

Two Months Since Issuing Amnesty Decree, the Syrian Regime Released Only 96 of Nearly 130,000 Detainees and Arrested 113 More

The Syrian Regime Succeeds in Relieving International Pressure on It to Release Tens of Thousands of Detainees Following the Outbreak of COVID-19 Through a Deceptive Amnesty Decree

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Friday, May 15, 2020

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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I. A Brief Background and Assessment of Amnesty Decree No. 6 of 2020, Nearly Two Months After Its Issuance

With the start of the outbreak of the Coronavirus (COVID-19) pandemic, the Syrian regime came under some pressure from a number of international bodies to reveal the fate of and release tens of thousands of detainees, over concerns of the spread of the virus among them, with a number of countries worldwide already having adopted this strategy as a way of minimizing the spread of the disease among prisoners. In response, however, the Syrian regime found a way to circumvent these pressures; whilst it did issue an amnesty decree '[No. 6 of 2020](#)' on March 22, 2020, this was a purely cosmetic measure designed to avert further criticism through issuing an official proclamation, knowing that it would take time to be implemented, with the real objective being to absorb the temporary international wave of pressure.

Based on a comprehensive analysis of all the amnesty decrees issued by the Syrian regime, the Syrian Network for Human Rights (SNHR) learned that this decree will effectively add nothing to its predecessors. We issued [a report](#) on March 24, 2020, after the issuance of Decree No. 6 explaining in detail how the Syrian regime had manipulated the provisions of earlier decrees, as well as their implementation.



Nearly two months since the latest amnesty decree, we are trying in this report to clarify the reality of what happened in these two months through examining the material amassed by the SNHR's team monitoring of the release operations that took place, and who was supposed to be included. Meanwhile, we've also monitored continuing arrests, using several pretexts, of anyone who contributed to the uprising for freedom, and it seems that the next stage of arrests and torture will extend to even neutral individuals who the regime views as not having shown sufficiently fervent loyalty and support.

II. The Report's Methodology

The SNHR's Detainees department makes extensive attempts to communicate with former detainees released from the Syrian regime's detention centers, as well as with the families of detainees and the forcibly disappeared, in order to collect the largest amount of information and data to track the cases of detention and enforced disappearance and monitor the context of the releases and their backgrounds. The Detainees department also communicates with detainees in civil detention centers, their lawyers and families to monitor their conditions and follow up on the trials to which they are subjected. Over the past nine years, we have built up an extensive database of detainees, disappeared persons, and individuals who have been released.

In this report, we outline the results of the analysis cross-referenced with details from the SNHR's archive that we conducted for Decree No. 6/2020, as well as summarizing the record of arrests, torture and releases documented by the SNHR since the issuance of Decree No. 6 on March 22, 2020, until May 15, 2020. We have tried as much as possible to verify the charges against those who have been released since the issuance of this decree, and we confirm that here we include only the cases in which those detainees whose 'crimes' are of a political nature have been released, and exclude cases involving the release of criminal detainees accused of theft, counterfeiting and similar criminal felonies.

The report is also based on direct and preliminary communication with a large number of families; from this, we can confirm that while a large number of photos and news reports concerning supposedly released detainees have been published, upon checking, it was discovered that most of these reports were baseless rumors. We also contacted a number of detainees who had been released, taking into account their still fragile psychological and physical condition. Finally, we relied on the information we obtained from the detainees who are still being held in civilian prisons in the Syrian governorates, in particular the Central Prison in Hama, the Central Prison in Homs, and the Adra Central Prison, as well as from their lawyers and families. We analyzed all information and data we collected in order to reach the most accurate possible results in this report, and can confirm that we notified the families and surviving detainees of our goal in collecting this information, obtaining their freely given consent to cooperate with us.



