a wide variety of ages. (...) Although Amnesty International has, in many cases, only limited details about the reported arrests, **many appear to have taken place during or in the wake of protests** (...) Since the protests began, the Syrian security forces have arrested thousands of people. Mass arrests have been carried out, especially in the cities and towns where large popular protests have taken place. People have been **arrested because they are believed by the authorities to have organized or openly supported the protests, whether orally in public gatherings, in the media, on the internet or elsewhere**. (...) During the ongoing unrest in 2011, numerous forms of torture and other ill-treatment have been reported (...). Such treatment appears to have been used both as a means to obtain a ‘confession’ and as a way of punishing those who protest and intimidating others into not joining them” (emphasis added); Amnesty International, *Deadly Detention: Deaths in Custody amid Popular Protest in Syria*, 31 August 2011, [www.refworld.org/docid/4e5f286d2.html](http://www.refworld.org/docid/4e5f286d2.html), pp. 7, 9. “A clear widespread or systematic policy appears to have been in place whereby security forces **targeted people suspected of having taken part in demonstrations, with a view to intimidating and terrorizing them as a way of quelling protests**. (...) Many reports spoke of security forces breaking into people’s homes and beating civilians, including women and children” (emphasis added); OHCHR, *Report of the Fact-Finding Mission on Syria Pursuant to Human Rights Council Resolution S-16/1*, August 2011, [www.refworld.org/docid/4e4e2ba72.html](http://www.refworld.org/docid/4e4e2ba72.html), para. 86. “Syrian security forces have intensified their campaign of **mass arrests in cities across the country that have had anti-government protests**. (...) Since the beginning of the protests in March [2011], the Syrian security forces have arrested **known activists and suspected protest organizers**, but arrests have intensified in recent weeks. (...) Security forces have **arrested dozens of people at a time, both during protests and in house-to-house raids in areas where protests have taken place**” (emphasis added); HRW, *Syria: Mass Arrest Campaign Intensifies*, 20 July 2011, [www.refworld.org/docid/4e4cd5c22.html](http://www.refworld.org/docid/4e4cd5c22.html). “Syrian security and intelligence services have arbitrarily detained **hundreds of protestors across the country**, subjecting them to torture and ill-treatment, since anti-government demonstrations began in mid-March 2011 (...). The security and intelligence services, commonly referred to as mukhabarat, have **also arrested lawyers, activists, and journalists who endorsed or promoted the protests**” (emphasis added); HRW, *Syria: Rampant Torture of Protesters*, 15 April 2011, [www.refworld.org/docid/4dad204d1e.html](http://www.refworld.org/docid/4dad204d1e.html).

<sup>20</sup> “A review of 164 high priority pages about detention (...) shed considerable light on the government’s arrest practices. The majority of pages related to detention in the sample set were about individuals detained for protesting or for other forms of expression, including, in one case, for simply cursing the President during a dinner gathering. Despite this emphasis, however, it should be noted that the pages often lumped protestors, critical reporters (i.e., ‘enemy media’), members of armed groups, and terrorists into a single category of ‘inciting elements.’ In some cases, the terms appeared to be used interchangeably. (...) The pages frequently used the

prevent protests from happening.<sup>21</sup> SJAC further found that the government used phone surveillance and a wide network of informants to identify those participating in protests.<sup>22</sup> Finally, the high number of individuals arrested further indicates that not only protest leaders or persons in “prominent roles” were targeted for arbitrary arrest.<sup>23</sup> The Syrian Network for Human Rights (SNHR) called the government’s arrest campaigns an “*enforced disappearance policy*” employed against civilians with the aim of “*detering the society from supporting any popular movement against it.*”<sup>24</sup>

Many individuals who had participated in the 2011 anti-government protests are reported to remain in detention or their whereabouts unknown, and former protestors continue to be at risk of arbitrary arrest.<sup>25</sup> Since 2012, new protests or other forms of anti-government expressions have been very rare in government-controlled areas, and

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words ‘riot inciters’ and ‘violence inciters,’ which were **likely referring to anyone who participated in a demonstration, including peaceful protesters.** Numerous pages included wanted lists of those who had participated in protests, and also included evidence of detention and killing of protesters” (emphasis added); SJAC, *Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents*, April 2019, <https://bit.ly/2VBzAZA>, pp. 16, 21.

<sup>21</sup> “Some pages in the sample set showed that arrests were also used as a tactic to deter protests from occurring in the first place”; SJAC, *Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents*, April 2019, <https://bit.ly/2VBzAZA>, p. 17.

<sup>22</sup> “On the day protests began in Syria, according to the documents, the Military Intelligence Directorate ordered an increase in combat readiness and an ‘activation of informants’ throughout the country. Another page included an admission that informants were used as plants at protests to break up demonstrations and that the security sector relied on informants to provide names of people who participated in protests. (...) When relying on tips from informants and acquaintances, there was no information that the security branches conducted an investigation prior to the arrest. Only after the arrest did they determine whether the information was false. In such instances of false accusations, they nonetheless ran a background check on the individuals and held them in case they found any other information to link them to ‘incitement.’ (...) Many pages recorded the monitoring of cell phones and messages, often relying on tips from informants, and arrests were frequently made based on the suspicion that an individual would be participating in a protest”; SJAC, *Walls Have Ears: An Analysis of Classified Syrian Security Sector Documents*, April 2019, <https://bit.ly/2VBzAZA>, pp. 15-16, 17, 21.

<sup>23</sup> “At least 10,000 people, including many women and children, have also been imprisoned – and in many cases tortured – for protesting”; Al-Jazeera, *Citizens’ Videos Capture Syrian Uprising*, 7 March 2013, <https://bit.ly/2yBJqtM>. HRW estimated in December 2011 that “Syrian security forces have killed more than 4,000 protesters, injured many more, and arbitrarily arrested tens of thousands across the country, subjecting many of them to torture in detention”; HRW, “By All Means Necessary! Individual and Command Responsibility for Crimes Against Humanity in Syria”, 15 December 2011, [www.refworld.org/docid/4f05a2c92.html](http://www.refworld.org/docid/4f05a2c92.html), p. 2. OHCHR estimated in early November 2011 that “at least 3,500 civilians had been killed by State forces since March 2011 [in the context of the government’s violent response to the protests]. Thousands are also reported to have been detained, tortured and ill-treated”; 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](http://www.refworld.org/docid/4edde9d02.html), para. 28.

<sup>24</sup> SNHR, *No Less than 95,000 Forcibly-Disappeared Persons in Syria since March 2011: A Tunnel with No End*, 30 August 2018, <https://bit.ly/3caQKd8>, p. 9.

<sup>25</sup> US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html); Freedom House, *Freedom in the World 2020 – Syria*, March 2020, <https://freedomhouse.org/country/syria/freedom-world/2020>. “The families of tens of thousands of people who have been forcibly disappeared or abducted since the onset of the crisis in Syria in 2011 have suffered years of agony in the face of government denials and insufficient support from the international community (...). Those forcibly disappeared include peaceful opponents of the government including demonstrators, human rights activists, journalists, doctors and humanitarian workers. Others were targeted because they were perceived to be disloyal to the government or because they had relatives wanted by the authorities”; Amnesty International, *Syria: Families Left Alone to Find Answers About Disappeared Relatives*, 30 August 2019, <https://bit.ly/3fjOWtz>. “Sara Kayyali, Syria researcher for Human Rights Watch, explains that for years, the government of Bashar al-Assad has used imprisonment and torture as a way to crush dissent. ‘Everyone at this point knows what happens if you speak against the Syrian government. (...) They’ll come to your house, they’ll stop you at a checkpoint and you’ll never be seen again’”; Public Radio International (PRI), ‘We Have Suffered Enough,’ *Say Families of the Missing and Detained in Syria*, 16 August 2019, <https://bit.ly/3dq6zG3>. Amnesty International reported in 2017 that the “majority of the people detained in the red building [in Sednaya Prison] since 2011 are civilians perceived by the Syrian authorities to oppose them, according to former prison authorities and former detainees. They come from all sectors of Syrian society, and some of their most common profiles include demonstrators, long-time political dissidents, human rights defenders, journalists, doctors, humanitarian aid workers and students” (emphasis added); Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, [www.refworld.org/docid/5899bd9a4.html](http://www.refworld.org/docid/5899bd9a4.html), p. 16.



if they occurred, e.g. in retaken areas in Dera'a Governorate, they were violently suppressed.<sup>26</sup>

**The town of Al-Tal**, located in Rural Damascus Governorate north of the capital Damascus,<sup>27</sup> has seen anti-government protests starting in March 2011. As in other parts of the country, protests were violently dispersed and protestors, activists and others suspected to be opposing the government faced arbitrary arrest during protests and house raids, enforced disappearance and torture and other forms of ill-treatment.<sup>28</sup> Reports speak of detainees from Al-Tal having died as a result of torture in detention.<sup>29</sup>

## 2. Draft Evasion

In Syria, draft evasion<sup>30</sup> is a criminal offence.<sup>31</sup> The right to conscientious objection is not legally recognized and there are no provisions for substitute or alternative service.<sup>32</sup>

<sup>26</sup> "After anti-Assad slogans were written on school walls in Ghabaghib, a town north of Da'el, Air Force Intelligence carried out widespread raids and arrests"; United States Institute of Peace (USIP), *Local Cross-Line Coordination in Syria*, October 2019, <https://bit.ly/2xzBRLp>, p. 23.

<sup>27</sup> See location on Google Maps: <https://bit.ly/2Vok6l3>.

<sup>28</sup> "Human Rights Watch interviewed 19 people who had been detained [in the context of protests] in Daraa, Damascus, Douma, **al-Tal**, Homs, and Banyas, as well as several families of detainees. (...) Those interviewed were held by various branches of mukhabarat, including state security (Amn al-Dawla), political security (Amn al-Siyasi), and military security (Amn al-Askari). All but two of the detainees arrested during the protests told Human Rights Watch that mukhabarat officers beat them while arresting them and in detention, and that they witnessed dozens of other detainees being beaten or heard screams of people being beaten" (emphasis added); HRW, *Syria: Rampant Torture of Protesters*, 15 April 2011, [www.refworld.org/docid/4dad204d1e.html](http://www.refworld.org/docid/4dad204d1e.html) (with further individual accounts from protestors detained following their participation in protests in Al-Tal, speaking of arbitrary arrest, torture and ill-treatment in detention centres run by the various security and intelligence agencies). "The majority of incidents involving violent dispersal of demonstrators and widespread arrests took place in towns and villages in the Governorate of Rif Dimashq, including Duma, **al-Tal**, Darayya, Dmair and Madaya" (emphasis added); OHCHR, *Report of the Fact-Finding Mission on Syria Pursuant to Human Rights Council Resolution S-16/1*, August 2011, [www.refworld.org/docid/4e4e2ba72.html](http://www.refworld.org/docid/4e4e2ba72.html), para. 39. "(...) at least 30 people were arrested in the Damascus district of Tal on Wednesday, including men in their 70s or 80s"; BBC, *Rights Group Warns of 'Deraa Massacre'*, 5 May 2011, <https://bbc.in/2xTrzWP>.

