



Statement

The Need for Justice for Detainees Held by the Assad Regime Amidst COVID-19

SNHR and TDA Organize a Side Event on the Sidelines of the United Nations General Assembly Meetings

The Syrian Network for Human Rights (SNHR) and The Day After (TDA) organized a side event on the sidelines of the United Nations General Assembly meetings, which was broadcasted on the Zoom platform and social media pages, with the participation of Mr. Amb. James F. Jeffrey, Special Representative for Syria Engagement and Special Envoy to the Global Coalition to Defeat ISIS, US Department of State, Mr. Robert Rohde, Ambassador for the Negotiations on Syria and Head of Division for Syria, Iraq, Lebanon & Anti ISIS Strategy, German Federal Foreign Office, Mr. Ivan M. Nielsen, Special Representative for the Syria Crisis, Denmark, Ms. Rasha, former political detainee, Mr. Fadel Abdul Ghany, Executive Director of SNHR, and Mr. Mutasem Syoufi, Executive Director of TDA, with the event being moderated by Ms. Emma Beals, Senior Advisor at European Institute of Peace and Editor of Syria in Context.

The event focused on the following key questions:

- What is the impact of the COVID-19 pandemic on arbitrarily detained persons in Syria, and how is it possible to pressure the Syrian regime and the other parties to the conflict to release the largest number of them, including the sick and the elderly? What types of support can be provided to survivors of arbitrary arrest, their families, and the families of the missing?
- Why have the Security Council and the international community more broadly struggled to address the plight of detainees and other victims of the Assad regime's crimes against humanity in Syria?
- What are the most prominent accountability tools available, in addition to the sanctions to hold the Syrian regime accountable and to advance a political resolution of the conflict based upon UNSCR 2254?? What role can victims' groups and Syrian human rights organizations play in this context?

Mr. Fadel Abdul Ghany, Chairman of SNHR opened the session by noting that: **“The main objective of these opening remarks is to put this event in context, since it follows a series of side events on the sidelines of the UN General Assembly meetings, going back several years. In previous years, the event was organized by the United States and sponsored by several countries, with the Syrian Network for Human Rights (SNHR) invited as a partner along with other organizations; this year, due to the extraordinary circumstances arising from COVID-19, we, at SNHR, are honored to undertake this task. The goal of this event is to ensure continuity in this series of side events.”**

Mr. Abdul Ghany also thanked The Next Day and Rasha for their participation in organizing the event, and the friendly countries for their speedy coordination and response.

After this, the moderator, Ms. Emma Beals, delivered her speech, starting by thanking and introducing the participants, then noting that: **“The whole world is grappling with the novel coronavirus; Syria is no exception, with virus infections and deaths that far outpace official statistics, and the Syrian government continues to impede and prevent humanitarian access.”** Noting that **“around the world, prisoners and prisons are disproportionately affected by the virus, here too, Syria is no exception,”** Ms. Beals emphasized, **“Today it is even more important than ever to be here discussing the plight of Syrians in arbitrary detention who remain particularly vulnerable to COVID-19.”**

Ms. Beals also noted that **“The UN Independent Commission of Inquiry has found that the vast majority of these people were detained solely for their participation in calls for reform and for a government that recognizes their rights,”** adding, **“These arrests take place in the**

form of abductions carried out without any legal warrant, and the detainees' families are often denied any knowledge of where their loved ones are being held." She continued, "Detainees cannot communicate with the outside world or even with a lawyer, and are subjected to extremely brutal methods of torture and suffer in horrendous, overcrowded cells under filthy conditions ripe for the spread of COVID-19." Ms. Beals also stated, "The COI has described these practices as crimes against humanity. Such crimes require serious and urgent action from the international community to support efforts to hold perpetrators accountable."