III. Amnesty Decrees Issued by the Syrian Regime Are a Hoax Used by Some Right-Wing Parties and the Syrian Regime Allies

A total of 17 amnesty decrees has been issued by the Syrian regime since 2011 to date, with SNHR repeatedly emphasizing throughout this period that these decrees are partial rather than general amnesty decrees, and include wide-ranging exemptions that largely empty them of their content or effectiveness. In addition to this, the vast majority of detainees have been detained because of their contribution to the popular uprising and to demands for political change, no matter how limited their participation was, even if it was simply attending a demonstration, writing on social media pages or providing medicine or food to those under siege; the vast majority of individuals arrested for these and similarly innocuous actions are accused of 'terrorism,' and referred for trial to the Counter-Terrorism Court established by the Syrian regime in 2012. This 'court' is actually far closer to being another branch of the state security services than any recognizable legal court; in addition, all detainees are subjected to one or more forms of torture, and their confessions are obtained under torture and threats, with disproportionately harsh sentences such as life imprisonment or 25 years being handed down based on these worthless confessions known to have been obtained under torture. Even if we supposed theoretically that the charges were true and some sentence were merited, those issued remain exceptionally harsh for the alleged offences in question. We at the SNHR, believe that there is no sense in commuting or canceling sentences issued on the basis of false or bogus accusations, which were extracted under torture. In effect, the Syrian regime first fabricates these charges, then issues sentences based on them, before occasionally issuing a partial amnesty for some of those charged; even with this partial amnesty, however, the sentences remain excessively harsh, and the partial amnesty does not include the vast majority of the detainees.

As we indicated in our previous report, under the current system of extremely limited releases and partial amnesties, it would take 325 years for the Syrian regime to release the approximately 130,000 Syrian detainees it has detained to date, according to the database we have built over nine years. However, we must always remember that, in addition to these prisoners, the Syrian regime continues carrying out detentions and has not stopped doing so even for one month.

In addition to the Syrian regime using these partial amnesties in an attempt to relieve international pressure on it to avoid being compelled to release some of the thousands of detainees who are threatened by the COVID-19 pandemic, the regime achieves other goals through the amnesty decrees, the most important of which are:



- Pardoning those who deserted from military service. According to our monitoring of the arbitrary conscription operations carried out by the Syrian regime, these detainees are returned to the ranks of its forces after being pardoned due to the manpower shortages which the regime military is suffering from in the ranks of its forces, (the decree excludes those defectors who joined the opposition forces, and requires that there shall be personal allegation against those detained; we've noted that many of these are arrested through complaints lodged by Syrian regime figures).
- Gaining some credibility for the regime by releasing some political prisoners.
- This occasion constitutes a good opportunity for the Syrian regime's mafia-style networks, which make a significant profit from offering information about detainees to their families and loved ones in exchange for money. We have referred dozens of times to this malicious phenomenon and the extent of the severe psychological trauma it has caused to the families of the detainees desperate for information about the fate of their husbands, sons, fathers and other relatives, and have repeatedly urged family members not to resort to these charlatans because they are fraud networks and aim to achieve financial gains that will ultimately be in the interest of the security services. In addition to that, all those who are pardoned are still required to pay an often exorbitant fine, because, while, the pardon overturns the prison sentence, it does not overturn the financial penalty, and any goods confiscated or seized from the detainees by the regime are not returned.

Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

“The Syrian regime forces detainees to confess to offences they did not commit, and issues sentences against them based on confessions taken under torture and terror, or based on political acts recognized by the constitution and human rights principles, such as: demanding political change and bringing down the government and its brutal security apparatus; then the regime issues an amnesty as a way of ‘proving’ that those demanding political change are convicts and criminals; in addition, the amnesty then includes only a few dozen of the more than 130,000 detainees in the regime’s prisons. This is the cynical system according to which the Syrian regime operates, and there is no solution to the issue of detainees and the forcibly disappeared persons in Syria except through achieving a political transition towards democracy according to a strict timetable.”



IV. The Record of Arrests, Torture and Releases Since the Issuance of Decree No. 6, According to the SNHR's Database

We noted, through our daily monitoring of the releases resulting from Decree No. 6, nearly two months after its issuance, that they did not differ from the releases that accompanied the sixteen decrees issued before it. The following is the record of the releases, which we believe are against the background of the issuance of the decree, and we also include the record of the cases of arrest that took place during the same period. We note that the record of arrests is higher than the record of releases. We also include the record of the death toll of torture cases that we were able to document during this period, some of which may have occurred earlier.

