



# “YOU’RE GOING TO YOUR DEATH”

VIOLATIONS AGAINST SYRIAN REFUGEES RETURNING TO SYRIA

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*Cover photo: Returnees being interrogated when crossing back into Syria © Amnesty International / Dominika Ożyńska*

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# 1. EXECUTIVE SUMMARY

**“I couldn’t take much more. I blamed myself for returning. People in Lebanon told me not to go back, telling me: ‘You’re going to your death.’ I didn’t believe them because it [Syria] is my country.”**

Karim, detained for six months and tortured after returning from Lebanon.

**“I didn’t flee the country because of bombs, but because of the threats of the Syrian regime. I didn’t leave my country easily. The reason why I left my country is still there.”**

Sema, who returned to Syria in 2019 from the United Arab Emirates because her father was seriously ill.

Since 2011, 6.6 million people from Syria have fled violence and repression, seeking refuge abroad. The vast majority live in neighbouring countries where many suffer from dire living conditions, discrimination and lack of regular migration status, while others have fled to Europe.

These harsh living conditions, coupled with the decrease of military hostilities in most of Syria, have put refugees under pressure to return, against the backdrop of a narrative driven by the Syrian government and its allies according to which it is time for refugees to return. In parallel, two European countries, Denmark and Sweden have begun to reconsider the protection they have afforded to people from Syria. This is based on their assessment that some areas of the country, such as Damascus and Damascus countryside, are now safe since indiscriminate violence as a result of conduct of hostilities has decreased.

But according to multiple interviews that Amnesty International researchers conducted with returnees or their relatives, Syrian intelligence officers have subjected women, children and men returning to Syria to unlawful or arbitrary detention, torture and other ill-treatment including rape and sexual violence, and enforced disappearance. These violations have been a direct consequence of perceived affiliation with the opposition simply deriving from refugees’ displacement. Based on these findings, no part of Syria is safe for returnees to go back to, and people who have left Syria since the beginning of the conflict are at real risk of suffering persecution upon return. Therefore, any return to Syria at this time would be in violation of the international obligation of non-refoulement, as stated in Article 33 of the 1951 Refugee Convention and other international instruments, which prohibits states from transferring people to a place where they would be at real risk of persecution or other serious human rights violations.

Amnesty International’s investigation documented a total of 66 cases of individuals who were subjected to serious violations upon their return to Syria. These consisted of 13 children aged between three weeks and 17 years old at the time the violations occurred, 15 women and 38 men. Researchers interviewed a total of 41

Syrian individuals: 20 returnees; and 19 relatives and two close friends of returnees who were subjected to violations. In addition, Amnesty International spoke to two Syrian human rights researchers, two humanitarian workers, five experts on Syria and refugee rights, as well as a Syrian lawyer and a former Syrian judge. Amnesty International also reviewed Syrian and European governments' statements on the return of refugees and relevant publications. On 9 August 2021, Amnesty International wrote to the Prime Minister of Syria requesting a response to its findings.

## **POLICIES ON RETURN**

According to the UN, only a small number of the total number of refugees has returned to Syria. Between 2016 and mid-2021, it recorded approximately 280,000 returnees, although the actual figure, including returns through informal routes, is likely to be higher. But there is a growing expectation in some of the countries that host refugees that more should leave. This is partly driven by changing facts on the ground. Over the past three years, the level of fighting has overall reduced in Syria, with the government consolidating its gains and controlling more than 70% of the territory in 2021. Syrian President Assad attributed the slow pace of returns to damaged infrastructure, economic sanctions placed on Syria, and "pressures exerted on refugees not to return", maintaining nonetheless that the return of refugees was a priority for his government.

In Lebanon, the government adopted in July 2020 a plan providing a framework for organizing Syrian refugees' return to Syria. While it has not been implemented yet, Lebanese authorities deported over 6,000 Syrians to Syria, based on a 2019 official decision to return any Syrians who would have entered in an "illegal" manner between mid-2019 and late 2020.

In Turkey, restrictive administrative measures and a crackdown on refugees have stepped up pressure on them to return.

In Europe, Denmark and Sweden have restricted access to residency permits for asylum-seekers coming from regions that they assess are safe for return, including Damascus and the Damascus countryside. The Danish Immigration Service stripped at least 402 people from Syria of their residency permits or did not renew their residency permit between 1 January 2020 and 1 June 2021, leaving them to wait for the final decision from the Danish Refugee Appeals Board.

## **TARGETING OF REFUGEES**

According to the returnees' testimonies collected by Amnesty International, corroborated by experts, Syrian officials have viewed refugees returning as having been disloyal to their country, either because of the fact that they fled or because of the place where they sought refuge. As a result, Syrian authorities perceive individuals who left the country as generally supportive of the opposition and/or armed groups.

Amnesty International documented 24 cases of men, women and children returnees who were subjected to rape or other forms of sexual violence, arbitrary detention and/or torture or other ill-treatment upon return as a direct consequence of such perceptions and scrutiny, deriving from their displacement.

For example, Noor (whose name, like all the others in the report, has been changed), recounted that a Syrian security officer told her at the border crossing with Lebanon: "Why did you leave Syria? Because you don't like Bashar al-Assad and you don't like Syria? You're a terrorist ... Syria is not a hotel that you leave and return to when you want." He subsequently raped Noor and her five-year old daughter.

## **SEXUAL VIOLENCE**

Amnesty international documented 14 cases in which security officials committed sexual violence against children, women and men returnees, including rape against five women, a 13-year-old boy and a five-year-old girl. Sexual violence took place at border crossings or in detention centres during questioning the day of return or shortly after, according to interviews with survivors or their relatives.

For example, Alaa told Amnesty international that intelligence officers arrested her and her 25-year-old daughter at the border crossing as they came back from Lebanon and detained them for five days in an intelligence centre, accusing them of "speaking against [President] Assad abroad". Alaa said that security officials interrogated her and her daughter in the same room and that she was present when her daughter was assaulted. "They removed my daughter's clothes. They handcuffed her and hanged her on the wall. They beat her. She was totally naked. One put his penis inside her mouth. When she became unconscious, they threw water on her. I tried to kiss their legs so that they stopped. They asked: 'Why did you leave Syria? What did you bring with you? They called me a 'whore', a spy for ISIS [armed group Islamic State], a terrorist," Alaa said.

Survivors' accounts indicate that security officials had raped them in order to humiliate them, punish them for leaving the country, or assert their control over them.

Security members beat five returnees either on their genitals or as they were stripped naked, according to returnees or their relatives. Samer recounted that a security officer beat him on his testicles during interrogation upon return and told him: “We’re beating you here, hoping that you’ll not bear children who can harm the country as you did.”

## **ARBITRARY AND UNLAWFUL DETENTION**

Amnesty International documented 59 cases of unlawful or arbitrary detention of men, women and children among the 66 people who faced violations when returning from abroad. Detainees included two pregnant women and ten children, aged between three weeks old and 16 years old, with seven of them being four years old or younger.

The arrests took place up to ten months after they returned, but the majority told Amnesty International that they had been arrested upon return or shortly afterwards. Security officers arrested returnees for various reasons, most frequently based on broad accusations of “terrorism”, often because they assume that one of their relatives was affiliated with both the political or armed opposition or because returnees were from an area that was previously under opposition control.

In the cases Amnesty International documented, none of the detainees had access to a lawyer nor appeared in front of a judge. They were detained without a clear legal basis, on unnecessary and/or unreasonable grounds, for at least several months, making their detention unlawful or arbitrary.

Maher, who returned from Lebanon in early 2018, said that intelligence agents detained him for two-and-a-half months and interrogated him 15 times, holding against him his area of origin. “They said: ‘You’re from southern Aleppo. You’re a terrorist.’ They accused me of being a terrorist because I didn’t do the military service and because of my village: ‘You’re from [name of village]. You killed soldiers, you did many things against the country. You’re a terrorist,’” Maher said.

Among the 23 documented cases of detained returnees who were released at the time of writing, all but three adults, were detained between three days and 15 months.

Security forces also arbitrarily detained people returning from Rukban (an informal settlement between the Jordanian and Syrian border, also known as the “berm”) to Homs or from Lebanon to Qalamoun (Damascus) in former schools used as screening facilities, as part of organized return processes, for periods ranging between three days and four months. The purpose of the detention was to run background checks against returnees in order to assess whether they were wanted, according to testimonies.

Testimonies indicate that Syrian authorities have also used detention as a means of extortion, with detainees’ families commonly paying in order to obtain information or secure the release of their relative. Interviewees told Amnesty International that they paid the equivalent of USD 1,200 to USD 27,000.

Detention and the fear of being arrested again led 23 returnees who were able to, to flee once again government-controlled areas, mainly to Lebanon but also to Turkey, Rukban, Germany or northern Syria. As Lebanon and Turkey no longer accept refugees from Syria, returnees have been obliged to take smuggling routes, putting them further at risk during their journey.

## **TORTURE AND OTHER ILL-TREATMENT**

Interviews by Amnesty International documented how intelligence officials subjected 33 returnees, including men, women and five children, to practices that amount to torture or other ill-treatment during detention and interrogation in intelligence facilities. Intelligence members mainly used torture in order to coerce detainees to “confess” to alleged crimes or punish them, or for allegedly opposing the government, according to returnees’ testimonies.

Security officials beat returnees, using various objects, including metal sticks, electric cables, plastic pipes, and a tank belt drive in one case, interviewees said. In one case, an intelligence agent beat a six-year-old, according to her mother.

Security forces also used electric devices and specific torture techniques, which Syrian security forces have routinely used, to ill-treat and torture detainees during interrogations. Ismael, who was arrested two days after returning from Lebanon and was detained in four intelligence branches for three-and-a-half months, told Amnesty International: “They electrocuted me between the eyes. I felt my whole brain was shaking. Sometimes I lost consciousness. I don’t know for how long... In the end, I was unable to hold my body anymore, my shoulder was dislocated. They put electricity on my head. I wished I would die.”

## **ENFORCED DISAPPEARANCE AND DEATH IN DETENTION**

Amnesty International documented 27 cases of enforced disappearances, including four children, following their arrests. Returnees were disappeared for at least one week and up to four years, with 17 disappearances still ongoing, according to testimonies.

Samer, who was forcibly disappeared by military intelligence forces for nine months after returning from Rukban, recounted: “My family thought that I was dead and had funerals for me.”

Among returnees who were subjected to enforced disappearance, official authorities informed the relatives of five that arrested returnees had died in custody, interviewees told Amnesty International. Nisreen, whose husband was arrested after the couple returned from Lebanon with their baby in mid-2019, told Amnesty International that this is what happened to her, after three months without news of her husband. “I obtained a family statement. It said that my husband passed away,” she said.

## **CONCLUSION AND RECOMMENDATIONS**

Amnesty International’s research shows that Syrian authorities continue to commit a range of gross human rights violations against individuals, which is consistent with and confirms a wider pattern of violations committed by the Syrian government against perceived political opponents since the beginning of the conflict. Women are as much at risk as men when they return and should therefore be granted the same level of protection. Despite claims that Damascus and its suburbs are safe to return to, one third of the cases documented in this report involving human rights violations in fact took place in Damascus or the Damascus area, indicating therefore that even when indiscriminate violence relating to conduct of hostilities is at a low level, and/or the government is in control of a certain area, the risks remain – in clear contradiction to Denmark’s safety assessment of Syria. In fact, and as a result of the Syrian government’s abuses, returnees interviewed by Amnesty International who have been able to flee have departed Syria once again and become refugees again.

European governments should grant refugee status (rather than subsidiary protection status) to people who have left Syria and are now, or have been in the past, seeking asylum, without any restriction to the right to seek asylum, and maintain protection to Syrian refugees living in Europe. They should also reconsider assessments designating parts of Syria as safe and include in the safety assessment criteria based on the risks of human rights violations committed by any actors. European and other governments operating resettlement programmes should increase resettlement commitments for Syrian refugees and provide complementary pathways to protection, including community sponsorship.

Amnesty International has called on the Syrian government repeatedly to stop the crimes against humanity being carried out by its security forces. Syrian authorities must end sexual violence, enforced disappearances, arbitrary arrests, torture and other ill-treatment, and ensure the respect, protection and fulfilment of the human rights of all people in Syria, including those of returnees; in particular, ensure that fleeing violence and persecution and living abroad as a refugee is not used as a reason for persecution against people returning to Syria. The Syrian government also should provide clear and reliable information on administrative requirements and processes to return to Syria and grant UN agencies, the International Committee of the Red Cross and NGOs unhindered access so that they can monitor the return of those refugees who return and assist them in accordance with international standards, without discrimination in access to aid.

The Lebanese, Jordanian, and Turkish governments should maintain protection for Syrian refugees from refoulement and end all deportations of refugees to Syria, as well as all other forms of direct or indirect transfers, in line with the international obligation of non-refoulement.

The Lebanese government should provide all Syrian refugees with a regular migration status which protects them from refoulement, grant permission to UNHCR once again to register new refugees, and allow legal re-entry into Lebanon to refugees who returned to Syria and decided to leave again out of fear of persecution.



# 2. METHODOLOGY

This report documents serious human rights violations committed by the Syrian government against refugees who returned to Syria between mid-2017 and spring 2021.

Amnesty International's researchers carried out the research for this report between July 2020 and June 2021; until April 2021 the research was carried out remotely due to travel restrictions related to the COVID-19 pandemic, followed by field research in Lebanon in May 2021. The organization's researchers conducted voice interviews via a messaging app as well as in-person interviews with interpretation from Arabic to English.

During the course of this research, Amnesty International documented a total of 66 cases of individuals who were subjected to serious violations upon their return to Syria. These consisted of 13 children aged between three weeks and 17 years old at the time the violations occurred, 15 women and 38 men.

The organization interviewed a total of 41 Syrian individuals: 20 returnees; and 19 relatives and two close friends of returnees who were subjected to violations. Eight of the relatives had returned with the victims and were witness to the events; while the remaining relatives and friends had obtained a direct account of what happened from the returnees themselves or from a direct witness.

Among the 66 documented cases, 39 Syrians returned from Lebanon – including two who were deported; 14 returned from Rukban (an informal settlement between the Jordanian and Syrian border, also known as the “berm”), a family of five returned from France, one individual from Germany, two from Turkey, two from Jordan, and one from the United Arab Emirates (UAE).

Out of the total number of cases, one third – or 22 cases – involved human rights violations that took place in Damascus or the Damascus area.

Names of interviewees have been modified, and details of their location at the time of interviews, as well as specific dates and locations of their places of detention withheld, in order to protect their identity and ensure their safety.

Additionally, Amnesty International interviewed two Syrian human rights researchers, two humanitarian workers, five experts on Syria and refugees' rights, as well as a Syrian lawyer and a former Syrian judge. Researchers also reviewed Syrian and European governments' statements on the return of refugees and relevant publications, including media reports and reports of United Nations (UN) bodies, research organisations and NGOs relating to the return of refugees.