This speech was followed by an address by Mr. James Jeffrey, which he began by thanking the organizers and participants, and affirming the USA's long-standing partnership with the Syrian Network for Human Rights. He also thanked Germany for the steps taken in the German courts against war criminals, as well as thanking the Netherlands for the recent steps taken regarding the issue of torture in Syria. Mr. Jeffrey confirmed during his address that, "Our goal as the United States is to ensure a political process that brings peace to the country under UN Resolution 2254." Listing the steps taken by the United States to achieve this, he said, « **First: We will not normalize relations with that evil regime until it takes steps to embrace 2254, and it certainly has not up until now.** » Ambassador Jeffrey committed continued U.S. humanitarian assistance for the Syrian people, noting the United States is the « single biggest donor » and highlighting the U.S. imposition of « ever tougher sanctions, the latest are the Caesar sanctions, named after the officer who photographed the Syrian victims of torture. » He added that these sanctions "Target specific persons close to the regime." Ambassador Jeffrey reiterated U.S. support for accountability efforts, applauded efforts by Syrian documentation groups to « bring to light » the horrific atrocities committed by the Assad regime and thanked European partners for pursuing justice for regime crimes, including the ongoing trials for state-sponsored torture in Germany and the recent Dutch efforts to hold the regime to account under the UN Convention against Torture.

Ambassador Robert Rohde was the next speaker, beginning his address by emphasizing that: "History taught us that there can be no lasting peace without justice," and going on to say, "It's therefore a very important, timely signal that Syria remains high on our respective political agendas; over the course of this bloody and ongoing conflict for no more than nine years, the people of Syria have paid the highest price. The international community has witnessed systematic and wide-scale violations of international humanitarian and human rights law," he noted, adding, "According to the appalling figures and numbers of the SNHR, Syrian regime forces account for almost 90% of cases of torture and killing," Ambassador Rohde reiterated, "Without accountability for the crimes committed and without justice, there can be no sustainable peace and reconciliation," noting additionally that "The COVID-19 pandemic adds to these horrors. The virus is spreading unchecked through all parts of Syria. Official statistics are relatively low, but our estimates are much higher." Mr. Rohde emphasized the severe implications of the pandemic on the already dire humanitarian situation in Syria,

adding, **“We support the political solution in accordance with UNSC Resolution 2254. The political process is much more than the sole Constitutional Committee. It starts with confidence-building measures, and a call for an unconditional large-scale release of detainees and missing persons, starting with the most vulnerable ones.”** Mr. Rohde affirmed that, **“Especially in times of the COVID-19 pandemic, Damascus must allow immediate unconditional unhindered access to all detention centers,”** noting that **“Germany is frontrunner for national and international initiatives to work towards accountability in Syria. We may not be able maybe to feel the pain that the people of Syria are feeling, but it is our duty to alleviate their suffering.”** Mr. Rohde concluded his address by stressing that, **“No crime should go unpunished and no victim left behind.”**

The next speaker, Mr. Ivan M. Nielsen, began his address by saying: **“Today we are talking about accountability, with a focus on some of the most vulnerable among the vulnerable, those who are languishing in prisons and places of detention in the most cruel conditions, and who, even though it’s hard to imagine, have become even more endangered as the corona pandemic is spreading. It is heartbreaking to see that the UN Secretary-General’s global appeal for the release of detainees held without any legal basis, including political prisoners, to reduce overcrowding to prevent catastrophic rates of COVID-19 infections, has been ignored by the Syrian regime.”**

Mr. Nielsen referred to the massive numbers of arbitrary arrests and deaths due to torture documented by the Syrian Network for Human Rights, saying that these are **“mind-boggling numbers, but we should never ever forget that behind each number there is a man, a woman, or a child, and that individual has a family. Against this, and more broadly, it is heartbreaking that efforts to pursue accountability in Syria through of the Security Council has generally been unsuccessful due to the use of vetoes by members who support the Syrian regime, in particular, Russia.”** He further emphasized that **“Such politicization of justice and of the protection of human beings is both shameful and shows an utter disregard for the victims and their families.”** Mr. Nielsen further emphasized, **“There will be no lasting peace in Syria without addressing the fundamental problem of accountability,”** adding, **“On the more positive side, it has been encouraging to see that some ways and means to pursue accountability, regardless of the Security Council paralysis, have been activated successfully; the most prominent ones is the establishment of the IJIM, national prosecution in a number of countries, and the recently announced Dutch initiative of opening a case against Syria under the Torture Convention. Also, sanctions should obviously be highlighted as an important tool in support of accountability.”**