A. The record of those released after the issuance of Decree No. 6 of 2020:

The SNHR's team has documented the release of at least 96 individuals from the Syrian regime's detention centers, since the issuance of Amnesty Decree No. 6 in March 22, 2020, until May 15, 2020. This record includes only those arrested in connection with their participation and activities in the popular uprising for democracy, or those who were randomly arrested or based on malicious security reports without a warrant, with the security branches undertaking investigations with them and extracting confessions under torture.

These were distributed according to the detention centers from which they were released as follows:

Adra Central Prison: 46

Homs Central Prison: 18

Suwayda Central Prison: 14

Hama Central Prison: 11

Seydnaya Central Prison: 4

Aleppo Central Prison: 2

Released individuals, whom we were unable to identify the detention center from which they were released: 1

The SNHR's team did not record any cases of release from detention centers of the four security branches (Military Security, Air Security, Political Security, and State Security) either from their central headquarters in Damascus city or their branches across the governorates. We stress that these branches possess the powers to not implement laws even if they include cases to which the provisions of the amnesty decree apply, and the Ministry of Interior or Justice cannot compel the security services to do anything. The authority of the security services is the highest and derives its power directly from the President of the Republic.



Releases were distributed according to the courts where detainees were tried as follows:

Counter-Terrorism Court: 61

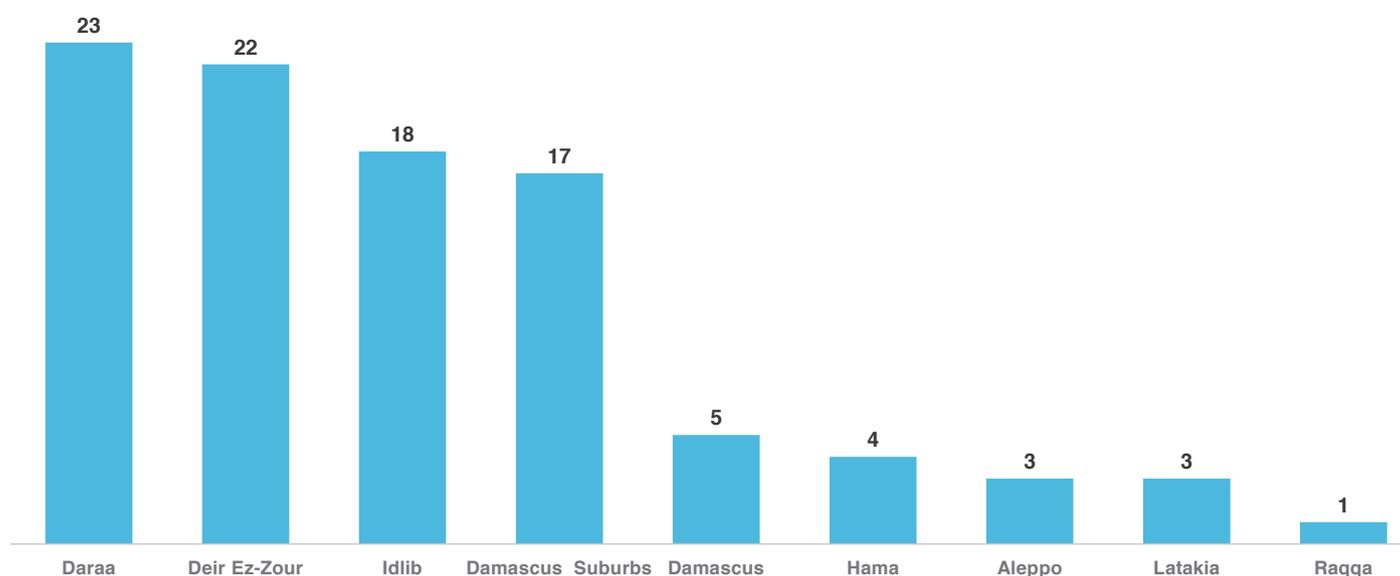
Military Courts: 18

Military Field Court: 17

According to the period of detention they spent in custody, as follows:

We have recorded the release of at least 62 individuals who spent at least five to eight years in detention, and at least 34 who spent less than five years in detention in the Syrian regime's detention centers.