<sup>29</sup> See, e.g., SOHR, *Regime's Security Forces Continue to Claim Lives of Syrians and Kill 2 Merchants from al-Tal Area for "Sending Humanitarian Aid" to Opposition Areas in Rif Dimashq*, 11 September 2019, <https://bit.ly/2VJl2EU>; SNHR, *The Death of a College Student Due to Torture in Syrian Regime Detention Center*, July 31, 31 July 2018, <https://bit.ly/2KnQuUS>; SNHR, *The Death of Man from Damascus Suburbs Due to Torture in Government Detention Center in August 4*, 4 August 2016, <https://bit.ly/3bs36GI>; SNHR, *The Death of a Man from Al Tal in Rif Dimashq under Torture in Government Detention Center*, June 28, 28 June 2015, <https://bit.ly/2RY15u4>; SNHR, *The Death of a Man, from Damascus Suburbs, Due to Torture in Government Detention Center*, March 12, 12 March 2015, <https://bit.ly/352lqMH>.

<sup>30</sup> "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: 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*, 3 December 2013, HCR/GIP/13/10/Corr. 1, [www.refworld.org/docid/529ee33b4.html](http://www.refworld.org/docid/529ee33b4.html), pp. 1-2.

<sup>31</sup> Draft evaders who do not present themselves for military service within 30 days after the prescribed notice period are subject to imprisonment ranging from one to six months (during peacetime), in addition to having to serve the regular military service. In wartime, the punishment for draft evasion is imprisonment for up to five years, depending on the circumstances. After having served the sentence, the draft evader has to serve the regular military service; Syria: *Law No. 61 of 1950, as amended (Military Penal Code)* [Syrian Arab Republic], 16 February 2017, [www.refworld.org/docid/58a5e1b34.html](http://www.refworld.org/docid/58a5e1b34.html), articles 98 and 99. Full text of Law No. 61 of 1950 (in Arabic), see: [www.parliament.gov.sy/arabic/index.php?node=5585&cat=11811](http://www.parliament.gov.sy/arabic/index.php?node=5585&cat=11811).

<sup>32</sup> Only Christian and Muslim religious leaders are exempt from military service based on conscientious objection, although Muslim religious leaders are required to pay an exemption fee; US Department of State, *2018 Report on International Religious Freedom: Syria*, 21 June 2019, [www.ecoi.net/en/document/2011033.html](http://www.ecoi.net/en/document/2011033.html). See also, TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>; UN Human Rights Committee, *Concluding Observations: Syrian Arab Republic*, 9 August 2005, CCPR/CO/84/SYR, [www.refworld.org/docid/43f2ff770.html](http://www.refworld.org/docid/43f2ff770.html), para. 11. On the right to conscientious objection against compulsory



Independent observers note that draft evasion is likely considered by the government as a political, anti-government act, particular in the following circumstances: previous anti-government activities such as participating in protests, or expressing real or perceived anti-government views in the press or on social media; originating from an area currently or formerly held by anti-government armed groups; family ties to a person opposing or perceived to be opposing the government; or having fled abroad.<sup>33</sup> Draft evaders perceived to be opposing the government would likely be subjected to punishment beyond the relevant sanctions for the criminal offence of draft evasion,<sup>34</sup> including harsher treatment during arrest, interrogation, detention and, once deployed, during military service.<sup>35</sup> In practice, rather than facing criminal sanctions (imprisonment) under the Military Penal Code, draft evaders are reportedly deployed to a frontline fighting position within days or weeks of their arrest, often with only minimal training, as a form of punishment for their perceived disloyalty.<sup>36</sup> Draft evaders

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military service, see also, 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*, 3 December 2013, [www.refworld.org/docid/529ee33b4.html](http://www.refworld.org/docid/529ee33b4.html), paras 8-11.

<sup>33</sup> According to Sara Kayyali of 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 communication with Sara Kayyali, Syria Researcher, Middle East and North Africa Division, HRW, 9 March 2020 (e-mail on file with UNHCR). "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'**" (emphasis added); Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April 2020 (e-mail on file with UNHCR). See also, UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, [www.refworld.org/docid/59f365034.html](http://www.refworld.org/docid/59f365034.html), pp. 39-40 (and sources referenced therein).

<sup>34</sup> "The Convention ground [here: political or imputed political opinion] **needs only to be a contributing factor to the well-founded fear of persecution; it need not be shown to be the dominant or even the sole cause**" (emphasis added); UNHCR, *Guidelines on International Protection No. 10: Claims to Refugee Status Related to Military Service Within the Context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 3 December 2013, [www.refworld.org/docid/529ee33b4.html](http://www.refworld.org/docid/529ee33b4.html), para. 47.

<sup>35</sup> "The intent or motive of the persecutor can be a relevant factor in establishing the causal link between the fear of persecution and a Convention ground but it is not decisive, not least because it is often difficult to establish"; 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*, 3 December 2013, [www.refworld.org/docid/529ee33b4.html](http://www.refworld.org/docid/529ee33b4.html), para. 48.

<sup>36</sup> According to 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 [sic] tasks (right at the frontline). In 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. (...) Most 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"; Prof. Dr. Ugur Umit Üngör, Professor of Holocaust and Genocide Studies, Institute for War, Holocaust and Genocide Studies, Amsterdam, 8 April 2020 (e-mail on file with UNHCR). "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" (emphasis added); 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

in detention face a risk of torture and other forms of ill-treatment,<sup>37</sup> a practice reported to be endemic in Syria.<sup>38</sup> Finally, since 2011, different cohorts of conscripts have been forced to serve in the army for extended periods of time, beyond the mandatory military service.<sup>39</sup>

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*most dangerous frontlines in Idlib and Hama regions. **Once they are recruited, they are immediately shipped to these frontlines where they often die at the hands of their former comrades or in murky circumstances away from the frontline itself.** Forced recruitment has become a way for the regime to obliterate what it sees as anti-regime elements standing in the way of its vision of demographically engineering a loyal and obedient population. Examples testifying to this method of retaliation against the people who 'reconciled' are numerous" (emphasis added); Syrian Association for Citizens' Dignity (SACD), *Reconciling with Death, Disappearance and Fear*, 24 July 2019, <https://bit.ly/2VJQmWx> (with examples of possible frontline executions of recruits from 'reconciled' areas). On the deployment of former opposition fighters: "(...) several former rebels from the **Damascus region** serving in the 1st Division were killed during the May 2019 fighting in Hama and Idlib and ex-rebel anti-tank guided missile (ATGM) units within the 9th Division are reportedly being trained by the Russians in Jableh, Latakia. Furthermore, a large contingent of reconciled rebels have joined the 5th Corps' 4th Brigade and are currently stationed in the Homs desert around Palmyra. According to one interview with a Palmyra NDF member currently stationed there, these ex-rebels are being sent on patrols around the ISIS-controlled region of Mount Bashiri and **dying by the dozens every day. The source stated that 'it's very suspicious that these guys 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'**" (emphasis added); Middle East Institute (MEI), *The Lion and The Eagle: The Syrian Arab Army's Destruction and Rebirth*, 18 July 2019, <https://bit.ly/2VCIOVi>. "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>. On the deployment of military-aged men from Al-Tal to the frontlines, see also below Section 4 ("Residency in Formerly Opposition-Held Areas").*

<sup>37</sup> "(...) 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. (...) Detainees and individuals forcibly disappeared by Syrian Regime forces are subjected to exceptionally brutal and sadistic methods of torture, which have assumed a **vengeful character** since the popular uprising for democracy began in March 2011" (emphasis added); SNHR, *At least 156 Cases of Arbitrary Arrests Documented in Syria in March 2020*, 2 April 2020, <https://bit.ly/2Vyb75Z>, pp. 5, 6. "Human rights activists, the COI, 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.** (...) Human Rights Watch (HRW) and the COI reported **regular use of torture against perceived regime opponents at checkpoints and regime facilities** run by the Air Force, Political Security Division, General Security Directorate, and Military Intelligence Directorate" (emphasis added); US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html).

<sup>38</sup> "From the moment of his or her arrest, the detainee is deprived of all legal and human rights and subjected to multiple forms of torture (...) there is hardly any male or female detainee who has not been subjected to some form of torture which is practiced from the very first moments of detention"; SNHR, *Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in its Detention Centers and Military Hospitals*, 21 October 2019, <https://bit.ly/2p7PMEh>, p. 2. See also, 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>; SOHR, *Prisons of The Syrian Regime: Cellars of Death Claim the Lives of Tens of Thousands of Syrians*, 30 July 2019, <https://bit.ly/2o8dlfi>; SNHR, *At Least 14,227 Individuals, Including 177 Children and 62 Women, Killed as a Result of Torture in Syria*, 27 June 2019, <https://bit.ly/2mvVTBb>; Amnesty International et. al., *Syria: Tell Families of Missing the Fate of Loved Ones*, 13 May 2019, [www.ecoi.net/en/document/2015414.html](http://www.ecoi.net/en/document/2015414.html); New York Times, *Inside Syria's Secret Torture Prisons: How Bashar al-Assad Crushed Dissent*, 11 May 2019, <https://nyti.ms/2Hbjl8K>; LDHR, "Death Became a Daily Thing", August 2018, <https://bit.ly/2nRsWiD>, p. 32.

<sup>39</sup> Rather than the regular 18 to 21 months of mandatory military service (depending on the level of education), conscripts have regularly been retained for much longer periods since 2011. "During the war, the regime has kept some conscripts in the army despite the completion of their compulsory service. In July 2019, a social media campaign entitled 'We want to be discharged' resurfaced after two years. The campaign, which first appeared in 2017, calls for the discharge of soldiers who had been fighting beyond their required service. There has been no reported demobilization order in response to this most recent campaign, but state media agency SANA previously reported two demobilization orders in 2018"; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. "Syrian conscripts are not treated well, fed well, and serve for extended periods of time"; Omran Center for Strategic Studies, *Transformations of the Syrian Military: The Challenge of Change and Restructuring*, 31 December 2018, <https://bit.ly/2VFLwJB>, p. 87. "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"; The Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian*

On time-limited amnesty decrees for draft evaders, see *Section 3*.