Mr. Nielsen emphasized the vital importance of the work done by the Syrian Network for Human Rights, The Day After, and other Syrian human rights organizations, saying, **“Syrian human rights organizations remain essential in collecting evidence and other documentation, on which accountability efforts outside Syria are fully dependent; apart from our deepest respect for the tremendous work done so far, they deserve our support also financially. The list of or-**

ganizations is long, but let me mention our two hosts today, the Syrian Network for Human Rights and The Day After, whom Denmark is both pleased and proud to support.” Mr. Nielsen also asked rhetorically, “Why doesn’t the regime allow the UN and ICRC immediate and unhindered access to places of detention? And why does the regime ignore Secretary-General Guterres’s appeal to release detainees even in light of the pandemic?” He added, “The release of the detainees would also serve as a much-needed confidence-building measure in support of the political process, which the UN Special Envoy Geir Pedersen is trying so hard to advance.” Mr. Nielsen continued, “Based on the regime’s past and current behavior, we all know the answer to those questions, unfortunately, but that should not prevent us, rather the contrary, to maintain our own pressure on the regime and urge Russia to do the same to deliver on the political process.”

These speeches were followed by an address by Rasha, a former detainee, who spoke about her own dreadful experience, where she was arrested with her children by the Syrian regime’s Air Force Intelligence division. Rasha began her speech by saying, “One of the most important issues that we must talk about in the revolution is the issue of detainees, in particular, female detainees and children, and children under 18 years and infants in particular, as well as pregnant women who fall victim to the brutal and criminal regime.” Rasha recounted details of her own experience nearly three years ago, beginning by recalling how she was arrested. She said, “I was pregnant, and I wanted to obtain passports for me and my children, which is my right as a Syrian citizen and, praise be to God, I am a peaceful woman, and I have never committed any felony, and I follow the law and the constitution. I was arbitrarily arrested, of course, as soon as I entered the Immigration and Passports Department, then I found myself detained - myself and my children - in addition to my sisters-in-law.” She continued, “As soon as I entered the Immigration and Passports Department, they stripped me of my purse, my phone and all my belongings, and prevented me from communicating with my family to tell them what happened to me. Then, they put me in the car with armed personnel, and they took us to the Air Intelligence Branch, where from the first moment they started practicing psychological torture. Upon my getting into the vehicle, the filthy words and insults began, and even the little girl who was two years old was not spared from insults; from the first minute, we lived in the unknown, me and my children.” Rasha continued, “When we arrived, they put me in the basement without an investigation for a month. I was eight months pregnant, and had children aged five years, three years, and two years old. I cannot express the suffering that we have lived during that month, I cannot describe it in any words. I spent that month in a cell in very poor living conditions, a cell without lighting, full of insects and cockroaches, food of the worst types, which could not be eaten even for the purpose of survival, and was not suitable for a pregnant woman, children or human beings; there were no covers, and, if any could be found, they were all dirty and full of lice and insects. Sometimes they cut off

the water from the cell.” Rasha added, “I lived in the worst conditions this month, after which - without sun or ventilation - I and the children started getting sick, enduring pain, suffering, and hyperpyrexia. The doctor sometimes came and said, ‘Give her Paracetamol,’ then under the pretext that I was pregnant, they said, “There is no medicine for you.”