According to the governorates to which they belong, as follows:



The most notable cases of release that we documented after the issuance of Decree No. 6/2020:

Abdul Hamid Mahmoud al Ghafel al Haj Ali, from Kherbet Ghazala town in the northeastern suburbs of Daraa governorate, was arrested on Tuesday, December 9, 2014, by Syrian Regime forces in Kherbet Ghazala town and was detained for about five-and-a-half years. On Friday, April 17, 2020, he was released from Seydnaya Military Prison in Damascus Suburbs governorate.





Photo of Abdul Hamid al Haj Ali after his release on April 17, 2020



Photo of Abdul Hamid al Haj Ali before his arrest and enforced disappearance on December 9, 2014

Fares Jhayyem, a dissident conscript from Syrian Regime forces, from Zakiya town in the west of Damascus Suburbs governorate, was arrested in 2017, by Syrian Regime forces when he voluntarily came forward to undergo a settlement after he had received guarantee of safety from the reconciliation committee in Zakiya town. On Sunday, April 19, 2020, he was released from Seydnaya Military Prison in Damascus Suburbs governorate.



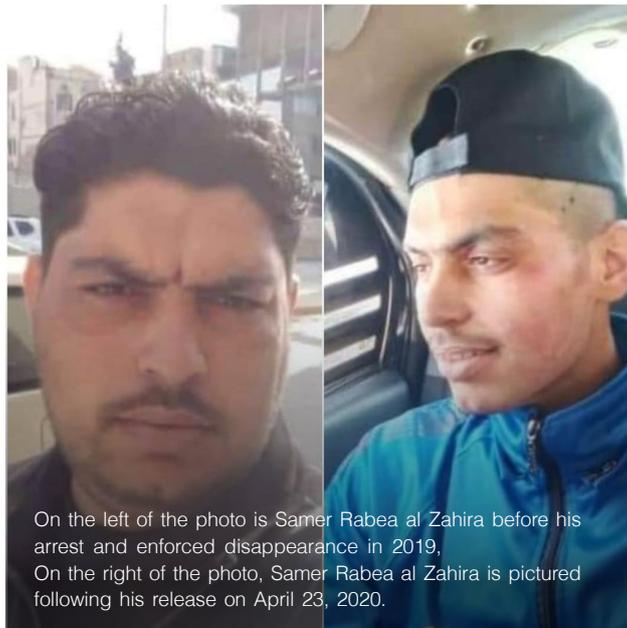
Photo of Fares Jhayyem after his release on April 19, 2020



Photo of Fares Jhayyem before his arrest and enforced disappearance in 2017

Samer Rabea al Zahira, aged 32, from Dablan village, which is administratively a part of al Ashra district in the eastern suburbs of Deir Ez-Zour governorate, was arrested by Syrian Regime forces in May 2019 in a raid on his home in Dablan village after returning from Lebanon and undergoing a settlement of his security status in a conciliation center in Deir Ez-Zour governorate, and was released from Seydnaya Military Prison in Damascus Suburbs governorate on Thursday, April 23, 2020.





On the left of the photo is Samer Rabea al Zahira before his arrest and enforced disappearance in 2019, On the right of the photo, Samer Rabea al Zahira is pictured following his release on April 23, 2020.

Ghannam Hussein al Sultan, from Abu Hamam town, which is administratively a part of al Sh'aitat area in the eastern suburbs of Deir Ez-Zour, was arrested by Syrian Regime forces in 2014 and released on April 16, 2020.



Ghannam al Sultan before his release while in detention center

The preceding images show the stark comparison between the health and physical wellbeing of newly released detainees before their detention and after their release, with the Syrian regime's negligence towards detainees' health and medical care being clearly visible; this plainly demonstrates the grave threat posed to the physical and mental health of about 130,000 detainees who are still detained in the Syrian regime's detention centers, according to the SNHR's database.