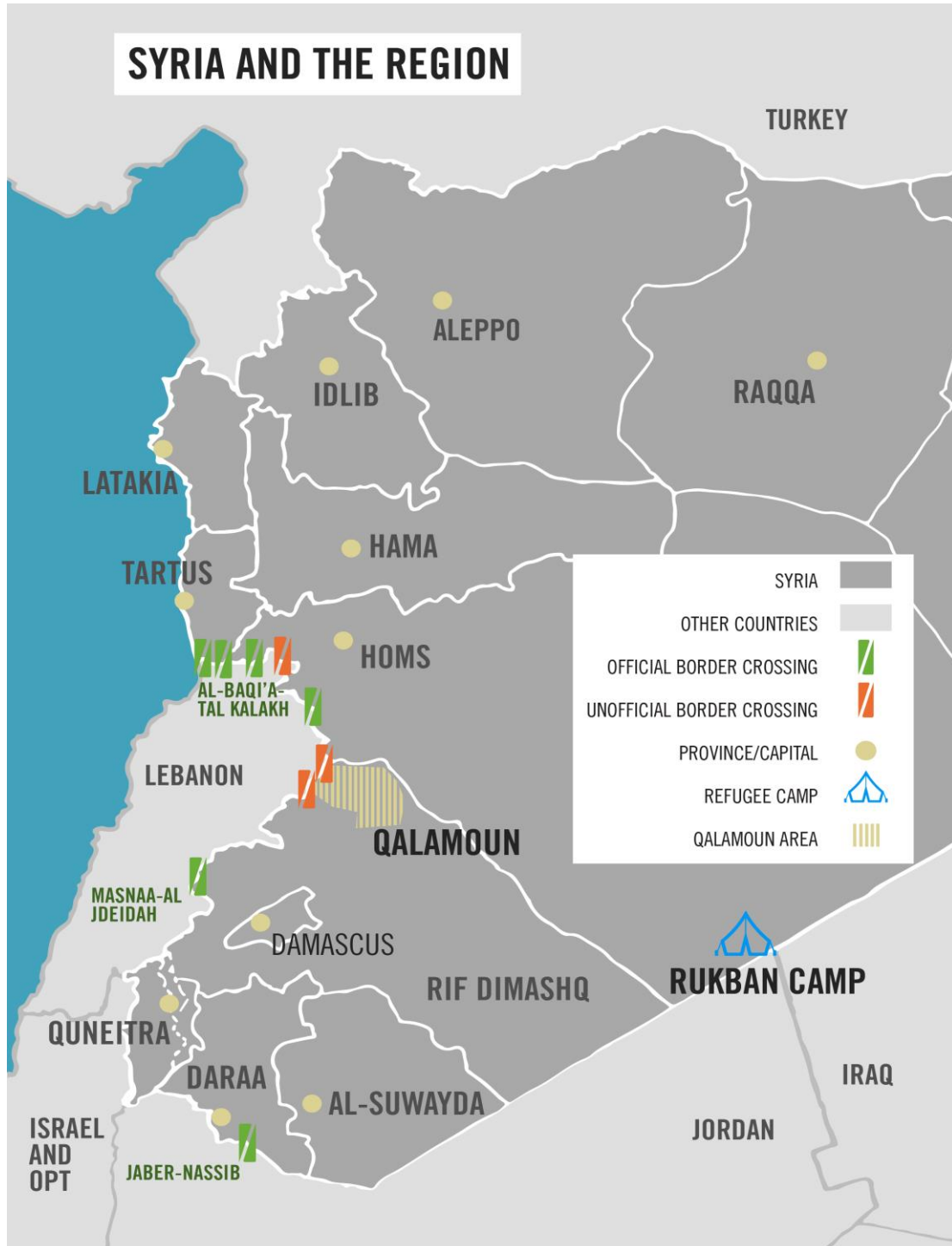
This report also draws on previous research conducted over the past decade by Amnesty International regarding violations against people in Syria.<sup>1</sup> Amnesty International, and other organisations including the UN, documented the government's widescale and systematic practices of arbitrary detention, sexual violence, torture and other ill-treatment and enforced disappearance, in addition to serious violations committed by

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<sup>1</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/); Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria's Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/); Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/)

opposition armed groups. The Syrian government's violations amount to war crimes and crimes against humanity, according to the UN.<sup>2</sup>

On 9 August 2021, Amnesty International wrote to the Syrian Minister of Defence and Minister of Interior requesting clarification on the findings in this report. At the time of publication, no answer had yet been received.



<sup>2</sup> UN Human Rights Committee (HRC), Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 March 2021, A/HRC/46/55, pp.21-23.

# 3. POLICIES ON RETURN

Since the beginning of the Syrian conflict, more than 13.3 million men, women and children have been forced to flee their home, with approximately 6.6 million seeking refuge abroad. Among them, 5.5 million live in neighbouring countries, namely Turkey, Lebanon, Jordan, Iraq and Egypt.<sup>3</sup> Additionally, more than one million have sought asylum in Europe.<sup>4</sup>

Over the past three years, the level of fighting has overall reduced in Syria, with the government consolidating its gains and now controlling more than 70% of the territory.<sup>5</sup> Against the backdrop of a narrative driven by the Syrian government and its allies, according to which it is time for refugees to return, Syrian refugees have come under increased pressure to return to their country, as a result of increasingly harsh living conditions, discrimination and restrictive policies, particularly in neighbouring host countries.<sup>6</sup>

Between 2016 and 31 May 2021, 282,283 refugees returned to Syria, with a peak of 94,971 refugees returning in 2019.<sup>7</sup> The actual figure, including returns through informal routes, is likely to be higher, although it remains low compared to the total number of Syrian refugees. According to a survey by the UN High Commissioner for Refugees (UNHCR) from March 2021, only 2.4% of refugees plan to return in the coming year, with 70% of those not planning to return in the coming year hoping to go back to Syria one day.<sup>8</sup>

Russia issued a proposal in July 2018 to coordinate the return of 1.7 million Syrian refugees from host countries and Europe.<sup>9</sup> Russia, one of the chief allies of the Syrian government, has attempted to encourage the return of refugees as a way to normalize the new status quo following the government's re-taking control over the majority of the country's territory, and to foster reconstruction by international actors.<sup>10</sup> But this plan did not garner international support, against the backdrop of Syria's failure to implement UN Security Council resolutions, particularly resolution 2254.

Meanwhile, a recent assessment of the situation in Syria released by UNHCR reads that "conditions remain uncondusive for large-scale organized returns that are safe, dignified and sustainable."<sup>11</sup> Still, UNHCR provides support to refugees who are returning individually, especially with obtaining missing documentation. UNHCR and other organizations do not have free and unhindered access to returnees in Syria, therefore, they cannot monitor conditions during and after return and whether security conditions in the country are safe.<sup>12</sup>

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<sup>3</sup> UNHCR, *Syria Refugee Crisis – Globally, in Europe and in Cyprus*, 18 March 2021, [unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus](https://www.unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus)

<sup>4</sup> According to UNHCR, 59% live in Germany, 11% in Sweden. Between 2% and 5% live in Austria, Greece, the Netherlands and France. UNHCR, *Syria Refugee Crisis – Globally, in Europe and in Cyprus*, 18 March 2021, [unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus](https://www.unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus)

<sup>5</sup> AFP, *Assad says refugee returns a 'priority' for Syria*, 9 November 2020.

<sup>6</sup> Amnesty International, *Lebanon: Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE 18/0481/2019), pp.1-2.

<sup>7</sup> UNHCR, Operational data portal, [data2.unhcr.org/en/situations/syria\\_durable\\_solutions](https://data2.unhcr.org/en/situations/syria_durable_solutions)

<sup>8</sup> UNHCR, Sixth regional survey on Syrian refugees perceptions and intentions on return to Syria, March 2021

<sup>9</sup> Reuters, *Russian envoy urges Syrian refugee return*, 26 July 2018, [reuters.com/article/us-mideast-crisis-russia-syria-refugees/russian-en-%20vov-urges-syrian-refugee-return-idUSKBN1KG2C8](https://www.reuters.com/article/us-mideast-crisis-russia-syria-refugees/russian-en-%20vov-urges-syrian-refugee-return-idUSKBN1KG2C8)

<sup>10</sup> International Crisis Group, *Ways out of Europe's Syria reconstruction conundrum*, 25 November 2019, p.i [crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/209-ways-out-europes-syria-reconstruction-conundrum](https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/209-ways-out-europes-syria-reconstruction-conundrum)

<sup>11</sup> UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic – Update VI*, March 2021, p.52.

<sup>12</sup> UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic – Update VI*, March 2021, p.51.

Similarly, refugees themselves are making plans without reliable information on return conditions.<sup>13</sup> For instance, one of the former refugees interviewed by Amnesty International explained that he was told by people in his village that it was safe to return from Jordan. Wael was then arbitrarily detained for six months upon entry to Syria “They said: ‘Our phones are tapped and we are under the intelligence control. We can’t say anything on the phone. That’s why we said things are good. We are sorry that we lied to you,’” Wael recounted.<sup>14</sup>

## 3.1 SYRIA’S POLICY

The Syrian government has publicly encouraged refugees to return. In July 2018, the Ministry of Foreign Affairs issued a statement reading: “The Syrian state also calls on the Syrian citizens, who were forced by war and terrorist attacks to leave the country, to return to their home country after the liberation of the largest number of areas that were under the control of terrorists.”<sup>15</sup> In October 2018, the Syrian government granted amnesty to men who had defected from the compulsory military service, as a way to encourage refugees to return.<sup>16</sup> In November 2020, the Syrian government held a two-day, Russian-backed conference focused on facilitating the return of refugees. President Assad said their return was a priority for his government and maintained that returns were primarily hindered by damaged infrastructure, economic sanctions placed on Syria, and “pressures exerted on refugees not to return”.<sup>17</sup> Yet, Syrian authorities still restrict or do not allow people, whether refugees or internally displaced people, to go back to some areas recaptured, including in Damascus area.<sup>18</sup>

## 3.2 NEIGHBOURING COUNTRIES’ POLICIES

### 3.2.1 LEBANON

Lebanon currently hosts 1.5 million Syrian refugees (including 855,172 people registered with the UNHCR), who struggle with the lack of regular status, discriminatory policies and dire living conditions. On 31 October 2014, Lebanon closed its borders to refugees from Syria and requested in May 2015 that UNCHR cease registering refugees.

Between mid-2019 and late 2020, Lebanese authorities deported over 6,000 Syrians to Syria, based on a 2019 official decision to return any Syrians who would have entered after April 2019 in an “illegal” manner.<sup>19</sup> In July 2020, Lebanon adopted a plan providing a framework for organizing Syrian refugees’ return to Syria. The policy paper states that its goal is to “accelerate the safe return” of Syrian refugees and has “the aim of building trust with the displaced [refugees] to urge them to take the decision to return”.<sup>20</sup> In September of that year, the Lebanese President, speaking before the UN General Assembly, stated that “most of the Syrian territories have become safe” and that “the Lebanese government seeks help to implement the plan it had adopted for the return of the displaced Syrians now that circumstances for their return are more favourable”.<sup>21</sup>

In parallel, the economic and financial crisis that hit Lebanon hard in late 2019, restrictions adopted in order to curb the spread of COVID-19 and the Beirut blast in August 2020 have had a devastating impact on people living in Lebanon, including Syrian refugees. Unemployment rise, currency collapse and subsequent increase

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<sup>13</sup> Refugee Protection Watch, *Trapped in between Lebanon and Syria*, The absence of durable solutions for Syria’s refugees, October 2020, p.23.

<sup>14</sup> Interview by voice call, 7 April 2021.

<sup>15</sup> Syrian Ministry of Foreign Affairs, *Syria calls its citizens who were forced to leave the country because of the terrorist attacks to return to their home country*, 3 July 2018, [mofaex.gov.sy/ar/news856](http://mofaex.gov.sy/ar/news856)

<sup>16</sup> International Crisis Group, *Easing Syrian Refugees’ Plight in Lebanon*, 13 February 2020, p.21.

<sup>17</sup> AP, *Assad blames West for hindering return of refugees to Syria*, 11 November 2020, [apnews.com/article/virus-outbreak-middle-east-lebanon-damascus-bashar-assad-9fc38c2649506dbd5aea6c3ba69948b6](https://apnews.com/article/virus-outbreak-middle-east-lebanon-damascus-bashar-assad-9fc38c2649506dbd5aea6c3ba69948b6)

<sup>18</sup> For example Daraya and Yarmouk. Interview by voice call with Haid Haid, consulting associate fellow at Chatham House, 18 June 2021.

<sup>19</sup> Lebanese Ministry of Interior, letter to Amnesty International, 26 February 2021, on file with Amnesty International.

<sup>20</sup> Lebanese Ministry of Social Affairs, “General policy paper for return of refugees”, July 2020, p.6. Document on file with Amnesty International.

<sup>21</sup> Address by General Michel Aoun, President of the Lebanese Republic, UN General Assembly, 75<sup>th</sup> session, 23 September 2020, pp.69-70, [documents-dds-ny.un.org/doc/UNDOC/GEN/N20/246/12/PDF/N2024612.pdf](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/246/12/PDF/N2024612.pdf)

of prices, including of basic commodities, have led to a rise in the level of hunger and increased poverty.<sup>22</sup> In December 2020, 89% of Syrian refugee households lived below the extreme poverty line and the vast majority faced increased barriers to obtaining valid residency visas, living in safe shelters, and accessing the job market and services such as education and health care.<sup>23</sup> With Lebanese political figures blaming them for the deteriorated security and economic situation, Syrian refugees have lived in an increasingly hostile environment, compounded by the reduction in the humanitarian support they receive.<sup>24</sup>

These conditions have thus pushed refugees to return to Syria. Amnesty International considers that the coercive environment in which these returns have been taking place makes it impossible for them to be voluntary.<sup>25</sup>

When refugees leave Lebanon, their residency permit is automatically revoked. Lebanon additionally imposes a permanent re-entry ban into Lebanon for Syrian nationals entering Syria from a Lebanese official border crossing.<sup>26</sup> These rules therefore prevent Syrians from entering Lebanon regularly again, even if they face violations upon return in Syria.

### 3.2.2 TURKEY

In Turkey, where 3.6 million Syrian refugees live, rising resentment from the Turkish population towards refugees has prompted a shift of policy. In mid-July 2019, President Recep Tayyip Erdoğan, stated: “Due to the reactions coming from citizens, we need to elaborate new policies for Syrians. We will encourage them to return. Criminals will definitely be deported.”<sup>27</sup> Restrictive administrative measures and crackdown followed this announcement, stepping up pressure on refugees.<sup>28</sup> The Turkish government is also seeking to create conditions that are conducive to return by establishing so-called “safe zones” in northern Syria, in areas under its control.<sup>29</sup> In addition, Amnesty International has documented consistent forcible returns of Syrians from Turkey since 2014.<sup>30</sup>

### 3.2.3 JORDAN, IRAQ, EGYPT

Jordan hosts 669,497 refugees from Syria, Iraq 245,952 and Egypt 133,568.<sup>31</sup> The Jordanian, Iraqi and Egyptian governments have so far taken no measures to incentivize or facilitate large-scale returns of Syrian refugees. Jordan did not take part in the conference on returns organized by Syria in November 2020.

## 3.3 EUROPEAN COUNTRIES' POLICY

In November 2020, the European Union (EU) High Representative stated: “Conditions inside Syria at present do not lend themselves to the promotion of large-scale voluntary return, in conditions of safety and dignity in line with international law. The limited returns that have taken place illustrate the many obstacles and threats still faced by returning internally displaced persons and refugees, in particular forced conscription,

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<sup>22</sup> United Nations, *Lebanon 'fast spiraling out of control' leaving many destitute and facing starvation, warns Bachelet*, 10 July 2020, [news.un.org/en/story/2020/07/1068141](https://news.un.org/en/story/2020/07/1068141)

<sup>23</sup> UNHCR, “Nine out of ten Syrian refugee families in Lebanon are now living in extreme poverty, UN study says”, 18 December 2020.

<sup>24</sup> Amnesty International, *Lebanon: Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE18/0481/2019). Human Rights Watch, *Lebanon: Syrian refugee shelters demolished*, 5 July 2019, [hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished](https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished)

<sup>25</sup> Amnesty International, “Lebanon: Wave of hostility exposes hollowness of claims that Syrian refugee returns are voluntary”, 12 June 2019, <https://www.amnesty.org/en/latest/news/2019/06/lebanon-wave-of-hostility-exposes-hollowness-of-claims-that-syrian-refugee-returns-are-voluntary/>

<sup>26</sup> iMMAP, *Return pathways from Lebanon to Syria*, May 2021, p.12.

<sup>27</sup> BLT Türk, Cumhurbaşkanı Erdoğan, Suriyelilerle İlgili Kararını Verdi, 13 July 2019, [bltturk.com/haber-cumhurbaskani-erdogan-suriyelilerle-ilgili-kararini-verdi-6143.html](https://www.bltturk.com/haber-cumhurbaskani-erdogan-suriyelilerle-ilgili-kararini-verdi-6143.html)

<sup>28</sup> Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees* (Index: EUR 44/1102/2019), 25 October 2019, [amnesty.org/en/documents/eur44/1102/2019/en/](https://www.amnesty.org/en/documents/eur44/1102/2019/en/) p.9.