After that month, Rasha recalled, “I was transferred to an above-ground room in which I remained isolated for 11 months. At the start, the ninth month of my pregnancy had begun; after a while, the symptoms of childbirth began and labor began and they took me to the military hospital [...]. I can never express my suffering; they put me in the hospital bed tied to it, and they prevented anyone from seeing me, even the doctor did not enter except in the presence of the guards. When the labor began, the guards were also present in the delivery room, until I was anesthetized, and I think that they remained in the operating room during the whole delivery and I gave birth by caesarean. When I woke up after the operation, I found the guards at the side of the bed. I gave birth to two daughters, and a new suffering began with five children with me in prison,” she added, “I took care of the two girls without any supplies [...]. They sent me two female wardens who threatened to throw the two babies from the window,” Rasha emphasized the absence of the minimum requirements for child-care and attention, then added, “A colonel called Suhail came and told me that the two girls would be transferred to the orphanage, and of course it was not my right to ask to which orphanage they would be taken, or if I had the right to see them later. I had not participated in any peaceful movement or otherwise, but after that, I met women who participated in the uprising.” She added, “When I left, they told me that there was no arrest warrant or crime, meaning that I was a hostage or kidnapped. For the nearly three years I spent there, there was no contact with my family or anyone at all since I was in an unknown place, and my family did not know neither where I was nor what happened with me, whether I was alive or dead! They didn’t even know what happened with my children.” Rasha says, “Because of the many threats to kill them and blow them up, I suspected that the children were really in the orphanage, and I doubted that I would see them again. One day, I was placed in the exchange room, where women are only deposited for exchanges without an arrest warrant or anything. After two years and eight months, I got out as part of an exchange for me and the children after I was transferred from the Military Airbase to the Military Security Branch, where I stayed for four days, during which I was prepared for the exchange.” Even this was not the end of the suffering, Rasha recalled, saying, “During this period, I saw the horrors of the torture methods used. There were girls between the ages of 13, 14 and 17, all accused of terrorism, although they’d done nothing wrong; they were only arrested from hot zones [areas where people had joined the uprising], then they were accused of being terrorists.” She continued, “After my arrival in prison, a colonel, whose name I don’t know, and a person responsible for the exchange, called Kenana Hwaiji re-interrogated me, and they asked me about Daraya, and every time we got out of the cell then returned, they searched us again.”

Rasha ended her speech by stressing that what makes her saddest when remembering this bitter experience is that there are still innocent women, children, infants and elderly people in the regime's cells suffering the worst conditions of torture.

Rasha's speech was followed by an address by Mr. Mutasem Syoufi, Executive Director of The Day After, in which he talked about the unprecedented human rights violations and spoke about a questionnaire which The Next Day organization distributed to 2,000 people. He explained that the responses to the questionnaire revealed that, **"A good percentage have lost hope that there will be accountability or justice someday in Syria, and the reason for this, of course, is that the regime is still in place and its members have not been held accountable, as well as the Security Council still being blocked due to the Russian-Chinese veto from referring the Syria file to the International Criminal Court, with the United Nations, which is supposed to be the institution that works to spread peace, protect peace and protect the rights of the world's people being suspended from carrying out its role despite all the good efforts made by various institutions, and it remains powerless."** Mr. Mutasem concluded his address by talking about the importance of the role played by victims' groups: **"Their role is getting more and more important, which is something that we must promote, help and support, whether as civil society institutions, human rights institutions or donors,"** he emphasized, **"I think that their role is important because they are the primary right owners and they must be at the forefront of this work, and secondly, the journey of justice in Syria is a long and arduous one, and those who are most qualified to embark on this journey to the end are the families of the victims and the families of the missing and the disappeared."**