B. The record of arrest cases and incidents by Syrian Regime forces since the issuance of Decree No. 6 of 2020:

The arbitrary arrests carried out by Syrian Regime forces in the areas under their control haven't ceased, in many cases targeting people who were granted a settlement certificate and a promise from the regime that they would not be harassed after settling their status; despite these, hardly a day passes without the SNHR's team recording a case or incident of arbitrary arrest, some of them collective, as part of raid campaigns on areas and neighborhoods. The SNHR's Detainees department documented at least 113 arrests since the is-



suance of Amnesty Decree No. 6 on March 22, 2020, until May 15, 2020, by Syrian Regime forces. We have noted through our monitoring that the Syrian regime has actually arrested more people than it released since issuing the latest Amnesty Decree. We also detailed arrests carried out by the regime during April only within the period of [the monthly report](#) concerned with arrest, which was issued at the start of this month.

The most notable cases of arrest since the issuance of Decree No. 6/2020:

Muhammad Majid, from Douma city in the Eastern Ghouta in Damascus Suburbs governorate, was arrested by Syrian Regime forces on Sunday, March 22, 2020, in a raid on his workplace in Douma city. His fate remains unknown to SNHR.

Amin Hussein al Ayesh, from al Joura neighborhood of Deir Ez-Zour city, was arrested on Monday, April 20, 2020, by Syrian Regime forces in a raid on his house in al Joura neighborhood and was taken to an undisclosed location

Hussein Muhammad al Majwal, from al Joura neighborhood of Deir Ez-Zour city, was arrested on Friday, April 10, 2020, by Syrian Regime forces in a raid on his house in al Joura neighborhood and was taken to an undisclosed location

Abdullah Muhammad al Amer and Muhammad Ziad al Halqi, from Jasem city in the north-western suburbs of Daraa governorate, were arrested on Thursday, April 16, 2020, by Syrian Regime forces, while they were passing through one of the regime's checkpoints in Jilleen village in the western suburbs of Daraa governorate as they were heading from al Mzayreeb town to Jasem city and were taken to an undisclosed location.

Nedal Shamdin al Atma, a former defector from the regime military with the rank of captain, from al Sanamayn city, north of Daraa governorate, was arrested by personnel from the Military Intelligence Division's Palestine Branch in Damascus city on Sunday, April 19, 2020, after he was summoned to the same branch; he was among those who previously made a settlement of their legal and security status.

C. The death toll due to torture since the issuance of Decree No. 6/2020:

The SNHR's team documented the deaths of at least 30 individuals, including one woman, due to torture and medical negligence in the Syrian regime's detention centers between March 22, 2020, and May 15, 2020, some of whom were arrested after the issuance of Decree No. 6, dying a few weeks after their arrest; meanwhile, the bodies of three detainees were handed over to their families, bearing signs of torture, while the remaining victims' bodies have not been handed over to their families, and accordingly, they are still classified as forcibly disappeared.



The most notable victims of death due to torture after the issuance of Decree No. 6/2020:

Mrs Heyam Muhammad al Nafea, a married woman from al Qouriya city in the eastern suburbs of Deir Ez-Zour governorate, was arrested on Tuesday, March 3, 2020, by Syrian Regime forces at the Immigration and Passport Building in Damascus city, and taken to the regime's infamous Palestine Branch in the city. Heyam, born in 1985, was subsequently classified as forcibly disappeared, with nobody, including her lawyer allowed to visit her. On Monday, May 11, 2020, Syrian Regime forces notified her family of her death 10 days earlier on Friday, May 1, 2020, and told them they could collect her body from Tishreen Military Hospital in Damascus city. According to information SNHR has received, Heyam was in a good health at the time of her arrest, indicating that she probably died due to torture and medical negligence.

Mahmoud Abdul Majid al Rahil, from Inkhel city the northern suburbs of Daraa governorate, was a member of one of the opposition factions. Mahmoud, who was born in 1994, was arrested by personnel from the Syrian regime's Security State Force on Monday, May 4, 2020, in Inkhel city, and taken to one of the regime's detention centers, where he was tortured to death. On Thursday, May 7, 2020, his body was handed over to his family from Tishreen Military Hospital in Damascus city bearing signs of torture. We note that Mahmoud was among those who had previously settled their legal and security status with the regime, and was engaged in no military activity at the time of his arrest.