### 3. Issuance and Application of Partial Amnesty Decrees

A number of partial amnesty decrees outlining amnesties and sentence reductions for certain crimes and types of offenders have been issued since 2011.<sup>40</sup>

These amnesty decrees are reported to have had a limited impact on the release of real and perceived government opponents, many of whom are held under the Counter-Terrorism law.<sup>41</sup> Large numbers of real and perceived government opponents are

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Government, 13 February 2019, <https://bit.ly/2KBAsXA>. See also, 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>; 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>. In late March 2020, two administrative orders were issued by the General Command of the Army and Armed Forces, terminating the service of certain categories of "kept-in-service" conscripts and "called up" reservists as of 7 April 2020. These orders, however, do not cover those who have not been actually recruited, or those who will be recruited in the future, or deserters; SANA (in Arabic), 29 March 2020, <https://bit.ly/3faW4sd>. See also, Enab Baladi, *Syrian Soldiers Desperate for Demobilization after Retention in Regime's Armed Forces*, 16 April 2020, <https://bit.ly/2VX9Jey>.

<sup>40</sup> The Government has issued several time-limited amnesty decrees since 2011, including the most recent decree, Legislative Decree No. 6 of 22 March 2020, granting an amnesty for some crimes (including draft evasion and desertion) committed prior to that date, as well as sentence reductions for juveniles and other detainees; Legislative Decree No. 6 of 22 March 2020, available, in Arabic, at: <https://bit.ly/2VF0puO>. The decree is a near replica of Legislative Decree No. 20 of 15 September 2019; Legislative Decree No. 20 of 15 September 2019, available, in Arabic, at: <https://bit.ly/2KckH9C>.

<sup>41</sup> According to Fadel Abdul Ghany, Chairman of the SNHR, "**none of those freed were civic activists or others among the tens of thousands of political prisoners detained since the outbreak of Syria's conflict, which began with peaceful protests against Assad's rule**" (emphasis added); Reuters, *Syria Slow to Free Prisoners Despite Coronavirus Risk in Crowded Jails: Rights Groups*, 6 April 2020, <https://reut.rs/2wYktQx>. "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"; Center for Operational Analysis and Research (COAR), *Beyond the Health Sector: COVID-19's Impact on Syria's Economy and Detainees*, 30 March 2020, <https://bit.ly/34ISoZW>. According to an analysis by the SNHR, "(...) the Syrian regime [is] restricting their application to individuals and groups that it wishes to pardon, who are predominantly criminal offenders, and perpetrators of misdemeanors and offenses, while **not including any dissidents, political prisoners and activists in the popular uprising or those arrested in connection with it.**" (emphasis added). And further: "(...) the exceptions included in the amnesty decrees are very extensive and diverse, so they nullify these decrees of any real effectiveness, making them partial and very limited instruments that apply only to very special cases, namely those favored by the Syrian regime who it wishes to release, and possibly extending to include the release of a small number of other detainees not exceeding a couple of dozen in order to give some appearance of credibility; we have noted these features in all the amnesty decrees issued by the regime since 2011 to date. Meanwhile, all human rights activists, politicians, media workers, relief activists and demonstrators, and similar prisoners of conscience detained for demanding a process of democratic political change, have been accused by the Syrian regime of several cumulative accusations, with the vast majority of these detainees accused of terrorism (...)." SNHR also noted that the decision to release detainees ultimately lies with the heads of the concerned security branches and not the Ministry of Justice; 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" (emphasis added); 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>. "The amnesty [of October 2018] did not cover those fighting against the regime or joining the opposition, regarded by the regime as terrorists. Media outlets reported that refugees were skeptical, fearing forced conscription and imprisonment"; US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html). "(...) it is very likely that many – **particularly those who consider themselves dissidents** – may not trust the Syrian regime to honor its promise of amnesty" (emphasis added); TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/3eYlWan>. See also, The National, *Coronavirus: Syrian Regime to Release Prisoners*, 22 March 2020, <https://bit.ly/34L1hCe>; The Defense Post, *Fearing Conscription into Assad's Army, Syrian Kurds Flee to Iraq*, 12 December 2019, <https://bit.ly/2qPvahk>; Al-Monitor, *Syrian Opposition Skeptical of Assad's Amnesty Decision*, 4 October 2019, <https://bit.ly/2VzTVgv>.



reported to remain in detention, and arbitrary arrests ongoing.<sup>42</sup> Those who were released based on an amnesty decree are reported to remain at risk of re-arrest.<sup>43</sup>

In respect to draft evaders and deserters,<sup>44</sup> successive amnesty decrees did not remove the duty to perform military service.<sup>45</sup> The UN Office of the High Commissioner for Human Rights (OHCHR) received reports of returnees having been detained following their return to Syria in response to the amnesty decree issued in September 2019.<sup>46</sup>

#### 4. Residency in (Formerly) Opposition-Held Areas

Reports indicate that the government generally considers civilians living in or originating from locations that have seen popular protests and/or have a presence of, or have (even temporarily) fallen under control of anti-government armed groups, to be associated with the armed opposition. Civilians are targeted by association, on account of being present in or originating from an area considered to be opposing the government and/or supporting the antigovernment armed groups and have been subjected to a variety of punitive measures, including arrests; torture; sexual violence, including the use of rape as a weapon of war; extra-judicial executions committed by government and pro-government forces during ground incursions, house searches and at checkpoints; extensive artillery shelling and aerial bombardment; as well as sieges.<sup>47</sup>

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<sup>42</sup> As at March 2020, nearly 130,000 persons remain in government detention, with the vast majority considered to have been forcibly disappeared, according to SNHR. SNHR documented over 660 arbitrary arrests and 116 deaths as a result of torture in the period between the two most recent amnesty decrees (15 September 2019 and 22 March 2020, respectively). In the same period, it documented the release of 232 detainees, including 14 women, in accordance with Legislative Decree No. 20 of 15 September 2019. All releases were documented from prisons under the authority of the Ministry of Justice. No releases have been reported from detention centers controlled by the four security branches; 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.

<sup>43</sup> US Department of State, *2019 Country Reports on Human Rights Practices – Syria*, 11 March 2020, [www.ecoi.net/en/document/2026345.html](http://www.ecoi.net/en/document/2026345.html).

<sup>44</sup> In order to benefit from the amnesty decrees, draft evaders and deserters had to surrender themselves within a specified time period following the issuance of the decree. For example, Legislative Decree No. 6 of 22 March 2020 specified that the maximum grace period was three months for those who fled within Syria, and six months for those who fled outside the country. Otherwise, the criminal charges are not dismissed.

<sup>45</sup> “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>. See also, The Atlantic Council, *Forced Conscription Continues Despite Amnesty by Syrian Government*, 13 February 2019, <https://bit.ly/2KBAsXA>; Middle East Eye, *‘Just Ink on Paper’: Assad’s Offer of Amnesty Leaves Syrian ‘Runaways’ Cold*, 17 October 2018, <https://shar.es/aHx54J>.

<sup>46</sup> “There had also been reports of individuals being detained after returning to Syria in response to the granting of a partial amnesty by Syrian President Bashar al-Assad”; UN Geneva, *Regular Press Briefing by the Information Service*, 8 November 2019, <https://bit.ly/2r2gK0K>.

<sup>47</sup> UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, [www.refworld.org/docid/59f365034.html](http://www.refworld.org/docid/59f365034.html), pp. 37-38 (and sources referenced therein).

Through a combination of military operations, sieges<sup>48</sup> and “reconciliation” agreements, Syrian government forces<sup>49</sup> have reasserted control over significant parts of the country,<sup>50</sup> including in areas previously controlled by anti-government armed groups (in Damascus and Rural Damascus, Dera’a, and northern Homs Governorates)<sup>51</sup> or by the “Islamic State of Iraq and Al-Sham” (ISIS).<sup>52</sup> In various parts of the country, government forces have resorted to the organized evacuation of fighters and civilian populations from formerly opposition-held areas, which the Independent International Commission of Inquiry on Syria qualified as “forced displacement”, a war crime under International Humanitarian Law. It further considered the evacuation of

<sup>48</sup> “Siege strategies during war represent a most serious violation, as society is starved through ‘collective punishment’ until submission. Some 2.5 million people have faced sieges between 2015 until 2018, with a peak in 2017 when around 970,000 people were simultaneously under sieges in Ghouta, Deir el-Zour, Aleppo, Al-Rastan and other areas. Siege conditions included denial of access to food and humanitarian assistance, restrictions on the movement of populations, and targeting of besieged areas with various types of weapons”; Syrian Center for Policy Research, *Food Security & Conflict in Syria*, May 2019, <https://bit.ly/2ktkdCz>, p. 8. “Since the beginning of the Syrian popular uprising in 2011, different parties in the conflict, but in particular the Syrian government and allies, used sieges to punish towns, neighborhoods, and cities where they had lost control. Tactics such as the blocking of humanitarian aid - restrictions on civilian movement - and targeted attacks on hospitals, were intended to inflict maximum suffering”; Siege Watch, *Out of Sight, Out of Mind: The Aftermath of Syria’s Sieges*, March 2019, <https://bit.ly/2mlXUzg>, p. 8. “Sieges throughout the Syrian Arab Republic, however, have been regularly used as a form of collective punishment – intentionally laid to erode the viability of civilian life, to turn the besieged civilian population against the warring party ‘governing’ them, to compel surrender, and to forcibly displace dissident civilians”; 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](http://www.ecoi.net/en/document/1438560.html), para. 76. See also, World Peace Foundation, *Accountability for Starvation Crimes: Syria*, Policy Brief No. 3, June 2019, <https://bit.ly/2paixjR>.

<sup>49</sup> The term “government forces”, unless specified otherwise, includes the Syrian Armed Forces and security and intelligence agencies, as well as a range of pro-government armed groups that are, to varying degrees, affiliated with the government and/or act on behalf of the government, Russian forces, as well as foreign pro-government groups such as Hezbollah and Iraqi and other Shi’ite militias. “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.

<sup>50</sup> “The Government consolidated control over several NSAG [non-state armed groups]-held areas over the course of 2018 through military operations and localized agreements that involved significant loss of human life, large-scale displacement and extensive destruction of civilian infrastructure”; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2019 Humanitarian Needs Overview: Syrian Arab Republic, 1 March 2019, <https://bit.ly/2N8mLS6>, p. 36. “Government forces used a combination of unlawful tactics, including prohibited weapons, indiscriminate strikes, and restrictions on humanitarian aid, to force anti-government groups to surrender in these areas, resulting in mass displacement”; HRW, *World Report 2019 – Syria*, 17 January 2019, [www.ecoi.net/en/document/2002172.html](http://www.ecoi.net/en/document/2002172.html).

