

It Would Take 325 Years for the Syrian Regime to Release 130,000 Detainees According to the Amnesty Decrees It Issues

Nearly 665 Cases of Arbitrary Arrests, 116 Deaths Due to Torture, and 232 Releases Since the Previous Amnesty Decree Was Issued in September 2019

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Tuesday, March 24, 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.

Contents

- I. The Syrian Regime Is Involved in Committing Crimes Against Humanity Through the Crimes of Enforced Disappearance and Torture
- II. 17 Amnesty Decrees, and the Syrian Regime Is Still Detaining 130,000 Citizens; Amnesty Decrees Don't Include Popular Uprising Activists
- III. Nearly 665 Cases of Arbitrary Arrests, 116 Deaths Due to Torture, and 232 Releases Since the Previous Amnesty Decree Was Issued in September 2019
- IV. The Covid-19 Epidemic Is Often the Reason Behind the Issuance of the New Partial Amnesty Decree to Avoid and Circumvent Pressure
- V. Recommendations

I. The Syrian Regime Is Involved in Committing Crimes Against Humanity Through the Crimes of Enforced Disappearance and Torture

The Detainees Documentation Department of the Syrian Network for Human Rights (SNHR) has, for nine years, continuously recorded cases of arbitrary arrests and enforced disappearances on a daily basis, whilst also monitoring cases of release of detainees. As a component of this work, we constantly monitor the impact of amnesty decrees issued by the Syrian regime on the record of detainees, and we are in the process of compiling an expanded report that includes an analysis of all amnesty decrees issued by the Syrian regime since 2011. In this short report, issued following the regime's publication of [Legislative Decree](#) of Amnesty No. 6 on March 22, we will briefly outline the impact of arrests and releases in the interim period since the previous [Legislative Decree of Amnesty No. 20 issued on September 15, 2019](#). This report proves the ineffectiveness of these decrees, with the Syrian regime restricting their application to individuals and groups that it wishes to pardon, who are predominantly criminal offenders, and perpetrators of misdemeanors and offenses, while not including any dissidents, political prisoners and activists in the popular uprising or those arrested in connection with it. This is the primary subject matter and focus of this report, which will not focus on analyzing the provisions of the decree and their exceptions related to criminal crimes such as theft, prostitution, drugs, forgery, bribery, etc., as these are not the current subject of analysis.



We must emphasize that in relation to the issue of detainees arrested by the Syrian regime in connection with the popular uprising, the regime has committed a massive number of violations of international human rights law and International Humanitarian Law, as well as of the current Syrian constitution. As detailed in numerous reports which we have issued previously on enforced disappearance and torture in the Syrian regime's detention centers, the regime has practiced both enforced disappearance and torture in a systematic, wide-spread, planned and deliberate manner in various Syrian governorates, constituting, according to Article VII of the Rome Statute, crimes against humanity.

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

“The Syrian regime aims, through its new amnesty decree, to circumvent the pressures it faces from organizations and countries that fear the spread of the COVID-19 pandemic among the tens of thousands of prisoners it is currently detaining. By this action, it hopes to alleviate the pressure on it and to focus on details and on inadequate executive measures that ultimately lead to the release of a very limited number; at the current pace, hundreds of years would be needed to release all the detainees. Even the Iranian regime, despite its brutality, has been more respectful to the Iranian people on this issue than the Syrian regime has been to Syrian citizens, releasing thousands of detainees all at once. There is hardly a regime that despises the citizens it rules over as much as the Syrian regime does.”

II. 17 Amnesty Decrees, and the Syrian Regime Is Still Detaining 130,000 Citizens; Amnesty Decrees Don't Include Popular Uprising Activists

Firstly, 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; this is a charge repeatedly deployed by the Syrian regime, which maintains an official narrative in which it claims, implausibly, to be fighting terrorism and to have defeated terrorists. Needless