<sup>29</sup> EuroMed Rights, *Return Mania. Mapping policies and practices in the EuroMed region*, March 2021, [euromedrights.org/wp-content/uploads/2021/03/EN\\_Chapter-7-Turkey\\_Report\\_Migration.pdf](https://www.euromedrights.org/wp-content/uploads/2021/03/EN_Chapter-7-Turkey_Report_Migration.pdf) p.8

<sup>30</sup> Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees* (Index: EUR 44/1102/2019), 25 October 2019, [amnesty.org/en/documents/eur44/1102/2019/en/](https://www.amnesty.org/en/documents/eur44/1102/2019/en/)

<sup>31</sup> UNHCR, Operational data portal, [data2.unhcr.org/en/situations/syria](https://data2.unhcr.org/en/situations/syria)

indiscriminate detention, forced disappearances, torture, physical and sexual violence, discrimination in access to housing, land and property as well as poor or inexistent basic services.”<sup>32</sup>

In March 2021, a resolution of the European Parliament called on all EU Member States to “refrain from shifting national policies towards depriving certain categories of Syrians of their protected status, and to reverse this trend if they were already applying such policies.”<sup>33</sup>

Still, some EU countries have begun to negatively reconsider the protection they afford to people from Syria, based on their assessment that some areas of Syria, such as Damascus and Damascus countryside, are now safe because indiscriminate violence caused by military activity has decreased. As a result, some countries have taken specific measures (see below).

While European countries have not started to directly return people to Syria yet, perception of the risks upon return has been shifting, undermining the level of protection granted. In parallel, internal political dynamics and upcoming elections in France, the Netherlands and Sweden may further weaken refugees’ positions.

## DENMARK

Denmark hosts 19,964 refugees from Syria.<sup>34</sup> It has deemed Damascus and its surrounding area safe for return.<sup>35</sup> As a result, Danish authorities have reviewed the protection status of hundreds of people from Damascus and Damascus area and stripped at least 402 people of their residency permits or did not renew their residency permit between 1 January 2020 and 1 June 2021. These cases have subsequently been heard at the Danish Refugee Appeals Board. Confirmation of the decision to revoke or not renew residency permits would put affected individuals at risk of being forcibly returned as soon as Denmark re-establishes diplomatic ties with the Syrian government.<sup>36</sup> By 1 June 2021, the Refugee Appeals Board had put at least 48 people from Syria in a definitive ‘return position’.

Denmark is the first European country to take such a step.

## SWEDEN

While 114,054 refugees from Syria live in Sweden, in 2019, Swedish authorities announced the end of automatic residency to Syrian asylum-seekers coming from regions where they assessed that the security situation had improved, including Damascus and Damascus countryside.<sup>37</sup> This decision has not affected people who had already been granted asylum.

## GERMANY

Germany is the largest European host country, with 560,000 refugees from Syria.<sup>38</sup> The government considers at the moment that no area is safe for return. However, at the end of 2020, the general ban on deportations to Syria expired and was not renewed. Deportations of Syrians convicted of serious crimes have since been allowed, although no deportation had taken place at the time of writing.<sup>39</sup>

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<sup>32</sup> Syria: Declaration by the High Representative on behalf of the EU on the refugee conference in Damascus, 10 November 2020, [consilium.europa.eu/en/press/press-releases/2020/11/10/syria-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-refugee-conference-in-damascus](https://consilium.europa.eu/en/press/press-releases/2020/11/10/syria-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-refugee-conference-in-damascus)

<sup>33</sup> European Parliament resolution of 11 March 2021 on the Syrian conflict – 10 years after the uprising (2021/2576(RSP), [europarl.europa.eu/doceo/document/TA-9-2021-0088\\_EN.html](https://europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html)

<sup>34</sup> UNHCR, Denmark Fact sheet, February 2021, [reporting.unhcr.org/sites/default/files/Bi-annual%20fact%20sheet%202021%2002%20Denmark.pdf](https://reporting.unhcr.org/sites/default/files/Bi-annual%20fact%20sheet%202021%2002%20Denmark.pdf)

<sup>35</sup> Integrationsministeriet, ”Regeringen sætter gang i genvurdering af syriske flygtninges behov for beskyttelse”, 28 June 2020 [regeringen.dk/nyheder/2020/regeringen-saetter-gang-i-genvurdering-af-syriske-flygtninges-behov-for-beskyttelse/](https://regeringen.dk/nyheder/2020/regeringen-saetter-gang-i-genvurdering-af-syriske-flygtninges-behov-for-beskyttelse/)

<sup>36</sup> Amnesty International, *Denmark: Hundreds of refugees must not be illegally forced back to Syria warzone*, 26 April 2021, [amnesty.org/en/latest/news/2021/04/denmark-hundreds-of-refugees-must-not-be-illegally-forced-back-to-syrian-warzone/](https://www.amnesty.org/en/latest/news/2021/04/denmark-hundreds-of-refugees-must-not-be-illegally-forced-back-to-syrian-warzone/)

<sup>37</sup> European Council on Refugees and Exile, Sweden: Migration agency declares parts of Syria safe, 5 September 2019, [ecre.org/sweden-migration-agency-declares-parts-of-syria-safe](https://ecre.org/sweden-migration-agency-declares-parts-of-syria-safe)

UNHCR, Sweden Fact sheet, February 2021, [reporting.unhcr.org/sites/default/files/Bi-annual%20fact%20sheet%202021%2002%20Sweden.pdf](https://reporting.unhcr.org/sites/default/files/Bi-annual%20fact%20sheet%202021%2002%20Sweden.pdf)

<sup>38</sup> UNHCR, *Syria Refugee Crisis – Globally, in Europe and in Cyprus*, 18 March 2021, [unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus](https://www.unhcr.org/cy/2021/03/18/syria-refugee-crisis-globally-in-europe-and-in-cyprus-meet-some-syrian-refugees-in-cyprus)

<sup>39</sup> Deutsche Welle, *Germany: Ban on Syria deportations will be allowed to expire*, 11 December 2020, [dw.com/en/germany-ban-on-syria-deportations-will-be-allowed-to-expire/a-55901604](https://www.dw.com/en/germany-ban-on-syria-deportations-will-be-allowed-to-expire/a-55901604)

# 4. TARGETING OF RETURNEES

**“Why did you leave Syria? Because you don’t like Bashar al-Assad and you don’t like Syria? You’re a terrorist ... Syria is not a hotel that you leave and return to when you want.”**

Syrian security official at the Al-Baqi'a-Tal Kalakh border crossing, to Noor who returned from Lebanon, before raping her and her five-year old daughter.<sup>40</sup>

Amnesty International’s research findings since the beginning of the crisis in 2011 indicate that anyone perceived as opposing the government is at risk of arbitrary detention, torture and other ill-treatment, enforced disappearance and death in custody.<sup>41</sup> From the outset of the protests in 2011, and during the conflict, the Syrian government has treated opposition members – whether protesters, activists, or members of armed groups – as “terrorists”, a label which they use to justify fierce repression.

According to the returnees’ testimonies collected by Amnesty International, corroborated by experts, Syrian officials have viewed refugees returning as having been disloyal to their country, either because of the fact that they fled or because of the place where they sought refuge.<sup>42</sup> Syrian authorities, Amnesty International was told, consider that if people felt at risk in areas under their control, it necessarily means they were involved in anti-government activities; and that the authorities further perceive refugees as traitors, given that they readily incriminate the Syrian government before host countries in order to obtain protection there.<sup>43</sup> On this basis, Syrian officials perceive individuals who left the country as generally supportive of the opposition and/or armed groups, which in both cases, is tantamount to “terrorism” in the eyes of Syrian authorities, according to both returnees and experts.

As a result, Syrian authorities have exercised such scrutiny on people who were displaced and are returning to their area of origin.

Amnesty International documented 24 cases of men, women and children returnees who were subjected to rape or other forms of sexual violence, arbitrary detention and/or torture or other ill-treatment upon return as a direct consequence of such perceptions and scrutiny, deriving from their displacement. In 12 of these cases, security officials accused returnees of leaving Syria, and immediately afterwards committed abuses against

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<sup>40</sup> Interview by voice call, 14 December 2020.

<sup>41</sup> Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/)

<sup>42</sup> Interview by voice call, 14 December 2020.

<sup>43</sup> Interviews by voice call with a researcher at the Violations Documentation Center, 15 July 2020; With a Syria expert at the European Institute of Peace (EIP), 20 November 2020; Interview in person with Aoiss Al Dobouch, Legal and Human Rights Adviser at Syria Justice and Accountability Center, 8 June 2021, France. See also Syria Justice and Accountability Center, *Refuge No More: The Danger of Forced Returns to Syria*, 22 June 2021, [syriaaccountability.org/library/refuge-no-more-the-danger-of-forced-return-to-syria/](https://www.syriaaccountability.org/library/refuge-no-more-the-danger-of-forced-return-to-syria/) p.11.

them, according to testimonies.<sup>44</sup> And in 15 cases, security officers accused returnees of being “terrorists” based on the place where they sought refuge, also immediately leading to serious human rights violations.<sup>45</sup>

The targeting of returnees because of their perceived opposition to the government, documented in this report, is consistent with Amnesty’s previous documentation showing that individuals perceived as opponents in Syria are at risk of serious human rights violations.<sup>46</sup>

## 4.1 RETURN PROCESS AND EXPECTATIONS

There is no official and uniform return procedure established by Syrian authorities for refugees. Security agencies, run by intelligence services, are the main actors overseeing returns at the local level.<sup>47</sup> There is no official “reconciliation” process outside of Syria and returnees can only “settle” their situation vis-à-vis the government once they are back.

The return process entails screenings at various stages: sometimes prior to return when refugees undertake a security clearance, whether individually or as part of organized returns; at border crossings; or after return in a returnee’s home village.

### 4.1.1 CLEARANCE AND SETTLEMENT

#### SECURITY CLEARANCE PRIOR TO RETURN

Before returning, some refugees have attempted to find out whether their name is on security agencies’ wanted lists and try to clear it, in order to avoid being arrested upon return, interviewees and expert told Amnesty International.<sup>48</sup> But many refugees are unaware of the possibility of doing so. In order to complete security clearance, refugees can approach different intermediaries. Official channels include the Syrian embassy in the host country or the General Security Office in Lebanon as part of organised returns from Lebanon, according to the returnees interviewed by Amnesty International, as well as experts.<sup>49</sup> They send names to authorities in Damascus, which will reply indicating whether the individual can return.<sup>50</sup> Some refugees use unofficial channels by asking their network inside Syria and paying bribes.<sup>51</sup> Additionally, refugees have the possibility to go through local committees in their hometown, that in some cases could facilitate returns and act as intermediaries with security officials.<sup>52</sup> According to experts, people considered disloyal to the Syrian government will not be cleared for return, but precise criteria remain unclear, especially since the security apparatus is opaque and decentralised.<sup>53</sup>

Refugees hope that by completing security clearance they will not be arrested at the border, but, as this report indicates, Syrian people returning have been arrested both at the border or in the days or weeks following return.<sup>54</sup>

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<sup>44</sup> Interviews by voice call, 14, 16 and 17 December 2020; 28 January, 23 March, 19 and 31 May, 2 and 15 June 2021; Interview in person, 21 May 2021, Lebanon.

<sup>45</sup> Three returnees have been both blamed for leaving Syria and accused of being “terrorists”.

Interviews by voice call, 17 December 2020, 13, 19, 27, 28 January, 11 February, 23 March, 15 June 2021.

<sup>46</sup> Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/)

<sup>47</sup> Interview with Haid Haid, 18 June 2021.

<sup>48</sup> Interviews by voice call 21 October, 14 December 2020, Interview in person 20 May 2021, Interview with Haid Haid, 18 June 2021.

<sup>49</sup> Interviews by voice call 21 October, 14 December 2020, 7 April 2021. Interview with. Interview with Aoiss Al Dobouch, 8 June 2021.

<sup>50</sup> International Crisis Group, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, p.23.

<sup>51</sup> International Crisis Group, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, p.17.

<sup>52</sup> International Crisis Group, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, p.17.

<sup>53</sup> Interview by voice call with a researcher at the Syrian Network for Human Rights (SNHR), 20 October 2020; With Haid Haid, 18 June 2021.

<sup>54</sup> Interview by voice call with Haid Haid, 18 June 2021. Syria Justice and Accountability Center, *Refuge no more: The danger of forced returns to Syria*, 22 June 2021, <https://syriaaccountability.org/library/refuge-no-more/> p.11. European Institute of Peace (EIP), *Refugee Return in Syria: Dangers, security risks and information scarcity*, July 2019, [ecoi.net/en/document/2018602.html](https://ecoi.net/en/document/2018602.html), pp. 22-23.



## SETTLEMENT UPON RETURN

At the border crossing, in some cases, security officials give a form to returnees, requesting them to visit an intelligence branch in order to complete their security settlement.<sup>55</sup>

Once refugees have returned to Syria, they have to “settle [their] status” (*taswiyat al-wadaa*). This process entails one, or several, intelligence branch’s interrogation of returnees about political activities, spanning from participating in peaceful demonstrations, providing humanitarian aid to opposition-held area, to fighting with armed groups.<sup>56</sup> At the end of the process, if cleared, individuals receive a document attesting that they completed “settlement” and security officials are supposed to remove them from wanted lists.<sup>57</sup>

However, security actors do not coordinate and are not centralized; as a result, the names of “cleared” returnees remain on wanted lists in some cases and some have subsequently been arrested as a result of the lack of coordination between intelligence agencies, according to testimonies and experts.<sup>58</sup> UNHCR stated in its latest assessment of conditions in Syria that, “having ‘settled one’s status’ does not guarantee that the individual is safe from arbitrary arrest.”<sup>59</sup>

## ARRESTS DESPITE CLEARANCE

**“I did [clearance] before returning. I was clear, so it surprised me when I was arrested.”**

Khalil, who was arbitrarily detained for six months upon return.<sup>60</sup>

Out of the 53 cases of adult returnees, 22 went through either a formal or informal clearance process before going back to Syria, according to testimonies. They said that they undertook clearance through various channels: with Syrian authorities, as part of returns organized by national authorities (see 4.1.2 “Organized returns”); obtaining a pass at the Syrian embassy; or inquiring through personal networks inside the country by paying money to be informed whether one’s name is on the wanted list.<sup>61</sup> All interviewees said that they were not aware of any clear procedure or resulting guarantees afforded by this process. They also expressed confusion with another internal vetting process allowing internally displaced people to return, which consists of local agreements following the capture of opposition-held areas by the Syrian military, presented by the Syrian government as “reconciliation”.<sup>62</sup>

Twelve refugees who did a security clearance at the Syrian embassy in Amman or returned through an organized return operation, in which Syrian authorities were involved, as well as Lebanese authorities, expected this process to give them some security guarantee against arrest.<sup>63</sup> Yet, intelligence officials arrested them when they returned.

The information Amnesty International collected from testimonies and experts indicate that clearance does not protect from arrests.<sup>64</sup>

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<sup>55</sup> Interviews by voice call with a researcher at SNHR; Syria Justice and Accountability Center, *Refuge no more: The danger of forced returns to Syria*, 22 June 2021, p.11.

<sup>56</sup> European Institute of Peace (EIP), *Refugee Return in Syria: Dangers, security risks and information scarcity*, July 2019, p.5

<sup>57</sup> International Crisis Group, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, p.2.

<sup>58</sup> Interview by voice call 27 January, 8 April 2021, Interview by voice call with Haid Haid, 18 June 2021.

<sup>59</sup> UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic – Update VI, March 2021, p.106.

<sup>60</sup> Interview by voice call, 16 June 2021.

<sup>61</sup> Interviews by voice call, 21 October, 14, 17 December 2020, 17 February, 7 April, 15 June 2021. Interviews in person 19, 20 May 2021, Lebanon.