<sup>51</sup> The term “anti-government armed groups” refers to various non-state armed groups and alliances, whose primary goal is to overthrow the Syrian Government through violent means. The term also includes jihadist groups such as the UNSC-listed terrorist organization Hay’at Tahrir Al-Sham (HTS, previous name Jabhat Al-Nusra/JAN) and Al-Qa’eda affiliate Hurras Al-Din, which split from JAN in early 2018 after HTS cut its ties with Al-Qa’eda in 2016; see: UNSC, *Al-Nusra Front for the People of the Levant*, last updated on 5 June 2018, <https://bit.ly/2mpqsi8>. In 2018, government forces retook significant portions of areas held by anti-government armed groups, including Eastern Ghouta and the Qalamoun area of Rural Damascus Governorate (April 2018), the northern part of Homs Governorate (May 2018), the suburbs of Yalda, Babila and Beit Sahem in southern Damascus (May 2018), and parts of Dera’a and Quneitra Governorates (July 2018), leading to large-scale displacements and the evacuation of civilians and fighters to areas in Syria’s north-west. In August 2019, government forces retook areas in northern Hama and southern Idlib, including the town of Khan Sheikhoun (Idlib Governorate), which sits strategically on the Aleppo-Damascus highway, and in January 2020, government forces retook Maarat Al-Numan, the second largest town in Idlib Governorate; Reuters, *Syrian Government Forces Enter Town South of Idlib City*, 28 January 2020, <https://nyti.ms/2U0Mpw5>; 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>.

<sup>52</sup> Since late 2017, government forces have retaken territory from ISIS, including the cities of Deir Ez-Zour and Albu Kamal in Deir Ez-Zour Governorate (November 2017), the southern Damascus neighbourhoods of Yarmouk, Qadam, Hajar Al-Aswad and Tadamon (May 2018), and Al-Safa region in south-east Syria (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/2I2sLT>.

civilians perceived to be sympathetic to the opposition as serving “a Government strategy of punishing those individuals.”<sup>53</sup>

Although “reconciliation” agreements vary from area to area, they commonly provided for the return of government security and administration, the laying down of arms, an amnesty for those wanted by the government as well as a six-month grace period for conscription.<sup>54</sup> Under such agreements, fighters and others perceived to be opposing the government and who wanted to remain in the retaken area had to undergo a vetting process by the security agencies (in Arabic “*taswiyat al-wada*” or “regularizing one’s situation”).<sup>55</sup> For those who opted and were allowed to “reconcile”,<sup>56</sup> the vetting process included a review of the individuals’ previous opposition activities such as participation in anti-government protests, humanitarian activities, fighting with anti-government armed groups, or other activities considered by the government as “terrorism”.<sup>57</sup>

<sup>53</sup> Independent International Commission of Inquiry on The Syrian Arab Republic, *Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate*, 29 May 2018, <https://bit.ly/2NJ1mg6>, para. 12. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 9 August 2018, A/HRC/39/65, [www.ecoi.net/en/file/local/1443546/1930\\_1537263792\\_q1824615.pdf](http://www.ecoi.net/en/file/local/1443546/1930_1537263792_q1824615.pdf), paras 46, 64, 86; 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](http://www.ecoi.net/en/document/1438560.html), para. 70.

<sup>54</sup> “Under these deals, fighters and civilians who choose to stay accept regime rule in return for the resumption of services and, in recent deals, guarantees of protection from conscription and arrest”; The Armed Conflict Location & Event Data Project (ACLED), *The Risks of Reconciliation: Civilians and Former Fighters Face Continued Threats in Syria*, 25 January 2019, <https://bit.ly/2lx6Ry8>, p. 2. “All males under the age of 42 are also required to complete their mandatory military service, despite the continuation of human rights violations carried out by the Syrian military”; SJAC, *The State of Justice: Syria 2020*, March 2020, <https://bit.ly/2Y5Zu9p>, p. 10. See also, HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, [www.ecoi.net/en/document/2009102.html](http://www.ecoi.net/en/document/2009102.html); International Crisis Group (ICG), *Lessons from the Syrian State’s Return to the South*, 25 February 2019, [www.ecoi.net/en/document/1458533.html](http://www.ecoi.net/en/document/1458533.html), p. 10.

<sup>55</sup> “Taswiyat al-wada” has been described as “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/5b7400fda.html](http://www.refworld.org/docid/5b7400fda.html). According to reports, reconciliation agreements varied with regards to the profiles which had to undergo the reconciliation process: “Some sources reported that all individuals, males and 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>. “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’”; ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, [www.ecoi.net/en/document/1458533.html](http://www.ecoi.net/en/document/1458533.html), p. 2. In northern Homs, army officers and state employees who had been displaced to government-held areas were not required to undergo “reconciliation”; EIP, *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 35.

<sup>56</sup> Under some of the reconciliation agreements, certain profiles of persons were not allowed to remain as they were deemed “irreconcilable”: “During reconciliation negotiations, the government produced lists of ‘irreconcilables’ in some areas. 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: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 12. “In effect, the reconciliation process allows Government forces to categorise populations on the basis of allegiance. Not all civilians, however, have been offered the option to reconcile. Often, no reconciliation option is offered to healthcare personnel because of their medical work. Indeed, Syrian anti-terrorism laws issued on 2 July 2012 effectively criminalised medical aid to the opposition, and Government intelligence and law enforcement agencies have forcibly disappeared medical personnel providing treatment to perceived opposition supporters. Those not offered this option have further included members of the local council, relief workers, activists, and family members of fighters”; Independent International Commission of Inquiry on Syria, *Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate*, 29 May 2018, <https://bit.ly/2NJ1mg6>, para. 12. See also, 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](http://www.ecoi.net/en/document/1438560.html), para. 70; Middle East Eye, *Besiege, Bombard, Retake: Reconciliation Agreements in Syria*, 28 March 2018, <https://shar.es/a31Pyi>.

<sup>57</sup> The vetting process has variably been described as involving an interrogation, or, in other cases, the filling in of so-called reconciliation forms with detailed questions. “The formal process known as ‘resolving status’ typically involves interrogation about previous opposition activities (such as participating in protests, relief work in rebel-



Moreover, the individuals had to pledge to abstain from any such activities in the future.<sup>58</sup> The Independent International Commission of Inquiry on Syria described the “reconciliation” conditions as infringing on individuals’ “*key human rights, including the right to peaceful assembly*.”<sup>59</sup> Furthermore, the individuals concerned were obliged to reveal information on family members and activists who were forcibly displaced to other parts of the country.<sup>60</sup> However, according to reports, not all reconciliation applications are accepted, putting those affected at risk of arbitrary arrest.<sup>61</sup>

In mid-2012, **the town of Al-Tal** came under control of armed opposition groups affiliated with the Free Syrian Army (FSA) with violence between anti-government armed groups and government forces escalating. Al-Tal was subjected to regular air

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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](http://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 completion between the different security agencies”; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, [www.ecoi.net/en/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 68; EIP, *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, pp. 21-22; Washington Post, *Assad Urged Syrian Refugees to Come Home. Many Are Being Welcomed with Arrest and Interrogation*, 2 June 2019, <https://wapo.st/31XSYAG>; HRW, *Syria: Detention, Harassment in Retaken Areas*, 21 May 2019, [www.ecoi.net/en/document/2009102.html](http://www.ecoi.net/en/document/2009102.html).

<sup>58</sup> “(...) all civilians were required to sign an oath of loyalty (...)”; 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/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 68. “The applicants have to sign statement pledging not to carry out any action against the state and its armed, security and auxiliary forces through the use of demonstrations, social media, anti-regime publications and media platforms, or armed rebellion”; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>. See also, 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](http://www.ecoi.net/en/document/2009102.html); ICG, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, [www.ecoi.net/en/document/1458533.html](http://www.ecoi.net/en/document/1458533.html), p. 2.

<sup>59</sup> 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/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 68. SJAC described the “reconciliation” agreements as follows: “(...) SJAC has found that they 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/2Y5Zu9p>, p. 10.

<sup>60</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, [www.ecoi.net/en/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 68. EIP, *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 22; Chatham House, *The Details of ‘Reconciliation Deals’ Expose how They Are Anything But*, August 2018, <https://bit.ly/2MS5fRU>.

<sup>61</sup> 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/35ssFDL>; SOHR, *Thousands of the People of the Eastern Ghouta Are Threatened of Being Arrested after the Regime’s Branches Rejected Their Security Settlement Deals*, 23 October 2019, <https://bit.ly/32SSEDB>; 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: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 23. See also, 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>.

and artillery bombardment and a siege was imposed by government forces.<sup>62</sup> Following an intensification of clashes and bombardments as of 22 November 2016,<sup>63</sup> a “local reconciliation agreement” was concluded with the government, which stipulated, *inter alia*, that the town would come back under government control in return for an end of the bombardment, the lifting of the siege and the restoration of municipal services. Under the agreement, an estimated 2,000 to 3,000 opposition fighters (including from Jabhat Fatah al-Sham / Jabhat al-Nusra), their family members, draft evaders, activists and other civilians were evacuated Al-Tal to Idlib Governorate in northern Syria.<sup>64</sup> Men of military age, who chose and were allowed to remain in Al-Tal,

<sup>62</sup> “As the uprising progressed, the regime imposed a harsh siege on al-Tal. Government forces continuously bombarded the town”; Carnegie Middle East Center, *Localism, War, and the Fragmentation of Sunni Islam in Syria*, March 2019, <https://bit.ly/3amUZtv>, p. 13. “Al-Tal, a city on the periphery of Damascus, has also had a long **history of tensions with the Assad regime even before 2011**. Members of prominent families in the city had joined the Muslim Brotherhood during the unrest of the 1980s and were subsequently jailed. The Syrian army had appropriated large swaths of land in the city, the regime had shelved prospective urban renewal plans for it, and, throughout the 1990s, local state institutions had seen a large influx of regime security personnel, leading to an increased sense of oppression among the local population. When **protests erupted in al-Tal in 2011**, the demonstrators broadly fell into two categories: one group demanding the return of lands the Syrian army had appropriated during the Muslim Brotherhood uprising and calling for a new deal between al-Tal and Damascus, and another group led by educated professionals demanding that Syria’s entire system of government be changed. **From the middle of 2012, armed opposition groups took control of al-Tal**, and civilians began to establish civic administration bodies to address the locality’s needs. (...) The Syrian army and associated groups, including the Russians, began to enforce a **severe siege on al-Tal that lasted through mid-2014**, which brought large-scale suffering to the civilian population and put pressure on the armed groups in the locality” (emphasis added); Carnegie Middle East Center, *Local Wars and the Chance for Decentralized Peace in Syria*, March 2017, <https://bit.ly/34XAK4M>, p. 10. “In late August [2012], a ten-day Government offensive on Al-Tal against the FSA resulted in high casualties among anti-Government armed groups operating in the area. Witnesses to the attack, which was carried out through heavy mortar shelling and firing from helicopters, described how Government forces deliberately attacked civilian objects, including bakeries, make-shift hospitals, commercial areas and infrastructure, motivated by a fear that the FSA [Free Syrian Army] would use them. Interviewees noted that during the offensive, most civilian casualties were caused by sniper fire”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2013, A/HRC/22/59, [www.refworld.org/docid/513727e62.html](http://www.refworld.org/docid/513727e62.html), para. 49. See also, SNHR, *Government Forces Continue Siege Imposed on Al Tal in Rif Dimashq for the 63<sup>rd</sup> Day in a Row*, September 23, 23 September 2015, <https://bit.ly/2Y2HNrr>; SOHR, *More than 40 Barrel Bombs Dropped by Helicopters on Darayya and al-Zabadani and Clashes in the Eastern Ghouta*, 15 September 2015, <https://bit.ly/2VsM3hT>; SOHR, *Bombardment, Clashes and Human Losses in Reef Dimashq*, 27 March 2014, <https://bit.ly/34XKWKz>; SOHR, *Approximately 140 People Killed Across Syria*, 20 October 2013, <https://bit.ly/3bvpuif>; AFP, *Syrian Forces Shell Aleppo as Blasts Strike Damascus*, 11 August 2012, <https://bit.ly/3arVMtj>.