to say, anyone supporting freedom, pluralist democracy and human rights who supports an end to the Assad family's hereditary dictatorship and a move towards a political system of democracy, freedom and dignity for all is a terrorist in the eyes of the current leadership; for this reason, the Syrian regime established the Counter-Terrorism Court under Law No. 22 of 2012, although in reality this entity is closer to being a new regime security branch rather than a court. In short, it consists of three judges appointed by the President of the Republic, according to the proposal of the Supreme Judicial Council, which is also chaired by the President of the Republic, who try civilians, military personnel and juveniles, and issue sentences in absentia. In addition, these sentences may not be appealed except in the case of those who surrender themselves voluntarily. Although the body's official name is the Counter-Terrorism Court, it tries all the crimes referred to it by the Public Prosecution, with the Public Prosecution relying for these referrals on the detention reports provided by the security branches, in which the testimony is taken from detainees under coercion and torture; using the content of these detention reports, the vast majority of the activists of the popular uprising are accused of no fewer than five charges, the most prominent of which 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 extensive charges not covered by any partial amnesty decree issued by the Syrian regime, with those charged according to these terms requiring a general and comprehensive amnesty to secure their release.

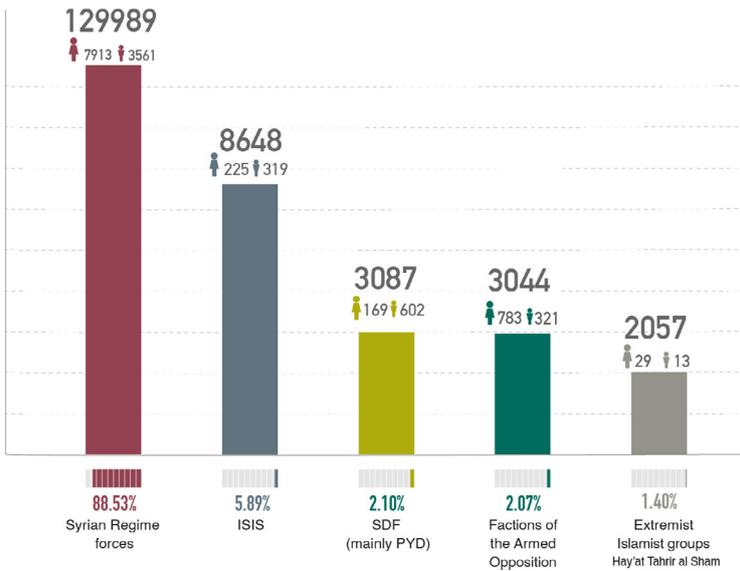
These facts are why we at the SNHR affirm that, despite the seventeen amnesty decrees¹ issued by the Syrian regime to date, there are still about 130,000 Syrian detainees in its detention centers, according to the database which we have built over the past nine years. In addition to all of this, the heads of regime security branches do not respond even to the amnesty decrees that have been issued, which is why, even if the amnesty decree include a number of detainees, the implementation of this decree on the ground rests solely in the hands of the heads of the security branches, whom the Ministry of Justice has no authority to pressure.

According to a large number of reports issued previously by the SNHR on the subject of enforced disappearance, we have confirmed that approximately 80 percent of those detained by the Syrian regime are ultimately classified as cases of enforced disappearance, meaning that their families, along with lawyers and everyone else, know nothing about them; the first chart shows the record of detainees and the forcibly disappeared,

¹ Since May 31, 2011



while the second chart shows only the record of the forcibly disappeared:

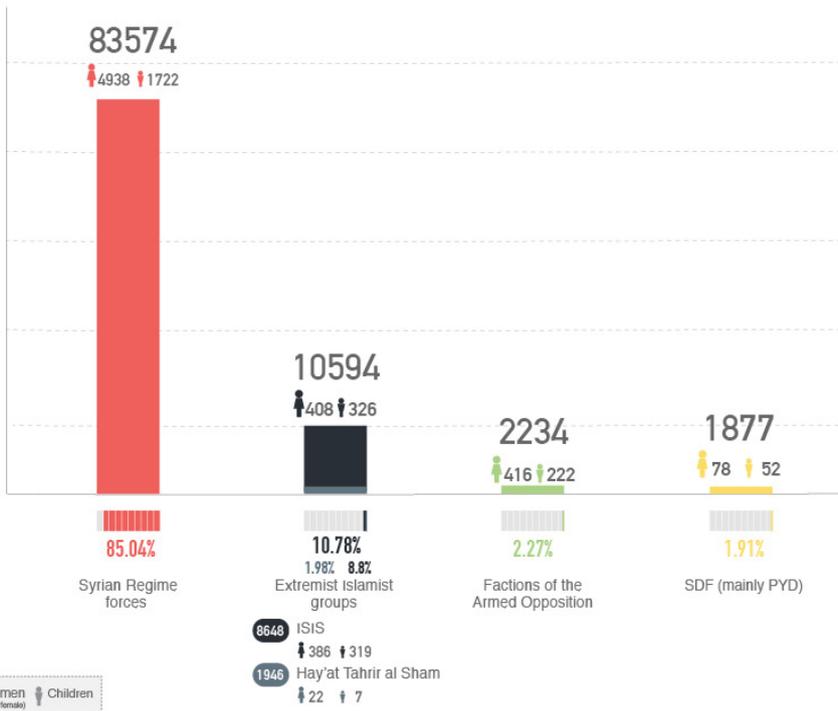


At least
146,825
individuals
are still detained
or forcibly disappeared
at the hands of the
main perpetrator
parties in Syria
from March 2011 to March 2020

Women (Adult Females) Children



Distributed as follows:



At least
98,279
individuals are still
forcibly disappeared
at the hands of the
parties to the conflict in Syria
from March 2011 to August 2019

Women (Adult Females) Children



III. Nearly 665 Cases of Arbitrary Arrests, 116 Deaths Due to Torture, and 232 Releases Since the Previous Amnesty Decree Was Issued in September 2019

The SNHR issues a monthly report in which it documents cases of arbitrary arrests as well as releases. These monthly reports from previous years can be found at [this link](#). The subject we'd like to focus on in this report is an analysis of the arrests during the past six months, which followed the publication of the previous amnesty decree in September 2019; readers can review the six monthly reports issued at the same link provided above. Since the previous Legislative Amnesty Decree No. 20 was issued on September 15, 2019, the Syrian regime has never stopped carrying out arbitrary arrests, with the SNHR's Detainees Department having documented at least 665 cases of arbitrary arrest carried out by Syrian Regime forces, as well as documenting the deaths of 116 individuals due to torture in the Syrian regime's detention centers between September 15, 2019 and March 22, 2020, the date of the new amnesty decree's publication.

During the same time period, we documented 232 cases of detainees being released. It is worth noting here that the Ministry of Interior has never announced the number of detainees in its custody or their distribution according to the detention centers, nor has it ever provided any information on releases or long-term prisoners, especially amongst those individuals detained and unheard of for many months or years, since this would be an admission that could support accusations against the Syrian regime of its involvement in forcible disappearances and illegal detentions.

If we subtract the two numbers, namely the number of detainees and the number of those released during the same time period, we find that the Syrian regime has increased the total number of detainees in its custody by around 430 new cases, meaning that the amnesty decrees are all meaningless, and that the regime is continuing to practice with its customary policy terrorizing and threatening society with widespread and illegal operations of arrest, and transferring detainees for torture and enforced disappearance.

If we were to imagine that the Syrian regime had stopped arbitrarily arresting Syrian citizens, and began releasing detainees in accordance with the amnesty decrees issued by it to date at a rate of 230 cases every six months, i.e. at a rate of approximately 400 cases per year, and the Syrian regime still has approximately 130,000 Syrian citizens to date, by dividing the two numbers, we find that the Syrian regime would need 325 years to release the detainees now in its custody; this scenario is predicated on the regime not arresting any more Syrian citizens, but if it continues, as we have noted, the number of detainees will still far exceed the number of those released.



Below is a brief analysis of the record of those released according to the courts where they were tried, the detention centers from which they were released, the period of detention they spent in custody, and the governorates to which they belong:

The SNHR Detainees Department documented the release of at least 232 individuals detained by Syrian Regime forces, including 14 women (adult female) from its detention centers, after the publication of Amnesty Decree No. 20 of 2019, within the time period between September 15, 2019, until March 22, 2020. We did not record any cases of release from detention centers of the four security branches (Air Security, Military Security, Political Security, and Public Administration 'State Security').