<sup>62</sup> Starting in 2014, the Syrian government’s military strategy focused on using siege and starvation against civilians as a tactic to pressure armed groups to negotiate a deal to surrender. The deals negotiated and promoted by the Syrian government as local “reconciliation” deals involved the surrender of armed opposition groups in exchange for the safe evacuation of civilians and fighters to areas under opposition control. People wishing to remain in the area are required to go through a process involving filling documents and providing information about anti-government’s activities.

Amnesty International, *Syria: ‘We leave or we die’: Forced displacement under Syria’s ‘reconciliation’ agreements*, (Index: MDE 24/7309/2017), 13 November 2017, [amnesty.org/en/documents/mde24/7309/2017/en/](https://www.amnesty.org/en/documents/mde24/7309/2017/en/), Haid Haid, Chatham House, “The details of ‘reconciliation deals’ expose how they are anything but”, August 2018, [syria.chathamhouse.org/research/the-details-of-reconciliation-deals-expose-how-they-are-anything-but-a-closer-look-at-the-regimes-process-reveals-its-real-goal-retribution-and-control](https://www.syria.chathamhouse.org/research/the-details-of-reconciliation-deals-expose-how-they-are-anything-but-a-closer-look-at-the-regimes-process-reveals-its-real-goal-retribution-and-control)

<sup>63</sup> Interviews by voice call, 21 October, 16 November 2020, 19 January, 7 April 2021; interviews in person, 20, 21 May 2021, in Lebanon.

<sup>64</sup> Interviews by voice call with a researcher at SNHR, 20 October 2020, with Haid Haid, 18 June 2021; Also see International Crisis Group, *Lessons from the Syrian State’s Return to the South*, 25 February 2019, p.12; Syria Justice and

## 4.1.2 ORGANIZED RETURNS

In Lebanon, the Lebanese government, and in Rukban, the UN in collaboration with the Syrian government, organized collective return operations, mainly in 2018 and 2019.

### LEBANON

In July 2018, the Lebanese government announced that refugees could go back to Syria under an agreement with the Syrian government and tasked the Lebanese General Security to facilitate these returns.<sup>65</sup> According to this agency, refugees must apply for return at the registration offices run by them across Lebanon or at the offices of political parties. General Security then compiles all the names of refugees who registered for return and organize transportation in buses to the Syrian border. Per the bilateral agreement with the Syrian government, the General Security is meant to send lists of names of registered refugees to the Syrian government for screening before their return to Syria. Refugees whose names were approved by the Syrian government were then supposed to gather at the registration offices to board the buses provided by General Security and cross into Syria.<sup>66</sup> These operations were suspended in February 2020 because of Covid-19.<sup>67</sup> Registration resumed in December 2020, but according to Amnesty International's information, no organized return operation has taken place since.

One of the returnees interviewed by Amnesty International described the process by which she and her family were registered before travelling to Syria. "In the summer 2019, we came back with the reconciliation convoy. It was a joint convoy involving the Syrian regime, the Lebanese army, and the Lebanese General Security. I registered in Arsal municipality. We waited for the approval. It came one month later. We received a message from the Lebanese General Security on the phone, with the name of the family, the number of family members and the number of our General Security card," Hiba said.<sup>68</sup> She reported that people wearing UNHCR vests were monitoring the returns at the border.

Amnesty International spoke to seven men and women who returned through these organized operations and one woman whose two brothers returned in the same way. Syrian security officials subsequently arbitrarily detained five of the interviewees and nine of their husbands or brothers.<sup>69</sup>

### RUKBAN

Rukban is an informal settlement in no-man's land between the Jordanian and the Syrian border, also known as "the berm". In early 2015, tens of thousands of people seeking safety from the conflict in Syria ended up stranded in "the berm", near the Rukban and Hadalat crossings. An estimated 75% of the berm's population have returned to Syria since mid-2015, according to the UN.

In September 2019, the Syrian Arab Red Crescent and the Syrian government, with the support of the UN, organized the transfer of several hundred people from Rukban to Homs.<sup>70</sup> Interviewees said that they submitted their name for clearance, even though the exact process remained unclear. Rukban residents boarded buses and were taken to collective shelters in Homs where Syrian authorities held them and screened them (see 6.3 "Detention of returnees at screening sites").

Wassim, who said he took part in another organized return operation in May 2019 involving Russian soldiers and a humanitarian organization he could not identify, recounted the process from the first checkpoint controlled by the Syrian authorities after leaving Rukban: "They split men from women and children. They took our names. We slept one night there. The next day they brought buses: there were 24 buses and 60 cars. They took us to Damascus, then to Homs. At a checkpoint, there were a lot of Russian soldiers who took pictures of us. Syrian intelligence members escorted us. We arrived at a school in Homs, in Bayada neighbourhood. Air Force intelligence was in charge. They took the names of everyone on the buses. The next day, they checked our names again."<sup>71</sup> After completing the screening, security officials subsequently

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Accountability Center, *Refugee No More: The Danger of Forced Returns to Syria*, 22 June 2021, p.11; European Institute of Peace (EIP), *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, p. 23.

<sup>65</sup> The Directorate of General Security, under the Ministry of Interior, is responsible for border control and exercises some internal domestic security responsibilities. See: <https://www.general-security.gov.lb/ar/posts/315>

<sup>66</sup> Amnesty International, *Lebanon: Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE 18/0481/2019), p.1.

<sup>67</sup> Twenty-one organized returns involving General Security took place between mid-2018 and February 2020.

<sup>68</sup> Interview in person, 20 May 2021, Lebanon.

<sup>69</sup> Interview by voice call, 21 October 2020; interviews in person, 20, 21 May 2021, Lebanon.

<sup>70</sup> Interviews by voice call, 19, 27 January 2021. UN HRC, *Report of the Independent International Commission of Inquiry*, 28 January 2020, A/HRC/43/57 Para. 86.

<sup>71</sup> Interview by voice call, 27 January 2021.

transferred and detained a group of returnees, including Wassim, to intelligence facilities, according to testimonies. This account tallies with UN and Syrian human rights organizations' reports.<sup>72</sup>

Syrians who returned from Rukban told Amnesty International that Syrian authorities collectively consider people living there to be “terrorists”.<sup>73</sup> For example, when he was interrogated after returning from Rukban in May 2020, Khalil, who was arbitrarily detained for six months, said that an officer told him: “Why didn’t you go to Homs or Hama and went to Rukban? They’re all terrorists in Rukban. You preferred to join the terrorists in Rukban rather than civilians in Homs or in other places.”<sup>74</sup>

Samer, who lived in Rukban for six years before returning to Homs in 2019 and being arrested, told Amnesty international: “They [Syrian authorities] hate people from Rukban. They think that they all have links with terrorism and should be mistreated.” Samer said that intelligence members subsequently arbitrarily detained him and forcibly disappeared him for nine months, during which time they tortured him.<sup>75</sup> Security officials arbitrarily detained all 10 individuals returning from Rukban whose cases Amnesty International documented, and subjected three returnees to torture or other ill-treatment and forcibly disappeared two individuals, according to testimonies.<sup>76</sup>

Return processes involving screening, through individual security clearance or as part of organized returns have allowed Syrian authorities to identify returnees who they deem as suspects.

## 4.2 ACCUSATIONS AND PERCEPTIONS

**“You escaped when the country needed its people.”**

An agent told Sabah, when she returned to Damascus.<sup>77</sup>

**“They told him: ‘You’re a terrorist, and your sons are terrorists. That’s why you left Syria.’ ... They accused him of leaving Syria to collect money and finance terrorist groups.”**

Mazen telling his father’s account of an interrogation upon return.<sup>78</sup>

Twelve Syrian people who spoke to Amnesty International said that security officials explicitly criticized their decision to flee the country and/or questioned their motive to return, subsequently sexually assaulting them, arbitrarily detaining them and/or subjecting them to torture and other ill-treatment.<sup>79</sup> According to testimonies, officers blamed returnees for going abroad instead of seeking refuge in government-controlled areas and standing by the side of the Syrian army.

In 2017, Aya, returned to Syria with her three daughters and her son, after living in Turkey for two years. At the border crossing, an officer asked her: “You left Syria. And you want to return now that we have destroyed the terrorists? Why didn’t your son help us fight terrorists?”<sup>80</sup> He then raped her and arrested her son who has since been disappeared, Aya said (see 5.1 “Rape” and 8 “Enforced disappearance”). Similarly, when Alaa

<sup>72</sup> Interviews by voice call, 13, 19 January, 11 February. Interview in person, 21 May 2021, Lebanon. Interviews by voice call with a researcher at SNHR, 20 October 2020, UN HRC, *Report of the Independent International Commission of Inquiry*, 28 January 2020, A/HRC/43/57, Para. 86. SJAC, *Residents of Rukban Camp Face Siege, Limited Aid, and Dangers in Reconciled Areas*, 11 July 2020, [syriaaccountability.org/updates/2020/06/25/residents-of-rukban-camp-face-siege-limited-aid-and-dangers-in-reconciled-areas/](https://syriaaccountability.org/updates/2020/06/25/residents-of-rukban-camp-face-siege-limited-aid-and-dangers-in-reconciled-areas/)

<sup>73</sup> Interviews by voice call, 19, 27 January, 11 February, 23 March, 15 June 2021.

<sup>74</sup> Interview by voice call, 15 June 2021.

<sup>75</sup> Interview by voice call, 19 January 2021.

<sup>76</sup> Interviews by voice call, 19, 28 January, 23 March 2021.

<sup>77</sup> Interview by voice call, 17 February 2021.

<sup>78</sup> Interview by voice call, 19 May 2021.

<sup>79</sup> Interviews by voice call, 14, 16 and 17 December 2020; 28 January, 23 March, 19 and 31 May, 2 and 15 June 2021; Interview in person, 21 May 2021, Lebanon.

<sup>80</sup> Interview by voice call, 17 December 2020.

returned from Lebanon in the summer of 2017, she said that the agent who interrogated her at the border crossing told her: “Why did you escape? Why didn’t you go to Damascus? You escaped because you didn’t want to support the Syrian army that protects you.”<sup>81</sup> Security agents transferred Alaa and her 25-year-old daughter to an intelligence branch, where they arbitrarily detained the two women for five days (see 6.2 “Detention on unnecessary and unreasonable grounds”). During interrogation, an intelligence member told Alaa: “Why didn’t you go to Homs and Damascus [areas under the control of the government]? You want to speak against [President] Assad abroad?” Alaa recounted. “He also asked us why we returned. I said that I wanted to return to my home. He said: ‘We bet that you want to return to ISIS [armed group Islamic State].’” The intelligence officer then raped her daughter, Alaa told Amnesty International (see 5.1 “Rape”).

Amnesty International’s research indicates that the mere fact of fleeing abroad was sufficient to raise suspicion. For example, Ola, who returned from Lebanon with her brother in 2019, said that security officials asked her why she had returned when they visited her house in the weeks following her return. “They see us as terrorists because we left to Lebanon,” Ola said. Security forces had arrested Ola’s brother at the border crossing and subjected him to an enforced disappearance. Five months later, authorities informed his family that he died in detention, according to Ola.<sup>82</sup> In some cases, testimonies also indicate that security officials suspect returnees may return in order to carry out violent action. For example, security members arrested Karim four days after his return to his village in Homs province. He recounted one interrogation during his detention: “He [an officer] said: ‘You came to ruin the country and complete what you started before you left.’ I said that I was coming to my home country, to my village. He beat me a lot.”<sup>83</sup> Karim told Amnesty International that security officials detained him for six-and-a-half months and tortured him during his detention. Security officials also arrested Mazen’s father, a 72-year-old man, when he returned to the same village. He told Mazen that an agent had asked him during his detention: “Why did you come back? You came back to do more damage?”<sup>84</sup> Security forces arbitrarily detained Mazen’s father for two months and tortured him several times, Mazen said.

Five returnees told Amnesty International that authorities had accused them of collecting money abroad and “financing terrorism”.<sup>85</sup> For example, Ibrahim said that his cousin who was a refugee in France and returned to Damascus in early 2019 also faced the accusation of financially supporting “terrorism”. His cousin’s lawyer told Ibrahim that the anti-terrorism court has been investigating his cousin for collecting money in Europe and financing terrorism-related activities in Syria. Security forces arrested Ibrahim’s cousin, his wife and their three young children at the border crossing and have forcibly disappeared them since, according to Ibrahim (see 8 “Enforced disappearance”).<sup>86</sup> When security forces interrogated Ashraf, a construction worker from Zabadani, Damascus, after arresting him at a checkpoint in Homs province the day he returned to Syria, they accused him in a similar way: “He [an officer] kept telling me that I was sending money to terrorists in Zabadani, Ghouta, Damascus. I replied: ‘I don’t have enough money to live in Lebanon. How could I send money to Syria?’” Ashraf said. Security officials subsequently detained him for six-and-a-half months and tortured him, according to his testimony.<sup>87</sup>

Living abroad raised another type of suspicion for Yasmin, who returned from Lebanon. Yasmin said that at the border crossing, an intelligence agent accused her of spying for a foreign country: “They trained you. They taught you languages. They trained you to use a satellite. Why did you go to Lebanon in 2016 and come back now? ... They put you in an espionage training camp,” the investigator said, according to Yasmin. The agent then raped Yasmin and another one raped her teenage son, Yasmin recounted (see 5.1 “Rape”).<sup>88</sup>

Syrian officials have accused returnees of being “terrorists” based on the place where they sought refuge.<sup>89</sup> People returning from Rukban for example, have been labelled as “terrorists” (see 4.1.2 “Organized returns”); testimonies of security officers’ comments indicate they accuse returnees of holding the same political views as the host countries’ official positions – for example, refugees who were based in the Gulf and Turkey told Amnesty International that the Syrian authorities accused them of supporting these governments.<sup>90</sup>

During interrogation at the border crossing, security members told Aya who returned from Turkey with her daughters: “You’re terrorists... you’re Turkish, you’re Erdoganists,” before raping her, Aya said.<sup>91</sup> Similarly,

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<sup>81</sup> Interview by voice call, 14 December 2020.

<sup>82</sup> Interview in person, 21 May 2021, Lebanon.

<sup>83</sup> Interview by voice call, 28 May 2021.

<sup>84</sup> Interview by voice call, 19 May 2021.

<sup>85</sup> Interviews by voice call, 16 November 2020, 19 January, 17 February, 11, 19 May 2021.

<sup>86</sup> Interview by voice call, 16 November 2020.

<sup>87</sup> Interview by voice call, 11 May 2021.

<sup>88</sup> Interview by voice call, 16 December 2020.

<sup>89</sup> Interviews by voice call, 17 December 2020, 13, 19, 27, 28 January, 11 February, 23 March, 15 June 2021.

<sup>90</sup> Interview by voice call, 17 December 2020, 2 June 2021.

<sup>91</sup> Interview by voice call, 17 December 2020.

Sema who lived for seven years in the UAE before returning to Damascus to be with her sick father, said that agents who interrogated her at Damascus airport threw accusations at her: “They insulted me and all Syrians who live in the Gulf, saying that we are all prostitutes... He said: ‘You’re Hamad’s [Hamad bin Khalifa Al Thani, the Emir of Qatar] slave. They [Gulf officials] taught you how to cause disorder, how to ruin the country.’” Sema said that security members detained her and sexually assaulted her.<sup>92</sup>

An interviewee with whom Amnesty International spoke also said that security officials arrested two returnees who professed to be supportive of the government.<sup>93</sup> This is what happened to Zahra’s husband when they returned with their two children from Lebanon in 2018. “My husband is not an opponent, he supports the regime,” Zahra said. She said that during the interrogation at the border crossing, her husband showed [the officers] that he had a picture of Bashar al-Assad in his phone. Still, security forces arrested him and have forcibly disappeared him.<sup>94</sup> Accusations against these returnees and subsequent violations underline the Syrian authorities’ hostile perceptions towards those who sought safety outside of the country.