<sup>63</sup> SOHR, *Calm Returns to Tal Area after Violent Clashes in the Wake of an Agreement*, 29 November 2016, <https://bit.ly/2VQrsDg>; SNHR, *Government Forces Shelled a School in Al Tal City in Damascus Suburbs in November 28*, 28 November 2016, <https://bit.ly/2KoEXF9>; SOHR, *Bombardment and Explosive Barrels Target al-Tal Area in Reef Dimashq*, 28 November 2016, <https://bit.ly/2ywlYdQ>; SOHR, *Clashes Continue in the Eastern Desert of Homs, Regime Forces Renew Targeting of al-Wa’er and Helicopters Drop 14 Barrel Bombs on the Vicinity of al-Tal*, 25 November 2016, <https://bit.ly/2RYv9pr>; SOHR, *Bombardment and Clashes Continue in the Eastern Ghouta*, 25 November 2016, <https://bit.ly/2RYXiNf>; SOHR, *Intensive Airstrikes Target the Vicinity of al-Tal City with the Ongoing Negotiations to Stop the Bombardment*, 23 November 2016, <https://bit.ly/3cDrxRx>; SOHR, *Shelling by the Regime Forces and Warplanes on Rastan and Violent Clashes in the Vicinity of al-Tal and the Eastern Ghouta*, 18 November 2016, <https://bit.ly/34UYTZg>.

<sup>64</sup> The reconciliation process in Al-Tal was described as follows: “Families in al-Tal, the reconciliation committee, and other local bodies then selected more than 200 local people whom, after being vetted by the regime, formed the new *Lijnat Hemayat Madenat al-Tal* – the al-Tal City Protection Committee. The regime security services then established a process dubbed *Taswiyat al-Awdaa* (Settle your situation); **the security services submitted to the al-Tal Protection Committee a list of more than 1,000 names of people who, to varying degrees, had been involved in the opposition**. The committee then arranged for those people to be interviewed by regime security personnel at the University of Damascus’s School of Political Science, located between al-Tal and the capital. Following the interviews, **the security services sent a list of names back to the al-Tal City Protection Committee indicating who would be permitted to remain and who must leave for Idlib** (as the rebel fighters had), with some sixty-two people obligated to leave” (emphasis added); Carnegie Middle East Center, *Local Wars and the Chance for Decentralized Peace in Syria*, March 2017, <https://bit.ly/34XAK4M>, p. 11. “In December 2016, Al-Tal entered into a reconciliation agreement with the Government of Syria, stipulating the evacuation of civil society activists and armed opposition fighters and their families to Idlib”; COAR, *Arrested Development: Rethinking Local Development in Syria*, 31 March 2020, <https://bit.ly/3alnxUg>, p. 13. “(...) in Al Tall, known as the ‘city of a million displaced persons’, around 2,000 people, including 500 fighters and a number of people wanted for military service, were evacuated in December 2016 to northern Syria”; European University

were given a grace period of six months before they were required to join the military service. However, according to various accounts from Al-Tal, the agreement was violated in practice with men forcibly conscripted prior to the lapse of the grace period. Many conscripts from Al-Tal were reportedly sent to the frontlines in other parts of the country contrary to earlier offers to serve in local forces.<sup>65</sup>

Despite the “reconciliation agreement”, numerous real and perceived government opponents who had been arrested since 2011 were reported to remain in detention.<sup>66</sup> Arbitrary arrests and forced conscription for mandatory and reservist service through raids on homes and arrests at government-run checkpoints are reported to have re-started following the retaking of Al-Tal by government forces,<sup>67</sup> and continued into

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Institute, “Local Reconciliation Agreements” in Syria: A Non-Starter for Peacebuilding, June 2017, <https://bit.ly/3eyFxOp>, p. 9. “Al-Tal, Khan al-Shieh, and Wadi Barada were all forced to surrender in the face of increased attacks and threats. All of the surrenders that took place during the reporting period included partial population transfers of both fighters and civilians. These forced population transfers are war crimes and may amount to crimes against humanity. (...) On 2 December 2016, an estimated 2,000-3,000 people were transferred to Idlib on government green buses under Syrian Red Crescent supervision. Around 760 of the forcibly displaced were women and children. The displaced included fighters, their families, and community members such as media activists”; The Syria Institute / PAX, *Siege Watch: Fifth Quarterly Report on Besieged Areas in Syria November 2016 - January 2017*, <https://bit.ly/34Tx03U>, p. 9, 38. See also, Al-Jazeera, *Timeline: Syria’s 13 ‘People Evacuation’ Deals*, 16 May 2017, <http://aje.io/zbr9>; Raymond Hinnebusch and Omar Imady, *Syria’s Reconciliation Agreements*, 2017, <https://bit.ly/2VqSsdK>, p. 8; SANA, *Services Restored to al-Tall City after Evacuation of Militants and Arms*, 10 December 2016, [www.sana.sy/en/?p=95795](http://www.sana.sy/en/?p=95795); Middle East Eye, *Roughly 2,000 Syrian Rebels, Civilians Evacuate Town North of Damascus*, 2 December 2016, <https://bit.ly/2VKlfZE>; Reuters, *Syrian Rebels and Families Leave Another Town Near Damascus*, 2 December 2016, <http://reut.rs/2gvl4hD>.

<sup>65</sup> “More than one third of the reported QSF [Qalamoun Shield Forces, a pro-government militia] deaths came from al-Tal locals alone. Al-Tal reconciled in November 2016 and, as with most reconciliations, included in its deal that no men would be conscripted into pro-government militias for at least six months. However, **by the first week of June 2017 seventeen men from the town had died fighting in the ranks of QSF in East Hama**” (emphasis added); The International Review, *The Growing Role of Reconciled Rebels in Syria*, 21 April 2018, <https://bit.ly/2KuUJjX>. “In late 2016, Al Tal agreed to a reconciliation deal and 2,000 to 3,000 people relocated out of town. The remaining residents were promised an end to the siege and **a six-month amnesty period to regularise their status** if they were draft dodgers or deserters. They could then serve in a paramilitary ‘home guard’ inside Al Tal, rather than face deployment elsewhere under the SAA [Syrian Arab Army]. Almost immediately after the evacuation, however, the regime began to renege on this deal. **The regime, within a month, began the active and indiscriminate forced conscription of residents – they targeted military-age males but also reservists and those who had already completed their military service prior to the Syrian Civil War.** Opposition activist sources stated that 10 to 20 individuals per week would be taken away for conscription. The deal for a six-month amnesty never really came to fruition. In fact, many of these conscripts were also **sent to frontlines** rather than retained as a home guard. The regime has not honoured many aspects of the deal in Al Tal” (emphasis added); Christopher Kozak / Institute for the Study of War, in: *EASO COI Meeting Report – Syria*, March 2018, <https://bit.ly/2SKW20n>, p. 20. “The terms of the agreement were nearly identical to those in other forcibly surrendered locations in Rural Damascus. These terms included the deportation of armed group members and civilians who did not wish to reconcile their status with the Syrian government, a six-month grace period before men would be forced to enter military service, the removal of barriers surrounding the town, and a promise that government forces would not enter unless there was specific intelligence on armed group activity. (...) The government forces failed to adhere to the agreement and entered the city two days after the forcible displacement, setting up internal checkpoints to regulate movement between neighborhoods. (...) Despite promises of a six-month waiting period before men in al-Tal would be forced to serve their mandatory military service, some **conscriptions happened quickly**. According to one woman, just two weeks after the agreement ‘more than 90 percent of the young men who stayed involuntarily joined the regime’s forces’ ” (emphasis added); The Syria Institute / PAX, *Siege Watch: Fifth Quarterly Report on Besieged Areas in Syria November 2016 - January 2017*, <https://bit.ly/34Tx03U>, pp. 38, 39. See also, Syria Call, *State of Panic Affects “Reconciliations” Fighters in Assad Army, Damascus out of Idlib*, 12 May 2019, <https://bit.ly/2xQsrV9>; Syria Direct, *‘No such Thing as Finished’: Residents of North Damascus Suburb Stay Close to Home after Reconciliation amid Fears of Arrest, Conscription*, 9 November 2017, <https://bit.ly/2XVzX2t>; Zaman Al Wasl (opposition website), *Al-Tal Town: Youth Arrested Despite Reconciliation Deal with Regime*, 22 July 2017, <https://bit.ly/2x3JwBG>; Syria Call, *Assad Regime Recruits Locals of Reconciliation Areas & Sends Them to Death with “Qalamoun Shield” Militia*, 14 June 2017, <https://bit.ly/2Vu6BXi>.

<sup>66</sup> As at May 2017, the Violations Documentation Centre (VDC) accounted for over 1,000 persons from Al-Tal, who remained in government detention; European University Institute, “Local Reconciliation Agreements” in Syria: A Non-Starter for Peacebuilding, June 2017, <https://bit.ly/3eyFxOp>, p. 15.