The cases of release were distributed according to the courts where they were tried as follows:

Counter-Terrorism Court: 185

Military Field Court: 34

Military Courts: 13

According to the detention centers from which they were released, as follows:

Adra Central Prison: 146

Homs Central Prison: 24

Hama Central Prison: 23

Suwayda Central Prison: 18

Aleppo Central Prison: 11

Tartous Central Prison: 6

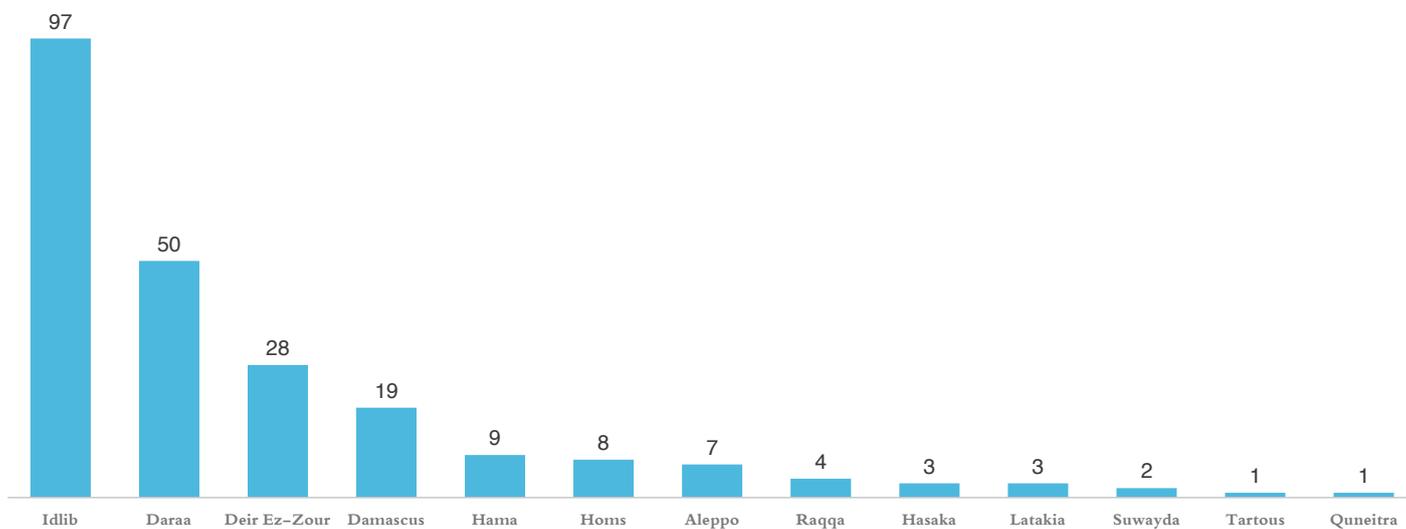
Seydnaya Central Prison: 4

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

We have recorded the release of at least 83 individuals who spent at least five to eight years in detention, and at least 149 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:



IV. The Covid-19 Epidemic Is Often the Reason Behind the Issuance of the New Partial Amnesty Decree to Avoid and Circumvent Pressure

With the start of the spread of the COVID-19 pandemic, the Syrian Network for Human Rights warned in its report marking [the ninth anniversary of the popular uprising](#), which was issued on the 15th of March 2020, about the catastrophic dangers threatening tens of thousands of detainees due to the inhuman conditions of detention they are exposed to, especially overcrowding in very narrow spaces where an average cell area measuring 4 x 6 square meters may contain approximately 50 detainees, meaning that each detainee barely has an area of 70 cm² for sitting and sleeping, with detainees usually taking turns to use this space when their numbers exceed the holding capacity of the cell; these cells also lack ventilation and the most basic standards of sanitation and cleanliness; conditions are even worse in the solitary confinement cells located on the detention centers' lower floors which lack even light. Throughout the duration of their detention in the security branches, detainees are also prevented from going outside to get any exercise, or exposure to fresh air or sunlight, with no exercise area provided. Our colleagues at [Human Rights Watch](#) and a number of local Syrian organizations have also similarly issued successive warnings about the grave seriousness of this issue in recent weeks, with the Syrian regime coming under pressure from international organizations as well as from other countries' governments to release numbers of detainees, all of which prompted it to issue an amnesty decree that is not significantly different from the previous amnesty decree of September 2019, almost covering the same crimes as in the previous amnesty decree, albeit with a few very minor changes.



During the nine years since the start of the Syrian uprising for freedom and dignity, we note that the head of the Syrian regime, Bashar al Assad, has insisted on supervising the issuance of amnesty decrees, although this task is legally recognized as being solely within the jurisdiction of the legislative authority, even in accordance with the current constitution. This is done in order for the official media to repeat that it is 'an honor' and 'a gift' and 'a favor' by the President towards his citizens; this lavish sycophantic praise is what Syrians hear in a constant and intensive manner after the issuance of every amnesty decree, with the aim being to maximize praise and gratitude for anything done by the ruling authority, no matter how minor, even if the ruling authority is the body responsible for the problems in the first place.