Hostile perceptions coupled with identification of returnees at border crossings are putting returnees at real risk of violations, as these cases indicate. All the returnees or relatives who told Amnesty International that they, or their relatives, had been targeted or accused in relation to their displacement reported that they, or their relatives, subsequently suffered one or several violations documented in this report.

### **FORCED RETURNS FOLLOWED BY HUMAN RIGHTS VIOLATIONS**

Amnesty International has investigated two cases of Syrian refugees who were forcibly returned to Syria from Lebanon and then subjected to human rights violations.

Lebanese security officials arrested Imad, 21, for allegedly belonging to an armed group in Syria when he was below the age of 16, according to his father, his lawyer and legal documents reviewed by Amnesty International. He was sentenced to three years of prison in Lebanon. As he was serving his sentence, a public prosecutor filed a deportation order on the basis of an alert from another Lebanese prosecutor.<sup>95</sup> Imad’s lawyer filed a submission to halt the deportation, which was rejected.<sup>96</sup> Lebanese authorities handed Imad over to Syrian security forces at Jdeidat-Yabous crossing alongside four other Syrian refugees.<sup>97</sup>

Once in Syria, his father said that Syrian intelligence members interrogated and detained Imad at a military intelligence facility in Damascus, where they beat him. After appearing at a court set up to try terror-related crimes, Imad was eventually released because the family bribed the authorities, his father said. A few months later Imad was forced to join the military and his father fears that he will be sent to fight in Idlib.<sup>98</sup>

In another case, in the autumn of 2019, Lebanese security forces arrested and deported Moaz because he had no residency permit, according to his brother Houssam.<sup>99</sup> He said that Moaz found a smuggler at the border crossing and managed to avoid official checkpoints. But eight months later, security forces arrested him on the basis that he had taken part in demonstrations, and then detained him for five months. During the detention, security forces tortured Moaz and subjected him to sexual violence, Houssam recounted. Authorities eventually released him after his family paid bribes.

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<sup>92</sup> Interview by voice call, 2 June 2021. Gulf countries, including Qatar, have supported the Syrian opposition.

<sup>93</sup> Interview by voice call 1 June 2021.

<sup>94</sup> Interview by voice call, 1 June 2021.

<sup>95</sup> Official report on file with Amnesty International, details omitted.

<sup>96</sup> Amnesty International reviewed official documents mentioning the appeal.

<sup>97</sup> Official report on file with Amnesty International, details omitted.

<sup>98</sup> Interview with Imad’s father, 7 September 2020.

<sup>99</sup> Interview by voice call, 22 October 2020. The decision of deportation is based on a 2019 official decision to return any Syrians who would have entered after April 2019 in an “illegal” manner. See 3.1 “Syria’s policy”.

# 5. SEXUAL VIOLENCE

**“This is to welcome you to your country. If you get out of Syria again and come back again, we will welcome you even better. We want to humiliate you and your son. You will not forget humiliation in all your life.”**

A security member told Yasmin after he raped her the day she returned from Lebanon.<sup>100</sup>

Amnesty international documented 14 cases in which security officials committed sexual violence against children, women and men returnees, including seven cases of rape.<sup>101</sup> Sexual violence took place at border crossings or in detention centres during questioning the day of return or shortly after. Security members also sexually harassed six women and harassed four other women returnees whose husbands were detained in order to pressure them, according to testimonies.<sup>102</sup> Testimonies of rape are consistent with patterns of sexual violence and rape committed against civilians and detainees during the conflict by pro-government forces.<sup>103</sup>

A Syrian researcher, currently undertaking a Ph.D. thesis on gender-based violence during the Syrian conflict, reported similar findings: “I interviewed about a hundred men and women who returned to Syria between 2019 and 2021. Seventeen, 10 men and seven women, reported sexual violence and others probably didn’t mention it because they were afraid. It’s a lot and it shows that authorities still use sexual violence as a tool to torture... The regime wants to take revenge on people who left Syria. They think that they should have stayed and fought alongside [President] Assad. They think that they left Syria because they have an agenda, like working with foreign countries, especially with Gulf countries,” she said.<sup>104</sup>

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<sup>100</sup> Interview by voice call, 16 December 2020.

<sup>101</sup> Interviews by voice call, 21, 22 October, 14, 16, 17 December 2020, 19, 31 May, 1, 2 June 2021.

<sup>102</sup> Interviews by voice call 14 December 2020, 1, 2 June 2021. Interviews in person, 20, 21 May 2021, Lebanon.

<sup>103</sup> UN HRC, “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic, 8 March 2018, UN Doc. A/HRC/37/CRP.3 and Marie Forestier, “‘You want freedom? This is your freedom’: Rape as a tactic of the Assad regime”, LSE Centre for Women, Peace and Security, February 2017, [lse.ac.uk/women-peace-security/assets/documents/2017/wps3Forestier.pdf](https://lse.ac.uk/women-peace-security/assets/documents/2017/wps3Forestier.pdf)

<sup>104</sup> Interview by voice call, 10 June 2021.

## 5.1 RAPE

### **“We’re going to rape your daughter and impregnate her.”**

A military intelligence member told Alaa when detaining her with her 25-year-old daughter upon return from Lebanon.<sup>105</sup>

Amnesty International documented seven cases of rape committed by security forces, against five women, a 13-year-old boy and a five-year-old girl.<sup>106</sup> Interviewees said that security officers raped returnees during questioning, either at border crossing facilities or in intelligence detention centres.

This is what happened to Yasmin, who returned from Lebanon with her teenage son and her three-year old daughter, after her husband had died and the family found themselves without resources.<sup>107</sup> Security forces immediately arrested her at the border crossing on accusation of spying for a foreign country and transferred the three of them to an intelligence detention centre, where they detained them for 29 hours, according to Yasmin. After interrogating her about the reasons why she left and why she returned, Yasmin said that an intelligence member raped her in front of her children and told her: “This is to welcome you to your country. If you get out of Syria again and come back again, we will welcome you in a bigger way. We are trying to humiliate you and your son. You will not forget humiliation in all your life. If you get pregnant, have people of [her hometown] help you to give birth.” Agents then brought Yasmin and her children back to a cell, Yasmin said. “My son was nervous and scared, and he attacked a guard. Guards came in and took my son away. When they brought him back, he was beaten and they had raped him,” Yasmin recounted. Her son later told a therapist that guards inserted a shisha pipe in his anus.<sup>108</sup>

Security officers raped three other returnees using objects, according to testimonies collected by Amnesty International.<sup>109</sup> Like Yasmin, Noor reported that security members raped her and her five-year old daughter at a border crossing between Lebanon and Syria. When interrogating her, an officer blamed Noor for leaving Syria (see 4 “Targeting of returnees”) and accused her of sending weapons to Syria and of “prostituting” herself, she told Amnesty International. Noor said that the officer inserted a pen in her bottom and her daughter’s bottom, and then allowed them to leave.<sup>110</sup> Security officers also used a stick to rape Aya, another returnee, in front of her adult son, after accusing them both of being “terrorists” at the border crossing, she told Amnesty International.<sup>111</sup>

After a security officer raped Noor and her five-year-old daughter, he took pictures of them naked.<sup>112</sup> This element of the testimonies Amnesty International collected is consistent with a pattern observed by experts in similar cases. “Sometimes they take pictures of them [returnees subjected to sexual violence] or film them. Then, they release them and use these videos as a tool to pressure them and keep them under their control,” explained the Syrian expert on sexual violence.<sup>113</sup>

In another case documented, a military intelligence member raped a 25-year-old woman the day she returned, according to her mother Alaa. Intelligence officers arrested Alaa and her daughter at the border crossing as they came back from Lebanon and detained them for five days in an intelligence centre, accusing them of “speaking against Assad abroad”, Alaa remembered.<sup>114</sup> She said that security officials interrogated her and her daughter in the same room and that she was present when her daughter was assaulted. “They removed my daughter’s clothes. They handcuffed her and hanged her on the wall. They beat her. She was totally naked. One put his penis inside her mouth. When she became unconscious, they threw water on her. I tried to kiss their legs so that they stopped. They asked: ‘Why did you leave Syria? What did you bring with you? They called me a ‘whore’, a spy for ISIS [armed group Islamic State], terrorist,” Alaa said.<sup>115</sup> Being raped in front one’s mother and being forced to watch one’s child being raped amount to torture.

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<sup>105</sup> Interview by voice call, 14 December 2020.

<sup>106</sup> Interviews by voice call, 14, 16, 17 December 2020, 31 May 2021.

<sup>107</sup> Interview by voice call, 16 December 2020.

<sup>108</sup> Interview by voice call, 16 December 2020.

<sup>109</sup> Interviews by voice call, 14, 17 December 2020.

<sup>110</sup> Interview by voice call, 14 December 2020.

<sup>111</sup> Interview by voice call, 17 December 2020.

<sup>112</sup> Interviews by voice call 14 December 2020.

<sup>113</sup> Interview by voice call, 10 June 2021.

<sup>114</sup> Interview by voice call, 14 December 2020.

<sup>115</sup> Interview by voice call, 14 December 2020.

These accounts indicate that security officials raped returnees to humiliate them, punish them for leaving the country, and assert their control over them.

## 5.2 OTHER SEXUAL VIOLENCE

**“We’re beating you here, hoping that you’ll not bear children who can harm the country as you did.”**

Security officer to Samer while beating him on his testicles during interrogation upon return.<sup>116</sup>

Security officials subjected eight returnees to other forms of sexual violence, namely four women (one of them was also raped) and four men, interviewees told Amnesty International.<sup>117</sup> In five cases, security members beat returnees either on their genitals or as they were stripped naked, according to returnees or their relatives.<sup>118</sup> Mazen said that intelligence officers beat his 70-year old father in front of others while forcibly naked, during his two-month detention at a political intelligence branch.<sup>119</sup> Security officials beat other returnees, like Sema, on their genitals. Intelligence members arrested Sema at Damascus airport upon her arrival from the UAE. They detained her for three days, mainly in order to extort money from her (see 6.5 “Detention as a means of extortion”), accusing her of being subordinated to Gulf states, Sema said. “He beat me on my bottom and on my sensitive place. This beating was sexual abuse because as he was beating me on my vagina, he said: ‘This vagina, you sold to Hamad [Hamad ben Khalifa Al Thani, the Emir of Qatar],” Sema recounted.<sup>120</sup> Samer also told Amnesty International that as part of torture that security agents inflicted on him as a means to extract a so-called “confession” to the effect that he supported the armed group Islamic State, an agent beat him on his genitals, telling him: “We’re beating you here, hoping that you’ll not bear children who can harm the country as you did,” Samer recounted.<sup>121</sup>

In another case, security members forced a 30-year-old man returning from Lebanon into actions that resulted in sexual violence, his brother told Amnesty International. “They forced him to strip naked. They forced him to sit on a Coca-Cola can. They forced him to have sex between detainees,” the returnee’s brother said.<sup>122</sup> A security officer also violently touched two women returnees on their genitals when he questioned them at a border crossing with Lebanon, according to Zahra who returned with her family, including her sister-in-law. “My sister-in-law was screaming when he [the officer] beat her. She said: ‘Get your hands off me.’ The officer said: ‘Why is her vagina screaming?’ My husband tried to calm her down. But she didn’t, so the officer told him: ‘If you can’t make her silent, I can.’ He pressed on her vagina above her clothes. She kept screaming. I could not stay quiet. I screamed when I saw that he did that. Because I was screaming, the officer pressed on mine [vagina] so badly,” Zahra said.<sup>123</sup>

Security officers assaulted Zahra and her sister-in-law after the latter mentioned there was no appropriate psychological care in Syria (see 6.2 “Detention on unnecessary and unreasonable grounds”) and after Zahra contradicted the official, according to Zahra. “The officer told me: ‘You learned how to speak out in Lebanon and you are coming back to show it to us,’” Zahra recounted.<sup>124</sup> Similarly, before beating Sema on her genitals, an intelligence member said: “Let’s teach her how to be polite,” according to Sema.

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<sup>116</sup> Interview by voice call, 2 June 2021.

<sup>117</sup> Interviews by voice call, 21, 22 October, 14 December 2020, 19 January, 19 May, 1, 2 June 2021.

<sup>118</sup> Interviews by voice call, 21 October, 14 December 2020, 19 January, 19 May, 2 June 2021.

<sup>119</sup> Interview by voice call, 19 May 2021.

<sup>120</sup> Interview by voice call, 2 June 2021.

<sup>121</sup> Interview by voice call, 19 January 2021.

<sup>122</sup> Interview by voice call, 22 October 2020.

<sup>123</sup> Interview by voice call, 1 June 2021.

<sup>124</sup> Interview by voice call, 1 June 2021.



## 5.3 HARASSMENT, INSULTS AND THREATS

Security officials harassed women returning to Syria in various ways, returnees told Amnesty International. They sexually harassed six women who they had also subjected to sexual violence or rape, compounding humiliation and a climate of fear, according to testimonies.<sup>125</sup>

For instance, intelligence members insulted four women during interrogation, calling them “prostitute”, according to interviewees.<sup>126</sup> Zahra said that the intelligence officer interrogating her family threatened her and her sister-in-law before assaulting them (see 5.2 “Other sexual violence”). “When he saw a picture of a sculpture on my husband’s phone, he said: ‘I can put this sculpture inside your wife and your sister.’ He used his pen to point at us and show how he would do that,” Zahara recounted.<sup>127</sup>

In addition, security members harassed and threatened a 17-year-old girl who returned from Germany to Damascus.<sup>128</sup> Sabah, her mother, told Amnesty International that intelligence agents harassed her daughter when they questioned the two women at a political security branch. “One said: ‘You come from Germany. German girls are beautiful.’ Their looks and their way of talking made me want to die,” Sabah said. A few days later, a soldier harassed the teenage girl at a checkpoint: “He said: ‘I want your daughter and I will take her.’ I told him she is a minor. My daughter said: ‘I don’t want you.’ The soldier said: ‘I will take you by force,’” Sabah said. A few days later, the intelligence office summoned the teenager. “I was afraid because I heard about rape in intelligence branches and people disappearing,” Sabah said. The following day, she fled Damascus with her daughter.<sup>129</sup>

Four women who returned to Qalamoun area (Damascus), the wife and sisters of a detained man, told Amnesty International that security members had come to their house and harassed them.<sup>130</sup> In the four cases, security agents came to the house, asked the women about missing male relatives or about the women themselves. Ola returned from Lebanon with her brother in an organized return operation. Security officials immediately arrested him at the border crossing, and he has since been disappeared, Ola said. Meanwhile, security forces harassed his family. “People with uniform came to the house. They knock at the door. They asked about my brother. They knew there were only women in the house so they harassed us. They said: ‘Why did you come back from Lebanon?’ They consider us as terrorist because we left to Lebanon,” Ola said.<sup>131</sup> A few months later, Ola and her mother, who were feeling unsafe, returned to Lebanon. A similar thing happened to Ruha, whose husband was subjected to forcible disappearance when they returned from Lebanon (see 8 “Enforced disappearance”): “They knocked at the door. They said that they wanted to search the house. They also said: ‘You came back from Lebanon, you have to keep your door open.’ I felt very uncomfortable because we were only a woman and children,” she said.<sup>132</sup> In one case, security forces warned the woman not to leave the village, the returnee told Amnesty International.<sup>133</sup> Feeling unsafe, the four women returned to Lebanon shortly after the security forces visits, they said.

### APPLICABLE LEGAL STANDARDS

Rape and other forms of sexual violence are a violation of a number of human rights, including the rights to equality and non-discrimination, to physical integrity, to the prohibition of torture and other ill-treatment and to the highest attainable standard of physical and mental health. Subjecting returnees to rape or other forms of sexual violence violates a number of human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention against Torture (CAT), to which Syria respectively acceded in 1969, 2003 and 2004. Rape and other forms of sexual violence are also prohibited under customary international law and can amount to a crime against humanity and a war

<sup>125</sup> Interviews by voice call 14 December 2020, 1, 2 June 2021.

<sup>126</sup> Interviews by voice call 14 December 2020, 2 June 2021.