Mahmoud Abdul Majid al Rahil

Saleh Muhammad Saeed Jarjanazi, an officer with the rank of colonel, from Taqsis village, southeast of Hama governorate, was arrested by Syrian Regime forces in August 2014, while he was passing thorough one of the regime's checkpoints in Tal Qartal village, south of Hama governorate, as he was on his way from Hama city to Taqsis village. In March 2020, he was transferred from Adra Central Prison to Seydnaya Military Prison in Damascus Suburbs governorate, and on Friday, April 17, 2020, his body was handed over to his family.



The victim, Saleh Muhammad Saeed Jarjanazi, before his arrest and enforced disappearance in 2014



Radwan Rezq Srour, a dissident conscript from al Sheikh Maskin city in northern suburbs of Daraa governorate, who defected from Syrian Regime forces, was arrested by Syrian Regime forces on Sunday, October 28, 2018, in a raid on his home in al Sheikh Maskin city, after which he was tortured to death. On Wednesday, April 1, 2020, his body was handed over to his family, bearing signs of torture. We note that Radwan was among those who had previously settled their security status with the regime.



V. Conclusions and Recommendations:

Conclusions:

1. The Syrian regime is the party that forced the detainees to confess to acts they did not commit, tried them on the basis of those confessions, and then issued a partial amnesty for them, in a brutal and horrendously cynical cycle that constitutes a further insult to the Syrian law and constitution.
2. Decree No. 6/2020 did not include activists or political detainees and those detained in connection with their expression of opinion, focusing instead on including those sentenced under a narrow range of charges that were directed against a very few civilian detainees; this fits the pattern which we have observed throughout our monitoring of release cases, namely that the regime focuses only on securing the release of detainees from two categories – criminals and military personnel – rather than showing any intention of releasing civilian detainees.
3. The lack of a clear mechanism for the methods of selecting and releasing detainees who have been included in the amnesty, as well as the failure to include detainees held, often for years, in security branches and unofficial detention centers, without being charged or subjected to any trial.
4. Most of those who were released were civilians, who had been arbitrarily arrested and framed on charges of terrorism, who were tried in courts that lacked the most fundamental legal standards of justice or degrees of litigation, who were granted amnesty, and released.
5. The Syrian regime did not bring charges and prosecute detainees only in accordance with the General Penal Code in the articles related to crimes against state security, but rather issued the Anti-Terrorism Law, in which it provided vague articles and ambiguous and general definitions of terrorist acts and conspiracy, according to which the largest possible number of detainees could be tried before the Counter-Terrorism Court, with



the legislation leaving room for the judges to define and analyze the accusations made according to their own opinions, opening the door to the exploitation and material extortion of the detainee in exchange for his or her release or inclusion in the amnesty decrees issued.

6. Originally, there was no legal basis for the mechanism for criminalizing and charging detainees, either according to the Anti-Terrorism Law or the General Penal Code, usually based on confessions extracted from detainees under torture and coercion, especially those who have been subject to military field courts, which are not courts in the legal and judicial sense.
7. The amnesty decree is, essentially, a tool providing a new opportunity for the security services to extort more money at the expense of the detainees' families.
8. The Syrian regime uses amnesty decrees to pardon those fleeing from military service in order to re-conscript them into its forces.

Recommendations:

The United Nations and the international community:

- Should not be deceived by the tricks of the Syrian regime and should continue to put constant pressure on it to release political and human rights activists, protesters, and all peaceful, democratic opponents, dissidents and prisoners of conscience.
- Take responsibility in the event of the spread of the COVID-19 pandemic among tens of thousands of Syrian detainees and the risk of this being fully transferred to Syrian society, especially given the continuation of air flights and the movement of Iranian militias from virus-stricken Iran to Syria.
- Do everything possible, from imposing sanctions to invoking a threat of military action, to allow international organizations access to the Syrian regime's detention centers and to ensure that the fate of tens of thousands of detainees is revealed.