Mr. Fadel Abdul Ghany delivered the concluding address of the session, in which he concentrated on three main points: The first point; What is taking place in Syria is abduction and not arbitrary arrest. The second point, detainees' suffering due to the COVID-19 pandemic, and the efforts by some totalitarian states that support the Syrian Regime, such as Russia, Venezuela, and Iran, to exploit the spread of COVID-19, through calling for the sanctions against the Syrian regime to be lifted to enable the regime to combat COVID-19. The third point, the need for urgent enforcement and pressure mechanisms, rather than additional Security Council resolutions or statements of condemnation. He also emphasized in his statement, **"We don't need more descriptions of the horrific violations committed by the Assad regime,"** adding, **"The problem has been and will remain that of ensuring the regime's commitment to the implementation of international law and compliance with Security Council resolutions and finding effective mechanisms to force it to do so."** Mr. Abdul Ghany further stressed that, **"After the Security Council failed to stop the crimes against humanity practiced by the Syrian regime for 9 years, these crimes must not continue, and ending crimes against humanity has become the responsibility of all countries of the world."**

Mr. Abdul Ghany also welcomed the step taken by the Dutch government to hold the Syrian regime accountable for its violation of the Convention against Torture, calling on other countries to question the Syrian regime over its violations of all human rights conventions, and emphasizing the importance of accelerating the completion of the political transition process, because there will be no solution to the issue of the disappeared so long as the Assad regime survives, not only in regard to the issue of detainees but also in regard to various other unresolved issues since the regime is the main reason for perpetrating and continuing these. He concluded his speech by stressing that every extension of the political transition process means the death of more detainees, the bombing, killing and destruction of more areas involving the killing or displacement of more people, with all of these factors paving the way for the failure of the State and the disintegration of Syrian society, emphasizing that all of this creates an ideal environment for the growth of extremist ideology and terrorist organizations. Given all these factors, Mr. Abdul Ghany concluded, **“we sincerely hope that the political transition will take place according to a specific timetable so that we may see Syria become a stable, peaceful democratic country that respects international law and human rights.”**

The event received attention and coverage from many media outlets and press websites: [to watch the full event, please visit our YouTube channel:](#)

The following is the full text of the speech delivered by SNHR Chairman Fadel Abdul Ghany:

Thank you, everyone, for the previous important statements. In my remarks, I would like to concentrate on three main points, followed by several recommendations.

The first point: What is taking place in Syria is abduction and not arbitrary arrest.

While we use the phrase “arbitrary arrest” for the sake of simplicity, this generates an idea among listeners who don’t follow the Syrian crisis that such arrests are simply unjust, meaning that they contradict some procedural rules, or the reason behind them is illegal; however, what really happens, in most cases - by which I mean the great majority of cases with a few very rare unrepresentative exceptions, which can’t be built on, as we heard from Ms. Rasha’s experience the arrest is carried out without a warrant, without any charges, without revealing the identity of those detaining the individual, without knowing where the victim is to be taken, without allowing him or her any communication with family member or the opportunity to inform anyone of what’s happening, and without the victim being allowed to hire a lawyer.

The Assad regime does not announce arrests, nor does it publish lists of detainees, and in the event of a detainee's family making enquiries and asking about the case, the regime simply lies, denying the arrest and insisting that he or she is not detained by them.

Accordingly, this process of arrest is closer to abduction, and the security services have been turned into mafiosi working for a totalitarian regime.

Those detainees abducted by the security services are subjected to brutal torture from the moment of arrest, with the number of Syrian citizens dying due to torture having reached nearly 14,200, according to our database. Meanwhile, confessions are extorted under torture to 'offences' that are in fact not official charges or crimes, such as demanding the overthrowing of the regime or insulting the President of the Republic. The detainees are then tried in a court that is more like a security branch, whose purpose is to eliminate and kill political opponents; this is known as the Anti-Terrorism Court. Its rulings range from 15-20 years of imprisonment up to the death penalty.

What I would like to emphasize on this point is that these arrests are illegal, with many going on to become enforced disappearances, which may last for years before the victim is tried in front of a special court established by the regime to legitimize the execution of those political opponents who were not killed by air and ground bombing; this terrible sequence of events is still being repeated daily. There is a serious danger that more than 130,000 Syrian citizens will be treated in this way; according to the Syrian Network for Human Rights' database, the vast majority of them are political detainees who were arrested in connection with the popular movement. The forced disappearances and torture carried out by the Assad regime constitute crimes against humanity.