<sup>127</sup> Interview by voice call, 1 June 2021.

Interview by voice call, 1 June 2021.

<sup>128</sup> Interview by voice call, 17 February 2021.

<sup>129</sup> Interview by voice call, 17 February 2021.

<sup>130</sup> Interviews in person, 20, 21 May 2021, Lebanon.

<sup>131</sup> Interviews in person 21 May 2021, Lebanon. The interviewee declined to describe how she and female relatives were harassed.

<sup>132</sup> Interview in person, 20 May 2021, Lebanon.

<sup>133</sup> Interview in person, 20 May 2021, Lebanon.

crime.<sup>134</sup> In addition, Syria has an obligation to prevent and protect children from sexual abuse, as provided in the Convention on the Rights of the Child (CRC), to which Syria is a state party.<sup>135</sup>

According to the Rome Statute, which provides an authoritative definition of rape and sexual violence, rape occurs when “the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body”, and when “the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.”<sup>136</sup> Sexual violence is likewise defined as when “the perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent” and where such conduct was of a gravity comparable to that of other war crimes.<sup>137</sup>

In many of the cases of rape and sexual violence documented by Amnesty International, perpetrators used physical force to invade the bodies of the victims, or commit other acts of a sexual nature. Even where physical force was not present, in all the cases documented by Amnesty International, these acts were committed during detention in highly coercive circumstances by security forces who were in a position of power over the victims, including in a position to use violence against them or family members with impunity or hold them in detention for prolonged periods.

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<sup>134</sup> International Committee of the Red Cross, Customary International Humanitarian Law, Rule 93.

<sup>135</sup> CRC, Article. 19(1).

<sup>136</sup> ICC elements of crimes, Elements 1 and 2, Article 8(2)(e)(vi)-1(2).

See also, Amnesty International, *Rape and sexual violence, Human rights law and standards in the International Criminal Court*, (Index: IOR 53/001/2011), 2011, [amnesty.org/download/Documents/32000/ior530012011en.pdf](https://www.amnesty.org/download/Documents/32000/ior530012011en.pdf)

<sup>137</sup> ICC elements of crimes, Elements 1 and 2, Article 8(2)(e) 8 (2) (e) (vi)-6

# 6. ARBITRARY AND UNLAWFUL DETENTION

**“Staying in the north, under the shelling, is better than staying in Damascus. In Damascus I could not sleep in my house because I didn't know in which [security] branch I could wake up in, the next day.”**

Wael, who fled to northern Syria after being arbitrarily detained for six months upon his return from Jordan.<sup>138</sup>

Syrians who return are at risk of being arrested and detained, according to testimonies collected by Amnesty International, which is backed up by research conducted by the UN, and others (see 4 “Targeting of returnees”).<sup>139</sup> The organization documented 59 cases of arbitrary detention of men, women and children among the 66 people who faced violations when returning from abroad. The Syrian Network for Human Rights’ research had similar findings, as it documented the arrest of about 2,000 returnees, including women and children, between 2017 and August 2019.<sup>140</sup>

A majority of people Amnesty International interviewed said that they did not expect that they or their relatives would be wanted and arrested upon return because they were not involved in any opposition-related activities. Still, security officials arrested returnees for various reasons, most frequently based on broad accusations of “terrorism”, because they assumed that one of their relatives was affiliated with both the political or armed opposition or because returnees were from an area that was previously under opposition control, interviewees recounted. In all cases, intelligence forces detained the individuals at the air force intelligence, and military intelligence branches in Damascus, Homs and Aleppo. Security forces also detained people returning from Rukban to Homs or from Lebanon to Qalamoun (Damascus) in former schools used as screening facilities.

The arrests took place up to ten months after they returned, but the majority told Amnesty International that they had been arrested upon return or shortly afterwards. Amnesty International obtained testimonies relating

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<sup>138</sup> Interview by voice call, 8 April 2021.

<sup>139</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.”, 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, [ecoi.net/en/file/local/2022113/S\\_2019\\_949\\_E.pdf](https://www.ecoi.net/en/file/local/2022113/S_2019_949_E.pdf) Para.17.

Interviews by voice call, with a researcher at Violations Documentation Centre (VDC), 15 July 2020; with a researcher at SNHR, 20 October 2020; with a Syria expert at the EIP, 20 November 2020.

<sup>140</sup> The Syrian Network for Human Rights, *The Syrian Regime continues to pose a violent barbaric threat and Syrian refugees should never return to Syria*, 15 August 2019, [bit.ly/2NkueQw](https://bit.ly/2NkueQw), p. 5. See also European Institute of Peace (EIP), *Refugee Return in Syria: Dangers, security risks and information scarcity*, July 2019, [ecoi.net/en/document/2018602.html](https://www.ecoi.net/en/document/2018602.html), p. 23.

to 34 arrests of men, women and children as they crossed the border. After arresting them, Syrian intelligence members, who control land border crossings and Damascus airport, took them to various locations including security branches and closed facilities used as screening centres, they recounted.

Interviewees told Amnesty International that security forces arrested 13 returnees, including one woman, because they said they were on a “wanted list”.<sup>141</sup> This is what happened to Maher, when he went through border control at the Masnaa-Al Jdeidah border crossing between Lebanon and Syria: “They searched my name in the computer. They said that I was wanted and took me to Branch 215 [military intelligence branch]. They didn’t give any reason. When I asked why, they said: ‘Shut up,’” Maher said.<sup>142</sup> Returnees did not expect to be wanted, except three of them who had not fulfilled their military service obligation (see box “Military service”).<sup>143</sup>

In the cases that Amnesty International documented, none of the detainees had access to a lawyer nor appeared in front of a judge. They were detained without a clear legal basis, on unnecessary and/or unreasonable grounds, for at least several months, making their detention unlawful or arbitrary. Arbitrary detention of returnees fits a pattern of arbitrary detention documented by Amnesty International and others since the beginning of the Syrian conflict.<sup>144</sup> Detainees included two pregnant women and ten children - seven of these aged four or younger.

Testimonies indicate that Syrian authorities also used detention as a means of extortion, with detainees’ families commonly paying in order to obtain information or secure the release of their relative.

Detention and the fear of being arrested again led 23 returnees who were able to, to flee once again government-controlled areas, they said.<sup>145</sup>

## 6.1 ARRESTS ON TERRORISM-RELATED ACCUSATIONS

**“They consider all the refugees who left Syria to be terrorists because all people who leave Syria and come back are wanted and arrested. Some are released and some are not.”**

Maryam, an 18-year-old returnee whose husband was arrested, forcibly disappeared and reportedly died in prison.<sup>146</sup>

In the majority of cases that Amnesty International documented, security officials arrested returnees after accusing them of terrorism. According to returnees and their relatives, intelligence officers detained 25 returnees on terrorism-related accusations. Security officials accused returnees of conduct such as being part of armed groups, fighting against the government, killing Syrian Arab Army soldiers, supporting the armed group Islamic State (IS), being from areas considered pro-opposition such as Ghouta or Zabadani in Damascus province, or merely because one of their relatives was suspected of being involved in terrorism-related

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<sup>141</sup> Interviews by voice call, 21 October 2020, 16 November 2020, 13, 19, 27 January, 15 February, 7 April, 19, 28 May, 8 June 2021.

<sup>142</sup> Interview by voice call, 8 June 2021.

<sup>143</sup> Interviews by voice call, 27 January, 7, 11, 28 May 2021.

<sup>144</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/); Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/); Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/); UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 March 2021, A/HRC/46/55; Human Rights Watch, *Torture Archipelago, Arbitrary Arrests, Torture, Enforced Disappearances in Syria’s Underground Prisons*, 3 July 2012, [hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias](https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias)

<sup>145</sup> Interviews by voice call, 21 October 2020, 27 January, 17 February, 23 March, 8 April, 6, 7, 11, 19, 28, 31 May, 8, 15 June 2021; interviews in person, 12, 20, 21 May, Lebanon.

<sup>146</sup> Interview in person, 21 May 2021, Lebanon.

activity.<sup>147</sup> Security forces detained eight returnees considering them guilty by association, because one of their close relatives was an alleged “terrorist”, according to testimonies.<sup>148</sup>

Suleiman, a 41-year-old man from Homs returned from Lebanon in 2020 because his father passed away.<sup>149</sup> Intelligence agents arrested him from his home three days after his return, and detained him for a month-and-a-half. “They said that they investigated me because I was in contact with a terrorist, my brother, who is an activist,” Suleiman said.

Security officials also accused six returnees of “supporting terrorism” either by transferring money to opposition armed groups or smuggling weapons.<sup>150</sup> For example, when Noor returned with her two children from Lebanon in the summer 2019, she said that a security agent questioned her and told her: “You’re a terrorist, you go outside of the country to bring back weapons into the country. You have to be a servant for us, you’re a prostitute.”<sup>151</sup>

Five interviewees said that security forces arrested returnees because of alleged participation in political opposition groups or in demonstrations at the beginning of the Syrian uprising.<sup>152</sup> According to testimonies, security officials also arrested three returnees because their names appeared in reports denouncing them as so-called “terrorists” or in the interrogation reports of other detainees.<sup>153</sup> For example, Leena, speaking about her friend, said that intelligence forces had arrested her at her home in Qalamoun, Damascus, 15 days after she returned from Lebanon. “She was arrested because people from her village who are affiliated with the Ba’ath party filed a report saying that she cooked food for the Free Syrian Army. But she never did that,” Leena said.<sup>154</sup> Findings from Syrian human rights organizations confirm that being identified as previously being part of the opposition or having a relative with the opposition will lead to arrest upon return.<sup>155</sup>

The Syrian counterterrorism law defines terrorism as “every act that aims at creating a state of panic among the people, destabilizing public security and damaging the basic infrastructure of the country by using weapons, ammunition, explosives, flammable materials, toxic products, epidemiological or bacteriological factors or any method fulfilling the same purposes.”<sup>156</sup> And it defines financing terrorism as “providing, either directly or indirectly, money, weapons, ammunition, explosives, means of communication, information, or other things with the intention of using them to carry out a terrorist act.”<sup>157</sup> The terms “any method” and “other things” are vague and overly broad, allowing to qualify any act as terrorism or financing terrorism. This vague definition has allowed Syrian authorities to include participating in demonstrations or being the relative of an alleged terrorist as “terrorism”. The “principle of legality” under international law requires that criminal laws be sufficiently precise so it is clear what constitutes a criminal offence and what the consequences of committing the offence would be.<sup>158</sup> This recognizes that ill-defined and overly broad laws are open to arbitrary application and abuse, ranging from the profiling of members of certain groups to deliberately targeting political opponents. Human rights bodies have repeatedly criticized states for adopting imprecise and overly broad definitions of terrorism in domestic legislation.<sup>159</sup>

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<sup>147</sup> Interviews by voice call, 19 January, 11 February, 23 March, 8 April, 11, 28, 31 May 2021.

<sup>148</sup> Interviews by voice call, 14 December 2020, 8 April 2021. Interviews in person, 12, 20 May 2021, Lebanon.

<sup>149</sup> Interview in person, 12 May 2021, Lebanon.

<sup>150</sup> Interviews by voice call, 14 December 2020, 19 January, 17 February, 11 May 2021; Interview in person, 20 May 2021, in Lebanon.

<sup>151</sup> Interview by voice call, 14 December 2020.

<sup>152</sup> Interviews by voice call, 22 October 2020, 13 January, 23 March, 7 May 2021.

<sup>153</sup> Interview in person, 12 May 2021, in Lebanon; Interviews by voice call, 24, 31 May 2021.

<sup>154</sup> Interview by voice call, 31 May 2021.

<sup>155</sup> Interviews by voice call with a researcher at SNHR; Syria Justice and Accountability Center, *Refugee No More: The Danger of Forced Returns to Syria*, 22 June 2021, [syriaaccountability.org/library/refugee-no-more-the-danger-of-forced-return-to-syria/](http://syriaaccountability.org/library/refugee-no-more-the-danger-of-forced-return-to-syria/) p.11.

<sup>156</sup> Law No. 19 of 2012, Article 1.

<sup>157</sup> Law No. 19 of 2012, Article 1.

<sup>158</sup> See Martin Scheinin, former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the Commission on Human Rights, E/CN.4/2006/98, para. 46: “The first requirement of article 15, paragraph 1, [ICCPR] is that the prohibition of terrorist conduct must be undertaken by national or international prescriptions of law. To be ‘prescribed by law’ the prohibition must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct”.

<sup>159</sup> UN HRC, Visit to Sri Lanka, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 14 December 2018, A/HRC/40/52/Add.3, UN HRC, Visit to Kazakhstan, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 22 January 2020, A/HRC/43/46/Add.1, OHCHR, UN human rights expert says Facebook’s ‘terrorism’ definition is too broad, 3 September 2018, [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23494](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23494)

Political opinion and activities do not constitute terrorism; rather, they are protected by the rights to freedom of opinion and expression.<sup>160</sup> Syrian returnees should not be questioned, detained or accused for their political opinion or political activities. Doing so amounts to a discriminatory implementation of laws, which violates the right to equality before the law, according to which law enforcement officials have a duty to ensure equal protection of the law and to respect and protect the prohibition of discrimination.<sup>161</sup>

## 6.2 DETENTION ON UNNECESSARY AND UNREASONABLE GROUNDS

**“The judge saw that my age and the charges didn’t match because I was too young during the revolution, and so he ordered my release.”**

Ashraf, 22, who was arbitrarily detained, severely tortured and forcibly disappeared for six months.<sup>162</sup>

In all of the 59 cases of detention documented by Amnesty International, Syrian security officers arrested returnees without an arrest warrant, their detention had no clear legal basis, none of the detainees had access to a lawyer or appeared in front of a judge before the release stage and authorities did not charge them (except in two cases), according to testimonies.<sup>163</sup> This lack of due process has contributed to make these detentions unlawful or arbitrary, in contravention of the right to liberty and security of person.<sup>164</sup> Amnesty has documented a pattern of detention by Syrian intelligence forces without due process since the beginning of the Syrian conflict.<sup>165</sup>

The ICCPR and other international law instruments enshrine the right to liberty and security of person.<sup>166</sup> An individual may only be lawfully deprived of his or her liberty on grounds and according to procedures established by law.<sup>167</sup> International law prohibits arbitrary and unlawful arrest, detention or imprisonment.<sup>168</sup> In order to avoid arbitrariness, states must ensure that deprivation of liberty is in accordance with law, is proportionate and includes procedural safeguards. When anyone is arrested or detained, they must be notified of the specific reasons for their arrest or detention and of their rights, including their right to counsel.<sup>169</sup>

Amnesty international documented 10 cases of detention of returnees without a clear basis or evidence.<sup>170</sup> For instance, two returnees said that intelligence agents accused them of being from villages considered to be pro-opposition.<sup>171</sup> Maher, a 27-year-old father of two returned from Lebanon in early 2018 and was detained for two-and-a-half months in a military intelligence branch in Damascus. Maher said that intelligence officers interrogated him 15 times, holding against him his area of origin. He told Amnesty International that during

<sup>160</sup> The right to hold opinions without interference and to peacefully exercise freedom of expression is enshrined in Article 19 of the ICCPR, to which Lebanon is a party. In addition, Article 25 stipulates that everyone has the right to take part in the conduct of political affairs.

<sup>161</sup> Articles 2(1), 3 and 26 of the ICCPR.

<sup>162</sup> Interview by voice call, 11 May 2021.

<sup>163</sup> One returnee was charged for terrorism act and another one for leaving and entering Syria illegally. Interviews by voice call, 11 February, 15 June 2021.

<sup>164</sup> Article 9, ICCPR

<sup>165</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/), Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/), Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/)

<sup>166</sup> ICCPR, Article 9(1); Arab Charter on Human Rights (2004), Article 14(1)

<sup>167</sup> Article 9(1) of ICCPR, Article 17(2)(a) of the Convention on Enforced Disappearance, to which Lebanon is a party, Article 37(b) of the Convention on the Right of the Child (CRC), and Article 14(2) of the Arab Charter of Human Rights, all of which Lebanon is party to.