<sup>67</sup> “As in other forcibly surrendered communities, international charities besides SARC did not appear to have access to the area, and there were some signs that the pro-government forces may have started committing a



2019 and 2020.<sup>68</sup> Individuals found to be communicating with relatives in areas held by anti-government armed groups are reported to be subjected to monitoring and arbitrary arrest by government security services.<sup>69</sup>

**steady stream of human rights violations aimed at purging potential future dissent, most notably with a new wave of detentions**” (emphasis added); The Syria Institute / PAX, *Siege Watch: Fifth Quarterly Report on Besieged Areas in Syria November 2016 - January 2017*, <https://bit.ly/34Tx03U>, p. 39. “The regime sometimes reneged on its promises to deliver services; in Al-Tal, electricity was not restored and **there were arbitrary arrests** by the pro-regime Qalamoun Shield militia” (emphasis added); Raymond Hinnebusch and Omar Imady, *Syria’s Reconciliation Agreements, 2017*, <https://bit.ly/2VqSsdK>, p. 4. “Over the past few days, the Syrian regime security services launched large-scale raids and arrest campaigns in the city of al-Tal, north of Damascus. The arrests affect some residents although their situations were legally ‘settled’ according to the reconciliation agreement signed with the regime in November 2016”; Zaman Al Wasl, *Al-Tal Town: Youth Arrested Despite Reconciliation Deal with Regime*, 22 July 2017, <https://bit.ly/2x3JwBG>. See also, Syria Call, *Massive Arrests by the Syrian Regime in “Al-Tal” City of Damascus Countryside*, 1 December 2018, <https://bit.ly/3bu5hJN>; Syria Call, *Large-Scale Crackdown Taking Place in Reconciliation Areas of Damascus Countryside*, 21 October 2018, <https://bit.ly/3cCELxV>; SOHR, *The Regime’s Air Force Intelligence Arrests 115 citizens from the Eastern Ghouta of Damascus and Al-Tal City Including 7 Females Worked in Medical Centers Before the Regime’s Control over the Area*, 13 September 2018, <https://bit.ly/3eE05F8>; SNHR, *Syrian Regime Forces Arrested Several Civilians in al Tal City in Damascus Suburbs on June 5*, 6 June 2018, <https://bit.ly/2yvTxrJ>; SNHR, *Syrian Regime Forces Arrested Several Civilians in al Tal City in Damascus Suburbs on March 27*, 27 March 2018, <https://bit.ly/3cHezT1>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs Governorate on January 9*, 9 January 2018, <https://bit.ly/3cz64Jm>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs on December 28*, 28 December 2017, <https://bit.ly/3cz5The>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs on December 2*, 2 December 2017, <https://bit.ly/3eJ64so>; Syria Direct, *‘No such Thing as Finished’: Residents of North Damascus Suburb Stay Close to Home after Reconciliation amid Fears of Arrest, Conscriptio*, 9 November 2017, <https://bit.ly/2XVzX2t>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs on October 26*, 27 October 2017, <https://bit.ly/2Koolax>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs Governorate on September 26*, 26 September 2017, <https://bit.ly/2XUN6ZH>; SNHR, *Civilians Arrested by Syrian Regime Forces in al Tal City in Damascus Suburbs Governorate on August 11*, 11 August 2017, <https://bit.ly/3cDkxbl>; SNHR, *Syrian Regime Forces Arrested Civilians in al Tal City in Damascus Suburbs, on May 7*, 7 May 2017, <https://bit.ly/3cClhbB>.

<sup>68</sup> “In March [2020], Syrian Regime forces continued to pursue and arrest individuals who had settled their security situation in areas that have signed settlement agreements with the Syrian regime; these arrests have been concentrated in the governorate of Damascus Suburbs, with most occurring during mass campaigns of raids and arrests (...)”; SNHR, *The Most Notable Human Rights Violations in Syria in March 2020*, 3 April 2020, <https://bit.ly/2RXxjW7>, p. 5. “The Syrian government has undertaken arrest operations in Damascus and in Rural Damascus suburbs. The government has been arresting a lot of people from the al-Tal area that is close to Damascus city, where IDPs from different areas in Syria reside. Such arrests are common and take place almost on a daily basis”; Danish Immigration Service (DIS), *Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria*, February 2019, [www.ecoi.net/en/file/local/2003890/Syrien\\_FFM\\_rapport\\_2019\\_Final\\_31012019.pdf](http://www.ecoi.net/en/file/local/2003890/Syrien_FFM_rapport_2019_Final_31012019.pdf), para. 85. See also, SNHR, *Syrian Regime Arrested Civilians in al Tal City in Damascus Suburbs, on Feb 21*, 23 February 2020, <https://bit.ly/34X2VR1>; SNHR, *Syrian Regime Forces Arrested Civilians in al Tal City in Damascus Suburbs, on October 20*, 22 October 2019, <https://bit.ly/3eHzbw9>; SNHR, *Syrian Regime Forces Arrested Civilians in al Tal City in Damascus Suburbs, on October 17*, 18 October 2019, <https://bit.ly/3bu9VaH>; SNHR, *Syrian Regime Arrested a Civilian in al Tal City in Damascus, on October 2*, 3 October 2019, <https://bit.ly/3cEsfhr>; SOHR, *Tension Prevails al-Tal City in Rif Dimashq after Tens of “Reconciliation” Factions Refused to Join Their Military Barracks not to Be Taken to the Military Operations in the Syrian North*, 12 September 2019, <https://bit.ly/2KnDZbV>; Syria Call, *Tensions in Rural Damascus after 100 Deserters Refuse to Be Involved in Northern Syria’s Battles*, 10 September 2019, <https://bit.ly/2xQtew7>; SOHR, *Security Tightening on People Getting Out of the Eastern Ghouta Towards Damascus as a Main Road Between the Eastern Ghouta and the Capital Damascus Is Opened by the Regime Forces*, 7 July 2019, <https://bit.ly/34VDwax>; SOHR, *Arbitrary Arrests of 5 People Including a Woman by Regime’s Intelligence in al-Tal City North of the Capital Damascus*, 21 April 2019, <https://bit.ly/2RZo9bK>; Syria Call, *Assad Regime’s “Oppressive Policy” Resumes Carrying Out Raids and Arrests of Rural Damascus*, 18 April 2019, <https://bit.ly/2x22fxq>; SOHR, *As Part of the Continuous Operations for the Recruitment and Reserve Services, Tens of Young Men Are Arrested in al-Tal City in Rif Dimashq*, 27 January 2019, <https://bit.ly/2RYkLOt>; Syria Call, *Political Security Ambushes Persons Wanted for the Recruitment Division in Al-Tal in Rif Dimashq Province*, 13 January 2019, <https://bit.ly/2Vsr131>.

<sup>69</sup> SOHR, *Regime Political Intelligence Arrests Several Civilians from Al-Tal City in Western Rif-Dimashq*, 23 February 2020, <https://bit.ly/2XYbXvB>; Syria Call, *Assad Regime Arrests Women in Damascus Countryside Due to Remittances*, 28 August 2019, <https://bit.ly/2Krnuvu>; Zaman Al Wasl, *Al-Tal Town: Youth Arrested Despite Reconciliation Deal with Regime*, 22 July 2017, <https://bit.ly/2x3JwBG>; SOHR, *Regime’s Security Branches Continue Their Abusive Operations in Rif Dimashq and Arrest 2 Families in al-Tal City North of the Capital Damascus*, 6 May 2019, <https://bit.ly/2XXKiv4>. See also, Atlantic Council, *Breaking Ghouta Post-Reconciliation*, accessed 7 May 2020, <https://bit.ly/35hivXC>; SNHR, *Record of the Most Notable Human Rights Violations in*

## 5. Issuance of National Passports Abroad

Until April 2015, the issuance or renewal of a Syrian passport was conditional on the approval from the security services, meaning that persons wanted by the Syrian Government, including real or perceived government political opponents, could not obtain a passport.<sup>70</sup> On 21 April 2015, the Syrian government reportedly eased restrictions on applying for or renewing passports at Syrian diplomatic missions abroad, by removing an intelligence service review of applicants.<sup>71</sup> According to SNHR, in some cases, security checks remain an obstacle to the issuance of passports,<sup>72</sup> yet *“this security challenge has decreased significantly after the issuance of Legislative Decree No. 17”*.<sup>73</sup>

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*Syria in 2019, Particularly in December*, 5 January 2020, <https://bit.ly/37KsJ3b>, p. 5; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 15 August 2019, [www.ecoi.net/en/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 69; EIP, *Refugee Return in Syria*, July 2019, <https://bit.ly/2MW5U59>, p. 25; Syria Direct, *Silence, Paranoia in Decimated East Ghouta Suburbs One Year after Government Recapture*, 11 April 2019, <http://bit.ly/2mWiOG9>; Middle East Monitor, *Syria Regime Arrests Family for Phoning Idlib Relatives*, 3 April 2019, <https://bit.ly/2mfOitL>. According to the SOHR, women and children from Rural Damascus, who visited or attempted to visit their male relatives following the latter's evacuation to northern Syria, have also been subjected to arrest; SOHR, *Intelligence of the Regime Releases Tens of Citizens Women of “Arbin” after Being Arrested at Qamishli Airport Northeast Syria*, 18 October 2019, <https://bit.ly/34d4Orr>; SOHR, *The Regime’s Air Force Intelligence Arrests 3 Citizen Women in Adra City after Coming Back from the Syrian North*, 26 April 2019, <https://bit.ly/36bcUCG>; SOHR, *Large Number of Children and Women Arrested During Their Attempt to Move from Rif Dimashq and Its Surroundings Towards Factions’ Areas in the Syrian North*, 20 March 2019, <https://bit.ly/31YHLiE>.

<sup>70</sup> Describing the situation before April 2015, the SNHR noted that *“all applicants, whether inside or outside Syria, were required to obtain approval from branches of the regime’s security departments, meaning that anyone participating in the popular uprising and all regime opponents outside Syria were deprived of the opportunity to obtain passports. Despite this being the official stance, however, the regime also ran an unofficial mafia-style black market operation through which these citizens could obtain passports in return for huge payments of up to US \$5,000 per person”*; (emphasis added) SNHR, *The Syrian Regime Uses Passports’ Issuance to Finance Its War and Humiliate Its Opponents*, 28 January 2019, <https://bit.ly/2KFpsZo>, p. 2. *“Attempting to issue new passports at Syrian embassies in refugee host countries was not possible for several years. Starting in 2011 and throughout 2012, regime embassies in Jordan, Turkey and many other countries were not regularly functioning. Additionally, since 2013, the regime strengthened the security conditions for issuing passports, implementing checks to verify that applicants are not ‘accused’ of dissidence or requesting their hand in their old, often lost, passports. (...) Finally, under international pressure and financial need for foreign currency, the regime caved in in 2015 and resumed issuing passports for Syrian citizens, including those wanted for activism or conscription. The cost of obtaining an official travel document doubled, and was priced in USD for those applying abroad”* (emphasis added); Syria Untold, *Regime Wages War of Documents on Syrians*, 31 March 2017, <https://bit.ly/2zJldsF>.

<sup>71</sup> Syria: *Legislative Decree No. 17 of 2015* [Syrian Arab Republic], 23 April 2015, [www.refworld.org/docid/58a5e27d4.html](http://www.refworld.org/docid/58a5e27d4.html). According to reports, under these regulations, draft evaders and other Syrians who left Syria illegally, including with fraudulent documents, can apply for new passports or extensions at Syrian embassies abroad without having to return to Syria and without being subjected to an intelligence review by various security and intelligence agencies; SJAC, *Passport Controls Loosened but Problems Remain*, 13 May 2015, <https://shar.es/aHAePy>; Al Jazeera, *Syria Relaxes Passport Rules, Letting Refugees and Draft Dodgers Apply*, 27 April 2015, <http://bit.ly/1Gqz5iR>; AFP, *Syria Changes Passport Rules for Citizens Abroad*, 26 April 2015, <https://bit.ly/2zBthfP>.

<sup>72</sup> *“We have recorded several cases in which Syrian citizens were subjected to the cancellation of their passports and refused any alternative ones, or had their passports confiscated and were refused any alternative passports on the grounds that the citizens in question were wanted by the security authorities in Syria”*; SNHR, *The Syrian Regime Uses Passports’ Issuance to Finance Its War and Humiliate Its Opponents*, 28 January 2019, <https://bit.ly/2KFpsZo>, p. 7.