The other parties to the conflict have also copied some of these practices.

The second point; COVID-19 and the calls to lift sanctions:

As the COVID-19 pandemic started to spread, some totalitarian states that support the Syrian Regime, such as Russia, Venezuela, and Iran, called for the sanctions against the Syrian regime to be lifted to enable the regime to combat COVID-19.

These same countries have not asked their friend Assad to release 130,000 Syrian citizens, however, although detainees are considered among the most vulnerable groups in society, due to the barbaric conditions of detention, torture, and the complete lack of medical care. We assert that the vast majority of deaths due to torture are caused by diseases, with the main cause of diseases outbreaks in prisons being the widespread foul unsanitary conditions, insects, malnutrition, and lack of clothing.

Here, I would like to tell the friends of the Assad regime that among the detainees, there are 3,300 medical personnel, whose lifesaving skills Syrian society desperately needs; we hope that they will ask their friend to release these prisoners immediately.

Whilst even Iran, which is ruled by a dictatorial autocratic regime, has released tens of thousands of detainees, the Assad regime has gone the other way, continuing to arrest citizens. Since February of this year, at the beginning of the spread of COVID-19, and up to the present date we have recorded 1,089 cases of arbitrary detention, most of which turned into enforced disappearance cases. All of these facts confirm that the Assad regime views the Syrian people with vast contempt and does not care at all about their lives.

The third point; I think that we don't need more descriptions of the horrific violations committed by the Assad regime, and the fact that many of these violations constitute crimes against humanity is sufficient to prove their intolerable evil. I also believe that we don't need more empty statements of condemnation or resolutions from the Security Council. In this context, four decisions directly refer to the need to release political detainees, namely; UNSCR 2042 and UNSCR 2043 adopted in April 2012, UNSCR 2139 adopted in February 2014, and UNSCR 2254 adopted in December 2015. The problem has been and will remain that of ensuring the regime's commitment to the implementation of international law and compliance with Security Council resolutions and finding effective mechanisms to force it to do so.

I have three recommendations:

1. After the Security Council failed to stop the crimes against humanity practiced by the Syrian regime for 9 years, these crimes must not continue, and ending crimes against humanity has become the responsibility of all countries of the world, with sanctions of various forms playing a deterrent role; for this reason, the European and US sanctions, including the Caesar Act, must be extended to reach the allies of the Syrian regime.
2. Based on the responsibility of all the world's nations, we welcome the step taken by the Dutch government to hold the Syrian regime accountable for its violation of the Convention Against Torture, and we call on other countries to question the Syrian regime in terms of its violations of all human rights conventions, with most of these conventions having a mechanism similar to that of the Convention against Torture. The Syrian regime has violated the Convention on the Rights of the Child, the Convention on the Prohibition of Racial Discrimination, the CEDAW Convention, the Convention on the Prohibition of the Use of Chemical Weapons, and others.
3. Accelerating the completion of the political transition process. There will be no solution to the issue of the disappeared so long as the Assad regime survives, not only in regard to the issue of detainees but also in regard to various other unresolved issues since the regime is the main reason for perpetrating and continuing these; this includes the issue of the dispossessed, with 13 million Syrian citizens now either internally displaced or refugees, while the maximum limit of the returnees does not exceed 7%. Although the regime has regained control of large areas in recent months, hundreds of cities and villages are still completely empty.

Every prolongation of the political transition process means the death of more detainees, the bombing, killing, displacement, and destruction of more areas, with all of this paving the way for the failure of the State and the disintegration of Syrian society; all of this creates an ideal environment for the growth of extremist ideology and terrorist organizations. Given all these factors, we sincerely hope that the political transition will take place according to a specific timetable so that we may see Syria become a stable, peaceful democratic country that respects international law and human rights.

Thank you