In simple comparison with the Iranian regime, a fellow repressive and autocratic dictatorial regime that exports terrorist militias to Iraq, Syria, Lebanon and Yemen, even Iran's infamously brutal regime was more respectful and effective in the release of detainees in light of the coronavirus, [releasing thousands of them all at once](#); while this was not motivated through any mercy for the detainees' plight on the Iranian regime's behalf, but solely by fear of the spread of the epidemic, and the Iranian state's inability to control it, the Syrian regime by contrast is in a state of constant absolute denial, and does not care if it inflicts further horrific suffering and kills thousands more Syrians, having already displaced half of the Syrian population and caused the death of nearly a quarter of a million citizens. It should be noted that despite the pandemic spreading widely in Iran, the Syrian regime remains dependent on Iranian regime troops and militias and has continued to import them from Iran via planes and through land crossings for the past month, despite the widespread spread of the COVID-19 pandemic. This shows the Syrian regime's indifference to its own people and its obsessive determination to remain in power forever, even at the cost of the Syrian population.

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, demonstrators, and all peaceful, democratic opponents, dissidents and prisoners of conscience.
- Take responsibility in the event of the spread of the COVID-19 epidemic 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.

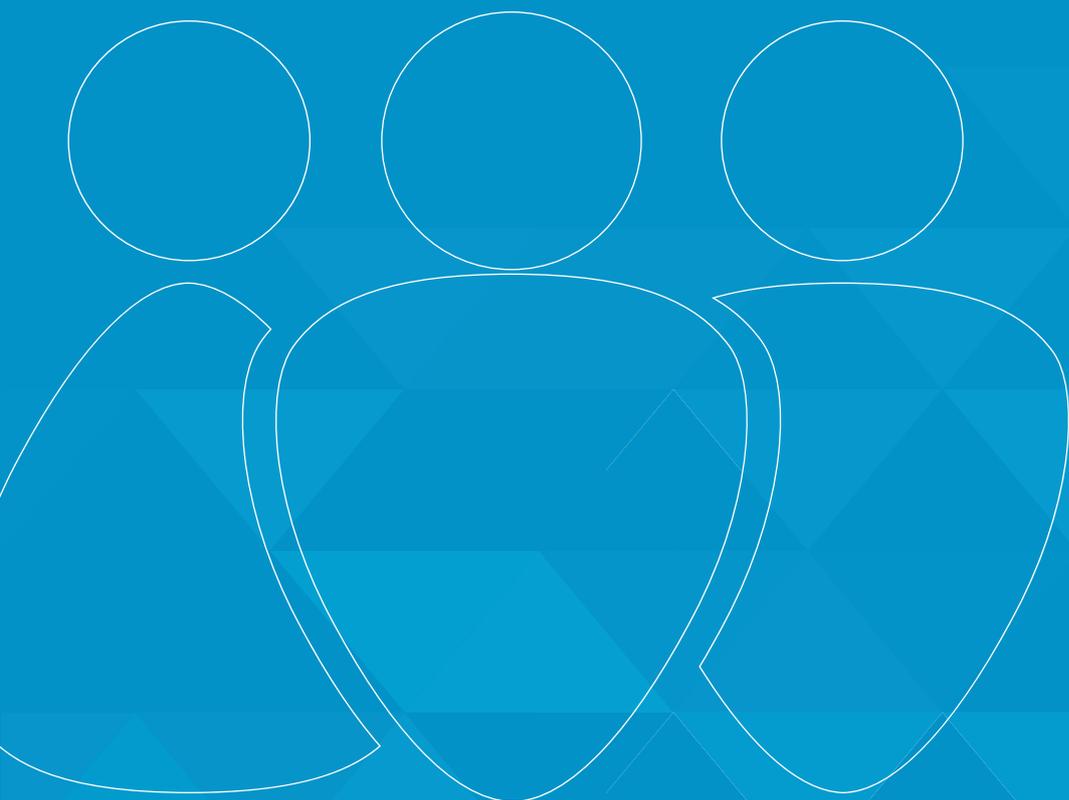
OHCHR:

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

The 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 it lacks 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.





@snhr



Info@sn4hr.org

www.sn4hr.org