<sup>168</sup> ICCPR, Article 9(1); CRC, Article 37(b) ; Arab Charter of Human Rights, Article 14(2)

<sup>169</sup> Article 9(2) of ICCPR and Article 14(3) of the Arab Charter of Human Rights; *Kelly v Jamaica* (253/1987), HRC, UN Doc. CCPR/C/41/D/253/1987 (1991) §5.8.; Principle 5 of the Basic Principles on the Role of Lawyers, Committee Against Torture (CAT) General Comment 2, §13

<sup>170</sup> Interviews by voice call, 21 October 2020, 17, 16 December 2020, 23 March, 24, 28 6, 7 May, 2, 8 June 2021.

Interview in person, 20 May 2021, Lebanon.

<sup>171</sup> Interviews by voice call, 28 May, 8 June 2021.

one of the interrogation sessions in a military intelligence branch: “They said: ‘You’re from southern Aleppo. You’re a terrorist.’ They accused me of being a terrorist because I didn’t do the military service and because of my village: ‘You’re from [name of village]. You killed soldiers, you did many things against the country. You’re a terrorist.’”<sup>172</sup>

Maher said his interrogators presented him with no credible evidence to show he had ever engaged in criminal activity, and he remembered it becoming clear to him that his detention was based purely on his area of origin. Being from a specific area is not a sufficient reason to detain someone, in Maher’s case for several months. Other interviewees also said that security forces detained returnees without concrete evidence. Yasmin told Amnesty International that military intelligence officers detained her and her two children upon return for 29 hours, accusing her of spying for a foreign country because they found in her belongings the pre-booking receipt of a flight ticket and assumed that she had a lot of money to be able to pay for it and concluded, without evidence, that she worked for a foreign government.<sup>173</sup> Two interviewees reported that a returnee and a returnee’s husband had been detained, because their names were similar to those of other people who were wanted.<sup>174</sup> One was detained for six months and the other one has been subjected to an enforced disappearance. In another instance, security forces arrested returnees because they assumed that returnees criticized Syria, according to Zahra.<sup>175</sup> She returned with her husband, their two children and her sister-in-law. At the border crossing, agents asked Zahra’s sister-in-law why she did not return with her children. She replied that one of them was autistic and followed a treatment in Lebanon. “The officer replied: ‘You mean that it’s not possible to get treatment for autism in Syria?’” Zahra recounted. Her sister-in-law and her husband tried to justify. “The officer said: ‘You learned how to speak up in Lebanon and you’re coming back to show us.’ ... He became angry. He beat us and he kept my husband and my sister-in-law,” Zahra said. Both her husband and sister-in-law were forcibly disappeared; with her husband being released after a year and 10 months, while her sister-in-law remains unaccounted for.<sup>176</sup> In none of these cases was there sufficient evidence such that detention could be justified as necessary or proportionate under international human rights law. Indeed, even if such evidence did exist those in detention still had the right to be brought promptly before a judge in order to assess whether sufficient legal reasons exist for their arrest and detention.<sup>177</sup>

Among the 23 documented cases of detained returnees who were released at the time of writing, most (17) were held for periods between two and nine months. The longest period was 15 months. Such detention is arbitrary for a number of reasons, not least the duration of detention, the lack of access to a judicial hearing to test its basis, failure to provide a lawyer, and the absence of a legal basis and sufficient evidence to justify detention.

Article 9 of the ICCPR provides that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” The UN Human Rights Committee has clarified that the term “arbitrary” in Article 9(1) of the ICCPR must be interpreted broadly to include elements of inappropriateness, injustice and lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.<sup>178</sup> Arrests that lack any legal basis are also arbitrary.<sup>179</sup>

Detentions of returnees have been arbitrary as they have been unnecessary and/or unreasonable, and have additionally lacked a basis in law. Detention to clarify a name similarity is likely to be unnecessary for all but the most limited duration of time (likely no more than hours), while being detained because a son or father is wanted for an alleged terrorism act is unreasonable. Not only have detentions of returnees been unnecessary and/or unreasonable, but they have not met procedural safeguards.

Last, Amnesty International also documented 27 cases of enforced disappearances following the arrests (see 8 “Enforced disappearance”). As these men, women and children did not have access to a lawyer nor were they brought before a judge, their detention was also considered to be arbitrary.

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<sup>172</sup> Name of the village has been withheld for security reasons. Interview by voice call, 8 June 2021.

<sup>173</sup> Interview by voice call, 16 December 2020.

<sup>174</sup> Interviews by voice call, 17 December 2020, 7 April 2021.

<sup>175</sup> Interview by voice call, 1 June 2021.

<sup>176</sup> Interview by voice call, 1 June 2021.

<sup>177</sup> ICCPR Article 9(3)

<sup>178</sup> UN HRC, General Comment 35, para.12.

<sup>179</sup> UN HRC, General Comment 35, para.12.

## 6.3 DETENTION OF RETURNEES AT SCREENING SITES

**“You’re a terrorist. We will keep you here until we check if you did anything and why you are wanted.”**

Security member at a screening site in Homs told Wassim after he arrived from Rukban.<sup>180</sup>

The Syrian government arbitrarily detained returnees in screening facilities as part of organized return processes from Lebanon and Rukban. Security officials have held individuals returning from Rukban in screening facilities for periods ranging between three days and four months, according to testimonies and the UN.<sup>181</sup>

Security officials detained 13 returnees in screening centres in Homs city and in Qalamoun, according to testimonies.<sup>182</sup> Security forces escorted returnees from the border crossing to a school or empty facility. Schools in Homs were located in Qussur, Deir Baalbah and Bayada areas and in different villages in Qalamoun. Returnees in Qalamoun said that there were between a few and 20 families in the facility, while returnees in Homs said they were up to 700 individuals.<sup>183</sup> In some cases, security officials released women and children within 24 hours, while in others, interviewees said intelligence members detained women, men and children returnees for between three days and four months.<sup>184</sup>

Hiba, a 30-year old woman, returned from Lebanon with her husband and five children in the summer of 2019 in an organized return operation. She said that security forces took all the families of the return convoy to a school in a village in Qalamoun. “They threatened us, saying that we were under their control. They said that we were not allowed to go out, but they didn’t say why... They took away people who were wanted for the military service and they searched our luggage. I felt very angry because we did the reconciliation and were supposed to be respected. Instead we were humiliated and put under their control,” Hiba said.<sup>185</sup>

The purpose of the detention was to run background checks against returnees in order to assess whether they were wanted, according to testimonies. In some cases, security members interrogated returnees. Samer, who returned from Rukban with his wife and children as part of an organized return operation, said that security forces took them to a school in Qussur area. “Air Force intelligence [members] checked our names. They released my wife and my children and told me that I was wanted and that I had to stay... They asked me questions about our life in Rukban, who was there and why we returned,” he said. Samer was detained for nine months in total, in a screening centre and subsequently in two intelligence branches because he was accused of “terrorism”.<sup>186</sup> The UN reported that among 329 individuals who returned from Rukban at the same time as Samer, at least 100 were detained.<sup>187</sup>

International standards require that individuals are brought before a judge promptly after arrest or detention. While the promptness is determined according to the particular circumstances of each case, the Human Rights Committee has stated that “delays must not exceed a few days”.<sup>188</sup> Detaining people for more than a few days, all the more so for several months, without due process, in order to do background checks is unreasonable, making the detention arbitrary.

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<sup>180</sup> Interview by voice call, 27 January 2021.

<sup>181</sup> Office of the High Commissioner for Human Rights (OHCHR), *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 41<sup>st</sup> Session of the UN Human Rights Council*, 2 July 2019, [ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24773&LangID=E](https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24773&LangID=E)

<sup>182</sup> Interviews by voice call, 13, 19, 27 January, 11 February, 23 May, 15 June 2021, Interviews in person, 20, 21 May 2021, Lebanon.

<sup>183</sup> Interviews by voice call, 19, 27 January 2021. Interview in person, 21 May 2021, Lebanon.

<sup>184</sup> Two additional women were held at screening sites, one in Homs, one in Qalamoun, and were released within a day. Interview by voice call, 23 March 2021; interview in person, 20 May 2021, Lebanon.

<sup>185</sup> Interview in person, 20 May 2021, Lebanon.

<sup>186</sup> Interview by voice call, 19 January 2021.

<sup>187</sup> UN HRC, *Report of the Independent International Commission of Inquiry*, 28 January 2020, Para. 85. UN HRC, *Report of the Independent International Commission of Inquiry*, 14 August 2020, para. 34.

<sup>188</sup> HRC Concluding Observations: El Salvador, UN Doc. CCPR/C/SLV/CO/6 (2010) §14; Special Rapporteur on torture, UN Doc. E/CN.4/2003/68 (2002) §26(g) and UN Doc. A/65/273 (2010) §75; See CAT Concluding Observations: Venezuela, UN Doc. CAT/C/CR/29/2 (2002) §6(f)



As in Samer's case, at the end of the detention at the screening site, security forces transferred seven of the 13 returnees, including one woman, to an intelligence branch, where they detained them further.<sup>189</sup>

## 6.4 DETENTION AND ABUSE OF WOMEN AND THEIR CHILDREN

Faced with the uncertainty of what happens upon return and the risk of being arrested and detained, some couples have chosen for the women to go ahead of their husbands, to assess the situation in Syria, on the assumption that they are less likely to be arrested than men, not least since they are not subject to compulsory military service. As one returnee, Karim, recalled: "I sent my wife and children one month before me, to see if there is anything against me. If there was, they would investigate her. But the situation was normal. She did the reconciliation in my village. The reconciliation committee asked her about me. She said that I was in Lebanon and I would come back one month later," he said.<sup>190</sup>

In eight cases documented by Amnesty International, security forces arrested returning women who were travelling without their husband.<sup>191</sup> For example, Rim said that it was likely that her husband was wanted for supporting the opposition. "They can arrest him for any reason. That's why he didn't come back with us," Rim said.<sup>192</sup> Still, security officials arrested her with her one-and-a-half-year-old daughter and questioned her about her husband and any "terrorism" affiliation. Other returnees said that security officers asked women returnees about their husband and detained them in order to reach out to their men relatives.<sup>193</sup> Security forces detained Hiba for ten days because her brothers were allegedly involved with the opposition, according to her. "They [security members] told me: 'We will only release you when your father comes.' They wanted to interrogate my father about my brothers," Hiba said.<sup>194</sup> These testimonies indicate that women returnees have been at risk, including as a means to reach or pressure men relatives.<sup>195</sup> Therefore, women's returns should not be considered safer than men's.

Arresting women to put pressure on their male relatives is unlawful and amounts to arbitrary deprivation of liberty, which violates international law. In addition, detaining women, not on suspicion of individually committing crimes, but rather on the basis of their marital status amounts to discrimination in its own right.<sup>196</sup>

Amnesty International documented the detention of 13 women in total, including two pregnant women.<sup>197</sup> Intelligence officers arrested Amal's husband three months after the couple returned from Lebanon with their two children. Amal, who was then six-months pregnant, said that security forces then summoned her to an intelligence branch in Damascus and arrested her, on terrorism-related accusations. "They told me that nobody would know where I was. I said that I had children and I was pregnant. They replied: 'Even if you were pregnant with four children, it wouldn't matter,'" Amal said.<sup>198</sup> Amal recounted that security agents beat her violently, describing abuse which amounts to torture and other ill-treatment (see 7.1 "Severe beatings"). In another case, Hiba said that security members detained her for ten days, three months after her return from Lebanon, in order to question her about her brothers, while she was four-months pregnant. She was not tortured but she said that agents did not provide her sufficient food or drink.<sup>199</sup>

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<sup>189</sup> Interviews by voice call, 13, 19 January, 11 February. Interview in person, 21 May 2021, Lebanon. In addition, two returnees were transferred to a civilian prison and one was arrested at a security checkpoint as soon as he left the screening facility. Interviews by voice call, 13 January, 15 June; interview in person, 21 May 2021, Lebanon.

<sup>190</sup> Interview by voice call, 28 May 2021.

<sup>191</sup> Interviews by voice call, 14, 16 December 2020, 11 February, 23 March, 31 May, 2 June 2021; interview in person, 20 May 2021, Lebanon.

<sup>192</sup> Interview by voice call, 23 March 2021.

<sup>193</sup> Interview by voice call, 14 December 2020, 11 February, 8 April 2021; interview in person, 20 May 2021, Lebanon.

<sup>194</sup> Interview in person, 20 May 2021, Lebanon.

<sup>195</sup> This was confirmed by a Syria expert at the EIP, interview by voice call, 20 November 2020.

<sup>196</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Syria is a signatory, prohibits discrimination against women and requires state parties to eliminate discrimination against women, specifically to "modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women" (CEDAW, Article 1, 2, 2(f)).

<sup>197</sup> Interviews by voice call, 16 November, 14, 16 December 2020, 13 January, 11 February, 23 March, 31 May, 1, 2 June 2021; interview in person, 20 May 2021, Lebanon.

<sup>198</sup> Interview in person, 20 May 2021, Lebanon.

<sup>199</sup> Interview in person, 20 May 2021, Lebanon.

Amnesty International also documented the detention of ten children, aged between three weeks old and 16 years old, with seven of them being four years old or younger.<sup>200</sup> Interviewees said that children have been detained alongside their mothers (except the 16-year-old who was detained individually), from 29 hours to two years and nine months, with the detention of three of them ongoing. Security forces subjected five children to torture and other-ill treatment, interviewees told Amnesty International. In one case, a returnee said that security officials beat her son during their detention (see 7.1 “Severe beatings”).<sup>201</sup> In addition, two mothers returning to Syria said that security officers respectively raped one’s five-year-old daughter and one’s 13-year-old son (see 5.1 “Rape”).<sup>202</sup>

Additionally, two children, who were held for a few hours during their parents’ interrogation at the border crossing on the way back from Lebanon, were likely subjected to torture or other ill treatment through being forced to watch their parents being beaten and sexually assaulted, according to their mother. Zahra said that her 10-year-old daughter and her 15-year-old son saw their father being beaten and their mother and aunt being subjected to sexual violence. Since then, Zahra said that her son has had nightmares and has suffered incontinence, while her daughter has also suffered psychological harm.<sup>203</sup>

Amnesty International documented the case of arbitrary detention followed by enforced disappearance of a family with three children aged two, four and eight years old, as well as a separate case of a 16-year-old (see 8.1 “Enforced disappearance”).<sup>204</sup>

These actions have caused immense suffering to detainees, and amount to torture or other cruel, inhuman or degrading treatment or punishment, which is prohibited by international law.<sup>205</sup> In the cases documented, children, including young children, have not been detained because they have been accused of individually committing crimes but merely because security officials detained their parents, making children’s detention unlawful. The arrest and detention of children, which should be a measure of last resort, was also arbitrary. Not only have they been unnecessary and unjust, they have also failed to meet procedural safeguards.

## 6.5 DETENTION AS A MEANS OF EXTORTION

**“These men thought that my husband had money because he returned from Lebanon.”**

Hamida about the security forces manning a checkpoint in Homs where her husband disappeared 12 days after his return.<sup>206</sup>

Paying bribes is common practice for detainees’ family members, at various stages of the detention. Interviewees told Amnesty International that they or their relatives paid intermediaries or officials in relation to the detention of 27 returnees.<sup>207</sup> Families paid once or several times during the period of detention, in the hope of facilitating their relative’s release, or their transfer from an intelligence facility to a civilian prison, according to testimonies.<sup>208</sup>

For example, Ibrahim said that his family paid various intermediaries USD 21,000 in order to find where his cousin, his wife and their three children were. They have been forcibly disappeared since they returned from France in early 2019 (see 8.1 “Enforced disappearance”). In April 2021, after paying intermediaries, Ibrahim eventually found out that intelligence services had detained his cousin and his family in a military intelligence facility, he told Amnesty International. Ibrahim and his relatives paid the bribe in the hope that the family would

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<sup>200</sup> Interviews by voice call, 16 November, 16 December 2020, 23 March 2021. Interview in person, 21 May 2021, Lebanon.