<sup>73</sup> It further stated *“(…) it appears that the Syrian regime’s need for currency of the US Dollar was the main reason for these actions”*; SNHR, *The Syrian Regime Uses Passports’ Issuance to Finance Its War and Humiliate Its Opponents*, 28 January 2019, <https://bit.ly/2KFpsZo>, p. 7. Enab Baladi, a Syrian media outlet close to the opposition, documented that starting in December 2017, the Syrian consulate in Istanbul, Turkey, has reintroduced security checks for applicants and also requests to see their military booklet: *“In December 2017, the Syrian consulate in Istanbul ordered those wishing to renew their passports to obtain security approval prior to the completion of the operation, after the consulate cancelled in April 2015 the requirement of security approval for the extension of Syrian passports. The submission of the military service book has also been re-imposed on young men who have left Syria and who wish to renew their passports, even if they have left before they reach the age of service”*; Enab Baladi, *Dealing in Official Documents at the Syrian Consulate in Istanbul... We Want to See the Citizen’s Face Every Morning*, 2 June 2018, <https://bit.ly/2VL0AFS>.

In March 2017, the fees for issuing or renewing a passport to Syrians abroad were considerably increased and rank now among the highest in the world.<sup>74</sup> Observers noted that the Syrian Government has been using the issuance of passports as a means to collect revenues and keep track of Syrians living abroad.<sup>75</sup>

## 6. Possible Consequences of Illegal Exit

In principle, Syrian nationals are free to leave the country using national passports (or for Syrian nationals travelling to Lebanon: a valid ID card), via any of the functioning border posts, including at Damascus International Airport. Syrian nationals must pay a departure fee, the amount of which depends on the point of departure (land border or airport).<sup>76</sup>

Certain categories of people require a travel authorization prior to being able to legally leave the country, including, *inter alia*, civil servants, career military personnel, and men of military age (17 to 42 years).<sup>77</sup> According to Art. 48 and Art. 49(3) of the Conscription Law of 2007, men of military age (17-42 years) require a travel permit from the recruitment office in order to legally leave the country.<sup>78</sup> According to the information available to UNHCR, this is in practice also the case for those holding a valid exemption (e.g. for medical reasons) or deferral (e.g. students enrolled in higher studies). Reports indicate that since 2011, travel permits have been rarely given to civil servants and conscripts.<sup>79</sup>

Based on Law No. 18 of 2014, those leaving (or returning to) the country without a valid passport, or without the required authorization, or through an unauthorized departure point, face imprisonment and/or fines, depending on the circumstances of

<sup>74</sup> Syria: Law No. 18 of 2017 [Syrian Arab Republic], 29 March 2017, [www.refworld.org/docid/5eac0ced4.html](http://www.refworld.org/docid/5eac0ced4.html). Law No. 18 of 2017 increased the fees for the issuance and renewal of passports abroad. Passports issued through the expedited process (within three working days) cost US\$ 800, while passports issued through the standard procedure (10 to 21 working days) incur a fee of US\$ 300. In addition, a consular registration fee may be applicable for those that are not already registered at the Syrian representation; UNHCR, *Syria – Booklet on Civil Documentation and Registration in the Syrian Arab Republic*, 25 April 2019, <https://data2.unhcr.org/en/documents/download/69169>, p. 13; Canada: Immigration and Refugee Board of Canada, *Syria: Requirements and Procedures to Obtain, Renew, and Replace Passports and National Identity Cards, Including in Canada and in Neighbouring Countries; Information and Details Contained in Each Document, Including Physical Characteristics (2015-July 2017)*, 11 September 2017, [www.refworld.org/docid/59d384c14.html](http://www.refworld.org/docid/59d384c14.html); The New Arab, *Syrian Passport now the World's Most Expensive*, 4 April 2017, <https://bit.ly/3d2uiMB>.

<sup>75</sup> "In addition to the financial advantages, controlling passports became a very real way to pressure Syrians living abroad as well to create a database of expatriates"; L'Orient Le Jour, *How to Obtain "The Worst and most Expensive Passport in the World"*, 13 February 2019, <https://bit.ly/3bOuSNM>. See also, Enab Baladi, *Dealing in Official Documents at the Syrian Consulate in Istanbul... We Want to See the Citizen's Face Every Morning*, 2 June 2018, <https://bit.ly/2VL0AFS>. See also, Deutsche Welle, *Syrian Refugees in Germany Required to Renew Passports at Pro-Assad Embassies*, 18 December 2018, <https://p.dw.com/p/3AGFQ>; Center for Strategic and International Studies (CSIS), *Supply and Demand: The Industry of Syrian Passports*, 16 January 2016, <https://bit.ly/3f1om8j>.

<sup>76</sup> Syria levies a departure tax of 2,500 Syrian Pounds at land and sea borders. The airport departure tax is included in the ticket price; UNHCR information, 7 May 2020.

<sup>77</sup> UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria: "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria*, February 2017, [www.refworld.org/docid/58da824d4.html](http://www.refworld.org/docid/58da824d4.html), pp. 3-4 (and sources referenced therein).

<sup>78</sup> *Conscription Law (Decree No. 30 of 2007)*, English translation available at: [www.syria-report.com/conscription-law](http://www.syria-report.com/conscription-law). See also, Canada: Immigration and Refugee Board of Canada, *Syria: Changes to Legal Exemptions from Compulsory Military Service, Including Implementation (January-July 2017)*, 18 September 2017, [www.refworld.org/docid/59d37c754.html](http://www.refworld.org/docid/59d37c754.html).

<sup>79</sup> DIS / Danish Refugee Council, *Syria: Recruitment Practices in Government-Controlled Areas and in Areas under Opposition Control, Involvement of Public Servants and Civilians in the Armed Conflict and Issues Related to Exiting Syria*, May 2017, <https://bit.ly/3drSW9l>, para. 1.3.3.



the case.<sup>80</sup> UNHCR is aware that on 26 March 2019, the Syrian Ministry of Interior issued circular No. 342, instructing unit commanders and heads of border crossing points to facilitate the good reception of Syrian citizens who left the country through unauthorized departure points and who wish to return to Syria. The same circular asked all relevant authorities to cancel administrative instructions that had previously been issued in regard to this issue.<sup>81</sup> It is UNHCR's understanding that illegal exit *per se* is no longer punished.<sup>82</sup> UNHCR however notes that in the context of the conflict in Syria, laws are reportedly often implemented in an arbitrary and unpredictable manner.<sup>83</sup>

The mode of departure (with/without authorization) is only one element in a context where (imputed) political opinion for a range of acts or types of behaviour may put someone at risk of arbitrary arrest, torture and disappearance upon return.

## 7. Return and “Settling One’s Status”

Syrian authorities employ a vetting mechanism for those seeking to “settle their status” prior to returning to Syria from abroad.<sup>84</sup> The criteria based on which security clearance is granted are not known, nor is there information available as to how many persons have had their return request approved or denied by the Syrian authorities.<sup>85</sup>

Across government-held areas, returnees are reported to be among those subjected to harassment, arbitrary arrest,<sup>86</sup> incommunicado detention, torture and other forms of ill-treatment, as well as property confiscation, including on account of individuals’

<sup>80</sup> Syria: Law No. 18 of 2014 on the Instructions to Grant Passports [Syrian Arab Republic], 2014, [www.refworld.org/docid/58a5ded34.html](http://www.refworld.org/docid/58a5ded34.html).

<sup>81</sup> A copy of the circular (in Arabic), dating 26 March 2019, is available on the Facebook page of the Syrian Ministry of Interior: <https://bit.ly/2Ypl2wz> and the Syrian Embassy in Romania: [www.syrianembassy.ro/ar/-القسم-الفصلي-المغتربون](http://www.syrianembassy.ro/ar/-القسم-الفصلي-المغتربون).

<sup>82</sup> See also, 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/file/local/2011587/Report\\_syria\\_june\\_2019.pdf](http://www.ecoi.net/en/file/local/2011587/Report_syria_june_2019.pdf), p. 7.

<sup>83</sup> UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria: “Illegal Exit” from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria, February 2017, [www.refworld.org/docid/58da824d4.html](http://www.refworld.org/docid/58da824d4.html), p. 2 (and sources referenced therein).

<sup>84</sup> “In order to avoid arrest upon return, Syrians engage in what is colloquially known as *tafyish* – the act of obtaining information about one’s security file and clearing it, if possible”; ICG, Easing Syrian Refugees’ Plight in Lebanon, 13 February 2020, [www.ecoi.net/en/file/local/2024712/211-easing-syrian-refugees-plight-in-lebanon.pdf](http://www.ecoi.net/en/file/local/2024712/211-easing-syrian-refugees-plight-in-lebanon.pdf), p. 17. “To return **from abroad** or internally, as well as to reconcile affairs with the state, individuals must fill in extensive forms that defy international practice for refugee returns. (...) **For Syrians living abroad** – in neighbouring countries, or Europe – or in areas outside of government control within the country itself, there is presently no pathway to return that does not involve volunteering extensive amounts of information” (emphasis added); EIP, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019, <https://bit.ly/2MW5U59>, pp. 4, 5. In Lebanon, those seeking to return in an organized manner to Syria are required to approach one of the registration offices run by the Lebanese General Security Office or other actors involved in organizing returns, which in turn will share a list of potential returnees with the Syrian authorities for security clearance; Carnegie Middle East Center, *Into the Fire*, 11 September 2019, <https://bit.ly/2p6vNWH>; US News, *In Lebanon, a Push for Refugees to Go Home*, 27 June 2019, <https://bit.ly/2XDv8v2>; Amnesty International, Q&A – Why Are Returns of Refugees from Lebanon to Syria Premature?, 12 June 2019, <https://bit.ly/35q0Kin>, pp. 2-3.

<sup>85</sup> SAWA for Development and Aid, *Unpacking Return Unpacking Return – Syrian Refugees’ Conditions and Concerns*, 6 February 2019, <https://bit.ly/2FEdCfl>, p. 22. See also, Washington Post, *Assad Urged Syrian Refugees to Come Home. Many are Being Welcomed with Arrest and Interrogation*, 2 June 2019, <https://wapo.st/31XSYAG>.