Independent International Commission of Inquiry (COI):

- Follow up on the regime's use of futile partial amnesty decrees to deceive both the Syrian people and the international community.

OHCHR:

- Demand that the Syrian regime stops exploiting and manipulating the fate of hundreds of thousands of Syrian families.



The Russian regime:

- Put pressure on its ally, the Syrian regime, to release tens of thousands of political detainees.

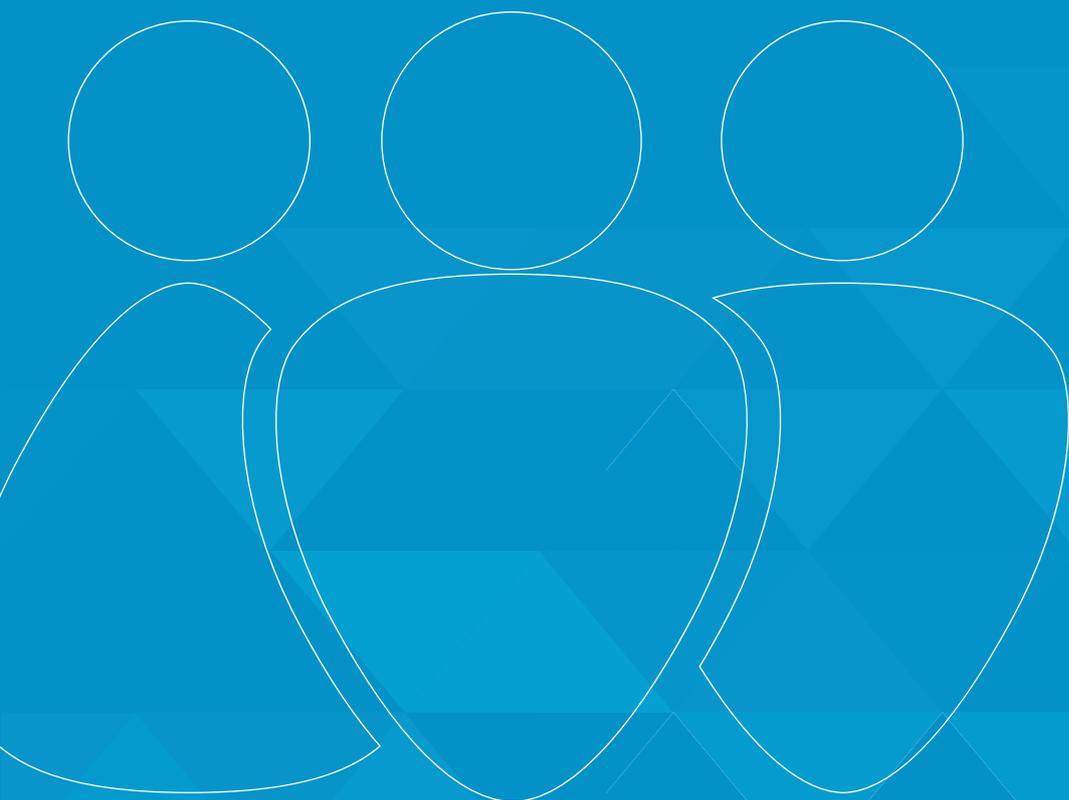
The Syrian regime:

- Revoke the sentences issued by the Counterterrorism Courts, the military courts, and the Military Field Courts in relation to detainees imprisoned in connection with the popular uprising, as these lack the foundations of court, justice, and law.
- Unconditionally release detainees imprisoned in connection with the popular uprising, disclose the fate of the disappeared among them, compensate the affected people, and stop manipulating their fate and extorting their families.
- Stop using the Syrian state as a private family property.
- Cease terrorizing Syrian society through forced disappearances, torture and death due to torture.
- Stop manipulating the constitution and laws by using them to serve the goals of the ruling family and enacting deceptive legislation.
- Bear the costs of all the legal and material consequences, and compensate the victims and their families.

Acknowledgment

We offer our sincere thanks to the survivors of detention centers, the families of detainees and forcibly disappeared persons, and the activists, whose participation contributed to the completion of this report, and extend our sincere condolences to the families of the victims.





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