<sup>86</sup> “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” (emphasis added); UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018) and 2449 (2018)*, 16 December 2019, S/2019/949, <https://bit.ly/37M7oq1>, para. 17.

perceived anti-government opinion.<sup>87</sup> According to the International Crisis Group (ICG), there is no certainty about who is safe from arrest upon return because “*the regime’s concept of who is an opponent is not always clear or – more dangerously – can change over time.*”<sup>88</sup> Men of military age are also at risk of being arrested for the purpose of forced conscription upon return.<sup>89</sup> The SNHR recorded the arrest of close to 2,000 returnees from abroad, including women and children, between 2017 and

<sup>87</sup> “(...) 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”; German Institute for International and Security Affairs, *Repatriation to Turkey’s “Safe Zone” in Northeast Syria*, SWP Comment No. 1, January 2020, <https://bit.ly/3eZJBHo>, p. 4. “There had also been reports of individuals being detained after returning to Syria in response to the granting of a partial amnesty by Syrian President Bashar al-Assad”; UN Geneva, *Regular Press Briefing by the Information Service*, 8 November 2019, <https://bit.ly/2r2gK0K>. “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 on the Syrian Arab Republic*, 15 August 2019, A/HRC/42/51, [www.ecoi.net/en/file/local/2016403/a\\_hrc\\_42\\_51\\_E](http://www.ecoi.net/en/file/local/2016403/a_hrc_42_51_E), para. 8. “Significant numbers of arrests and detentions are occurring across the country, in all categories of returnees: refugees returning from abroad, IDPs returning from within the country, or through reconciliation. (...) Particular risk profiles appear to be more susceptible to arrest, such as those who return without seeking security permissions and reconciling before travelling, individuals who worked in sectors or activities believed to be associated with the opposition (journalism, aid work, local councils, rescue workers), **men of military age**, and those with family members who were forcibly displaced to Idlib or Aleppo. However, arrests are taking place across all demographics, and it cannot be assumed that only those within these groups are at risk of being detained or arrested, now or in the future. (...) Those who are arrested while returning to the country face (...) the very real risk of being tortured during detention, even if they are later released” (emphasis added); EIP, *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, pp. 5, 14. “Overall, it is not safe for many Syrian refugees to return given persistent and well-documented protection concerns such as extrajudicial killings and forced disappearances, forced conscription, refusal of entry at the border, movement restrictions, extortion, kidnappings, and gender-based violence including rape and sexual assault. (...) The risk of detention and disappearance continues unabated, and **returnees may be disproportionately affected**” (emphasis added); SAWA for Development and Aid, *Unpacking Return Unpacking Return – Syrian Refugees’ Conditions and Concerns*, 6 February 2019, <https://bit.ly/2FEdCfl>, pp. 29, 40. “During the reporting period, activists, civil defence volunteers, conscript deserters, **recent returnees and others generally perceived to be opposition supporters were the most likely to be detained arbitrarily**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 31 January 2019, A/HRC/40/70, <https://bit.ly/2nHPkvi>, para. 73. According to Leen Hashem of Amnesty International, “[A]rbitrary arrests, enforced disappearances, property confiscation, harassment, social stigma, these are the dangers [for returnees]”; The National, *Some Syrians Are Returning Home to Arrests as Others Brave the Sea*, 26 September 2018, <https://bit.ly/2xPMjuw>. “(...) those from certain families, face suspicion of association with opposition groups and possible revenge from former adversaries”; Refugees Deeply, *Dangerous Exit: Who Controls How Syrians in Lebanon Go Home*, 8 August 2018, <https://bit.ly/2noWXUn>. See also, *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](http://www.ecoi.net/en/document/2015682.html); Financial Times, *Climate of Fear Deters Syrian Refugees from Returning Home*, 14 July 2019, <https://on.ft.com/2YTBxZF>; NPR, *Thousands of Refugees Returning to Syria End Up Detained, Imprisoned, Tortured*, 24 June 2019, <https://n.pr/2NcsnNn>.

<sup>88</sup> “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/file/local/2024712/211-easing-syrian-refugees-plight-in-lebanon.pdf](http://www.ecoi.net/en/file/local/2024712/211-easing-syrian-refugees-plight-in-lebanon.pdf), p. 16.

<sup>89</sup> Reports suggest that a grace period granted by the government to returnees of military age is not strictly adhered to and returnees have been arrested and conscripted before the lapse of the agreed time period: “*At this point, military-age Syrian men have well-founded fears of being forcibly conscripted at the border, regardless of exemption status or promises of temporary amnesty, if they try to return*”; SAWA for Development and Aid, *Unpacking Return Unpacking Return – Syrian Refugees’ Conditions and Concerns*, 6 February 2019, <https://bit.ly/2FEdCfl>, pp. 30-31. “(...) considering increasing reports that individuals who have been signing reconciliation agreements with the Syrian regime have been forcibly conscripted, or in other cases, arrested, tortured, assassinated, or killed, there are no assurances that returnees will be safe”; TIMEP, *TIMEP Brief: Conscription Law*, 22 August 2019, <https://bit.ly/2Y8sDRw>. See also, 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. 16.

August 2019.<sup>90</sup> Arrests have been reported to occur immediately upon entry, at land borders with Lebanon, Jordan and Turkey and at Damascus airport, or within days or months following return.<sup>91</sup> Arrests are also reported to have occurred despite the individual having obtained security approval from the Syrian Government prior to returning.<sup>92</sup> Deaths in custody of returnees have also been reported.<sup>93</sup> Some returnees are reported to have had their passports confiscated to prevent them from leaving the country and others have been called in for interrogations on a regular basis.<sup>94</sup> Some returnees may also face movement restrictions, including the need to obtain security approval to return to their area of origin.<sup>95</sup>

There are a number of reports that describe the arbitrary arrest of individuals from Al-Tal upon their return to Syria, including where the individuals had previously sought to “settle their status”. For example, in September 2019, the Syrian Observatory for Human Rights (SOHR) reported the arrest of five men from Al-Tal upon their return

<sup>90</sup> Of those arrested, “[T]he Syrian regime released 1,132 individuals who returned, while 784 others remained in detention, of whom 638 were forcibly disappeared.” Furthermore, the report noted that among those released from detention, the authorities (...) 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.

<sup>91</sup> “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: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 23. See also, Syrian Human Rights Committee (SHRC), *The 18<sup>th</sup> Annual Report on Human Rights Situation in Syria 2019*, January 2020, <https://bit.ly/37ZKNGu>, p. 71; SOHR, *Regime Intelligence Arrests Young Men in Hujayrah South of Damascus after Returning from Lebanon*, 27 December 2019, <https://bit.ly/37P4xqg>; SOHR, *The Regime Forces Arrest 5 Young Men from al-Tal City in Rif Dimashq when They Returned from Turkey and Entered the Syrian Territory from Latakia Countryside*, 25 September 2019, <https://bit.ly/2Nkx5pf>; Washington Post, *Assad Urged Syrian Refugees to Come Home. Many are Being Welcomed with Arrest and Interrogation*, 2 June 2019, <https://wapo.st/31XSYAG>; Al-Mashareq, *Syrian Returnees Arrested, Tortured by Regime*, 27 June 2019, <https://bit.ly/2N1Opit>; Foreign Policy, *A Deadly Welcome Awaits Syria’s Returning Refugees*, 6 February 2019, <https://bit.ly/2HYBK0r>; Action Group for Palestinians of Syria (AGPS), *Three Palestinian Returnees from Lebanon Arrested upon Entrance to Syria*, 28 August 2018, <https://bit.ly/2AZTdPC>; Irish Times, *Arrests and Torture of Syrian Refugees Returning Home Reported*, 17 March 2018, <https://bit.ly/2nrAUjk>.

<sup>92</sup> “(...) throughout October [2019], Syrian Regime forces continued to pursue and arrest refugees returning to Syria via land crossings, including women, particularly at the Kasab border crossing with Turkey, **despite the returnees’ having settled their security situations prior to their return, or after reaching their original areas of residence**” (emphasis added); SNHR, *The Most Notable Human Rights Violations as a Result of the Conflict in Syria in October 2019*, 3 November 2019, <https://bit.ly/2r1seSk>, p. 4. “Even among the self-selecting ‘voluntary’ returnees, hundreds of detentions and arrests have been reported – **including of refugees from abroad, IDPs from armed opposition areas, and those who have undergone a ‘reconciliation’ in an area retaken by the government**” (emphasis added); EIP, *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, <https://bit.ly/2MW5U59>, p. 4. See also, SNHR, *At least 4,671 Cases of Arbitrary Arrests Documented in 2019*, 2 January 2020, <https://bit.ly/2QvylIC>, p. 15; 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. See also, The National, *Some Syrians Are Returning Home to Arrests as Others Brave the Sea*, 26 September 2018, <https://bit.ly/2xPMjuw>.

<sup>93</sup> “(...) 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. See also, Irish Times, *Arrests and Torture of Syrian Refugees Returning Home Reported*, 17 March 2018, <https://bit.ly/2nrAUjk>.

<sup>94</sup> Euro-Mediterranean Human Rights Monitor (EuroMed Rights), *Syrians Denied Asylum Faced Death or Torture Following Return to Syria*, 19 March 2018, <https://bit.ly/2DDJ5zS>; Irish Times, *Arrests and Torture of Syrian Refugees Returning Home Reported*, 17 March 2018, <https://bit.ly/2nrAUjk>.

<sup>95</sup> SAWA for Development and Aid, *Unpacking Return – Syrian Refugees’ Conditions and Concerns*, 6 February 2019, <https://bit.ly/2FEdCfl>, p. 33.



from Turkey. They were reportedly arrested at the border and subsequently transferred to security branches in Damascus. According to SOHR, they had previously undertaken “reconciliation” with the government, however, the authorities refused the reconciliation and had them on a “wanted list”.<sup>96</sup> Another report from the SOHR speaks of a family which was arrested in Al-Tal following their return from Saudi Arabia in May 2019. They also were reported to have “settled their situation” prior to returning.<sup>97</sup> The news outlet Syria Call reported in July 2019 the death in detention of a man from Al-Tal, who was arrested at Damascus Airport upon his return from Saudi Arabia. He had reportedly lived outside Syria for over 40 years and had not been known for any political activities.<sup>98</sup>

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<sup>96</sup> SOHR, *The Regime Forces Arrest 5 Young Men from al-Tal City in Rif Dimashq when They Returned from Turkey and Entered the Syrian Territory from Latakia Countryside*, 25 September 2019, <https://bit.ly/3eFTYjE>. See also, Syria Call, *Five Young Syrians Fooled by the Promises of the Assad Regime and Returned from Turkey to Their Country*, 24 September 2019, <https://bit.ly/3cEyWjr>.

<sup>97</sup> SOHR, *Regime’s Security Branches Continue Their Abusive Operations in Rif Dimashq and Arrest 2 Families in al-Tal City North of the Capital Damascus*, 6 May 2019, <https://bit.ly/34YVeK6>. See also, Syria Call, *The Syrian Regime Arrests Two Families in Al-Tal, North of Damascus*, 5 May 2019, <https://bit.ly/2xUY1YG>.

<sup>98</sup> Syria Call, *Assad’s Regime Pursues the Leaders of Reconciliations in Daraa, Arrest New Group of Returnees Through “Naseeb”*, 2 July 2019, <https://bit.ly/2Vwedc8>.