<sup>201</sup> Interview by voice call, 14 December 2020.

<sup>202</sup> Interviews by voice call, 14, 16 December 2020.

<sup>203</sup> Interviews by voice call, 1 June 2021; interview in person, 21 May 2021, Lebanon.

<sup>204</sup> Interview by voice call, 16 November 2020; interview in person, 21 May 2021, Lebanon.

<sup>205</sup> In Article 7 of the ICCPR.

<sup>206</sup> Interview by voice call, 17 December 2020.

<sup>207</sup> Interviews by voice call, 7 September, 21, 22 October, 14 December 2020, 13, 29 January, 11 February, 23 March, 7, 19, 31 May, 8, 15 June 2021; interview in person, 12, 20 May 2021, Lebanon.

<sup>208</sup> Amnesty International previously documented the practice of paying in order to obtain information on detainees and in some cases to release them. Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/) p.17.

not be transferred to the Saydnaya prison, famous for cruel and inhuman treatment inflicted on detainees.<sup>209</sup> In 18 cases, returnees or their families paid in order to secure detainees' release.<sup>210</sup> For example, a judge told Yassin, who had been arrested upon return from Lebanon and detained for three and a half months, that he would release him if Yassin paid 5 million Syrian pounds (the equivalent of USD 10,000 at the time), Yassin said.<sup>211</sup>

The bribes that people paid have varied and the significant variation of the Syrian pound's exchange rate makes it difficult to compare amounts, but interviewees told Amnesty International that they paid the equivalent of USD 1,200 to USD 27,000. On average, families had to pay between 3 and 5 million Syrian pounds to obtain the release of the detainee.<sup>212</sup> In order to pay such a high amount, families have had to sometimes sell property. This is what happened to obtain Ismael's release: "I found out that my father sold our land and paid a lot of money to release me. I didn't dare to ask how much he paid," Ismael said.<sup>213</sup> This is also what Alaa had to do, in order to secure her and her daughter's release. "I gave the officer a piece of land, 300m<sup>2</sup> in Damascus worth 120 million Syrian pounds, so that he released us," Alaa said.<sup>214</sup>

Another returnee said that she paid a bribe in order to be allowed to speak to her husband for a few minutes when arrested, and the nephew of another one said that his family paid so that his uncle would not be beaten during his detention.<sup>215</sup>

In one case, extortion appeared to be the main motive of the detention, according to the returnee's testimony. Intelligence members detained Sema for three days upon her arrival from the UAE at Damascus airport, in order to ask her about her husband, who had been detained for nine years. Sema said that an intelligence officer asked her for USD 50,000 in exchange of her husband release. While it took her two days to gather part of the amount, selling her car and asking her Emirati network, security members shifted their demand on her release. "They said: 'If you don't pay us the money now, you will stay here forever,'" Sema recounted.<sup>216</sup>

## 6.6 FLEEING SYRIA AGAIN AS A CONSEQUENCE OF DETENTION

Among the total cases that Amnesty International documented, out of the 43 returnees who are alive and free after detention, 23 have fled government-controlled areas, with 13 finding refuge in Lebanon again and others in Turkey, Rukban, Germany or northern Syria.<sup>217</sup> As Lebanon and Turkey no longer accept refugees from Syria, returnees have been obliged to take smuggling routes, putting them further at risk during their journey. Others have remained in Syria, but not as a result of a free choice, according to testimonies.<sup>218</sup>

Officials told six returnees when releasing them or shortly afterwards that another branch or court had summoned them, meaning that they were likely to be arrested again, returnees said.<sup>219</sup> The threat of another unlawful or arbitrary detention prompted returnees to flee Syria again. For example, a few weeks after his release, Ismael said that security forces summoned him: "Somebody from a security branch came [at my house] and left a paper saying that I had to visit the military security branch. I didn't have the courage to go so I found a way to be smuggled back to Lebanon. I was very afraid to be in prison again," Ismael said.<sup>220</sup> Karim also fled to Lebanon in order to avoid being arbitrarily arrested again. "I was terrified thinking they would

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<sup>209</sup> Interview by voice call, 22 June 2021. Amnesty International, Syria: Human slaughterhouse: mass hangings and extermination at Saydnaya prison, Syria (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/)

<sup>210</sup> Interviews by voice call, 7 September, 21, 22 October, 14 December 2020, 13, 29 January, 11 February, 23 March, 7, 19, 31 May, 8 June 2021; interview in person, 12, 20 May 2021, Lebanon.

<sup>211</sup> Interview by voice call, 7 May 2021.

<sup>212</sup> Interviews by voice call, 22 October 2020, 13 January, 11 February, 19 May, 15 June 2021; interview in person, 12 May 2021, Lebanon.

<sup>213</sup> Interview by voice call, 21 October 2020.

<sup>214</sup> Interview by voice call, 14 December 2020.

<sup>215</sup> Interview by voice call, 29 January 2021. Interview in person, 12 May 2021, Lebanon.

<sup>216</sup> Interview by voice call, 2 June 2021.

<sup>217</sup> Interviews by voice call, 21 October 2020, 27 January, 17 February, 23 March, 8 April, 6, 7, 11, 19, 28, 31 May, 8, 15 June 2021; interviews in person, 12, 20, 21 May, Lebanon.

<sup>218</sup> Interviews by voice call 7 September, 14, 16, 17 December 2020, 13, 19 January, 11 February, 1, 2 June 2021.

<sup>219</sup> Interviews by voice call, 21 October 2020, 19, 27 January, 8 April, 19 May 2021; interview in person 20 May 2021, Lebanon.

<sup>220</sup> Interview by voice call, 21 October 2020

arrest me again. I couldn't sleep. [...] I was losing my mind. They [security officials] told me that I'm a terrorist because I'm from [a renowned pro-opposition village]. So I could go to prison anytime again. That's why I decided to leave", Karim said.<sup>221</sup>

Even after individuals left, security members came to their house, inquiring about them, two refugees told Amnesty International.<sup>222</sup> This is what happened with Suleiman, who immediately sought refuge in Lebanon again after he was released: "After I was released, every day, they [security members] came to my house asking about me. Ten days ago [almost a year after his release], military security intelligence officers came to mukhtar [local community leader] to arrest me," Suleiman said.<sup>223</sup> Two other former detainees Amnesty International spoke with said that they were wanted for military service. One fled to Lebanon, the other could not.<sup>224</sup> "Now I'm wanted for military service. If they catch me now, they will take me to military court. I'm so afraid that I'm hiding," Samer said.<sup>225</sup>

Returnees who have remained in Syria have not done so because they have felt safe; they stayed either because they are trying to find information about a relative who was detained or forcibly disappeared or because they do not have the legal documents needed to pass checkpoints, or they simply do not want to be smuggled out.<sup>226</sup> Security forces have confiscated the ID documents of two returnees, seriously limiting their ability to travel abroad, two women told Amnesty International.<sup>227</sup> Alaa told Amnesty International: "They took my passport and my ID card. I cannot leave the country. I'm too old to leave illegally. When I went to the political security branch in order to get a security certificate, they told me: 'You want this permit to escape again. If you don't leave now [the office], I will arrest you,'" Alaa said.<sup>228</sup> In addition, one returnee has remained in Syria because he is serving in the military, his father said.<sup>229</sup>

## MILITARY SERVICE

Under Syrian law, all men aged 18 to 42 (with few exceptions) must perform military service.<sup>230</sup> It has been an important driver of displacement, with men fleeing Syria because they objected to serving in the Syrian Arab Army. Military conscription has also been a major obstacle to return, as men have been afraid of being forcibly enrolled upon return.<sup>231</sup> In October 2018, pro-government media announced that about 800,000 men would no longer be subjected to compulsory military service. But two months later, the Defence Ministry reversed the decision and published lists for reserve duty.<sup>232</sup> This created a degree of confusion among returnees, with some of them thinking they could return without having to serve.

Military conscription has been a motive of arrest, according to information collected by Amnesty International.<sup>233</sup> Four returnees said that after intelligence forces released them, authorities ordered them to do their military service.<sup>234</sup> Two were forced to join the army after being released, and one of them defected and fled to Lebanon.<sup>235</sup>

This report has not investigated this issue in depth. However, it is worth noting that the European Court of Justice has ruled in the case of a Syrian conscript who fled his country in order to avoid military service, that "there is a strong presumption" that refusal to perform military service in a conflict, where performing military service would include crimes under international law, "relates to" one of the five reasons for persecution, required to prove entitlement to recognition as refugee.<sup>236</sup>

<sup>221</sup> Interview by voice call, 28 May 2021.

<sup>222</sup> Interviews in person, 12, 20 May 2021, Lebanon.

<sup>223</sup> Interviews in person, 12 May 2021, Lebanon.

<sup>224</sup> Interviews by voice call, 19 January, 11 May 2021.

<sup>225</sup> Interview by voice call, 19 January 2021.

<sup>226</sup> Interviews by voice call 14, 16, December 2020, 19 January, 1, 2 June 2021.

<sup>227</sup> Interviews by voice call 14, 16, December 2020.

<sup>228</sup> Interview by voice call, 14 December 2020.

<sup>229</sup> Interview by voice call, 7 September 2020.

<sup>230</sup> Article 3 of legislative decree 30 (2007) provides that the duration of compulsory military service is two years, but exceptions apply. [parliament.gov.sy/arabic/index.php?node=201&nid=4921&](http://parliament.gov.sy/arabic/index.php?node=201&nid=4921&)

<sup>231</sup> See for e.g.: Syria Justice and Accountability Center, *Refugee No More: The Danger of Forced Returns to Syria*, 22 June 2021, [syriaaccountability.org/library/refugee-no-more-the-danger-of-forced-return-to-syria/](http://syriaaccountability.org/library/refugee-no-more-the-danger-of-forced-return-to-syria/) p.11; Sawa for Development and Aid, *Unpacking Returns: Syrian Refugees' Conditions and Concerns*, February 2019, p.31.

<sup>232</sup> International Crisis Group, *Easing Syrian Refugees' Plight in Lebanon*, 13 February 2020, p.21.

<sup>233</sup> European Institute of Peace (EIP), *Refugee Return in Syria: Dangers, Security Risks and Information Scarcity*, July 2019, [ecoi.net/en/document/2018602.html](http://ecoi.net/en/document/2018602.html), p. 10.

<sup>234</sup> Interviews by voice call 21 October 2020, 13, 19 January, 11 May 2021.

<sup>235</sup> Interviews by voice call, 7 September 2020, 15 June 2021.

<sup>236</sup> Court of Justice of the European Union, Judgment in Case C-238/19 EZ v Bundesrepublik Deutschland, 19 November 2020, para61 [curia.europa.eu/juris/documents.jsf?num=C-238/19](http://curia.europa.eu/juris/documents.jsf?num=C-238/19).

# 7. TORTURE AND OTHER ILL-TREATMENT

**“Everyday I was thinking of killing myself because of the horror of the torture. I blamed myself for coming back to Syria. I tried to use my t-shirt to hang myself. But I failed. So I started crying because I failed to kill myself. I was hopeless.”**

Ashraf, who was tortured in Air Force intelligence branches in Aleppo and Damascus.<sup>237</sup>

**“They gave me electric shocks, they beat me with a rubber whip, they hanged me from my hands, they tied me on a wooden round pallet, with one officer pulling my hands and another one pulling my legs. I went through all this torture.”**

Yasin, who was tortured several times during his four-month detention.<sup>238</sup>

Interviews by Amnesty International documented how intelligence officials subjected 33 returnees, including men, women and five children, to practices that amount to torture or other ill-treatment during detention and interrogation in intelligence facilities. Intelligence members mainly used torture in order to coerce detainees to confess to alleged crimes, to punish them for allegedly committing crimes, or for allegedly opposing the government, according to returnees' testimonies. Security forces also subjected 14 individuals to rape and other sexual violence, which is a form of torture or other ill-treatment (see 5 “Sexual violence”). The cases of torture and other ill-treatment of returnees documented in this report fit with the pattern of systematic and widespread torture and ill-treatment committed by Syrian government forces previously documented by Amnesty International, the UN and a large number of human rights organizations.<sup>239</sup>

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<sup>237</sup> Interview by voice call, 11 May 2021.

<sup>238</sup> Interview by voice call, 7 May 2021.

<sup>239</sup> Amnesty International, Syria: ‘Between prison and the grave’: enforced disappearances in Syria (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/), Amnesty International, Syria: ‘It breaks the human, detention’: torture, disease and death in Syria’s prisons (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/), Amnesty International, Syria: Human slaughterhouse: mass hangings and extermination at Saydnaya prison, Syria (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/), Human Rights Watch, *Torture Archipelago, Arbitrary arrests, torture*,

## 7.1 SEVERE BEATINGS

**“Somebody came into the cell. I asked why I was there. He slapped me so strongly, I guessed he was a big man. It felt like I’d hit the roof and fell on the ground. He started pressing on my fingers with his shoes and broke two of my fingers. He hit me with some kind of stick. I kept asking what I did. He said: ‘You escaped the military and you joined opposition forces’. I said that I was a civilian and didn’t escape. He said: ‘You took part in protests against the regime.’ He cursed me. I kept saying I did nothing. Then I fainted.”**

Yasin, who was blindfolded when he arrived in an intelligence centre in Damascus.<sup>240</sup>

According to Syrian returnees and relatives with whom Amnesty International spoke, security agents beat 22 returnees during their detention and interrogation. “I don’t know how much time I spent being tortured in this room. I felt that it was very long. Sometimes, when he [an agent] hit me, I counted every hit. Sometimes it reached 50 or 60 and I passed out. Once it reached 100,” said Yasin, who was arrested at a checkpoint just after he crossed the border with Lebanon and spent four months in prison.<sup>241</sup> Security officials used various objects to beat detainees, including metal sticks, electric cables, plastic pipes, and a tank belt drive, according to testimonies.<sup>242</sup>

Yasin and three Syrian men said that intelligence members had beat them in what they called a “welcome party”, a term commonly used by Syrian detainees to refer to the severe beatings received upon their initial arrival at a detention facility.<sup>243</sup> “They forced me to be fully naked, they searched me, they tortured me, without asking any question. It’s the welcome ceremony, with green plastic pipes. They used a tank belt drive to beat me on my legs, on my back, and on my face for 15 minutes. They said it’s the welcome party,” Wael said, describing his arrival at the political security branch in Deraa.<sup>244</sup>

Amnesty international documented the case of the beating of two women. A returnee from Lebanon reported that an agent slapped her and her 25-year-old daughter as he questioned them at Masnaa-Al Jdeidah border crossing. “He slapped me on my face and blood came out of my mouth. He said: ‘You’re lying old bitch.’ He slapped my daughter,” Alaa said.<sup>245</sup>

In another case, Amal said that intelligence officers arrested her four months after she returned from Lebanon, following her husband’s arrest, as she was six-months pregnant. “They beat me on my back, on my head, on my shoulder. I was pregnant. I was bleeding, but thank God I didn’t miscarry,” Amal said.<sup>246</sup>

Two testimonies indicate that security agents sought to humiliate and inflict additional pain when beating detainees. In one case, a detainee said that agents beat him as he was naked: “They used a green hard plastic pipe to beat me all over on my body while I was wearing no clothes,” Karim said.<sup>247</sup> One returnee said that a

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*enforced disappearances in Syria’s underground prisons*, 3 July 2012, UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 12 February 2014, A/HRC/25/65, [hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias](http://hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias), UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 March 2021, A/HRC/46/55

<sup>240</sup> Interview by voice call, 7 May 2021.

<sup>241</sup> Interview by voice call, 7 May 2021.

<sup>242</sup> Interviews by voice call, 22 October 2020, 8 April, 6, 11 May, 8 June 2021.

<sup>243</sup> Interviews by voice call 8 April, 7, 19, 28 May 2021. See also Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016, [amnesty.org/en/documents/mde24/4508/2016/en/](http://amnesty.org/en/documents/mde24/4508/2016/en/) pp 22; 51.

<sup>244</sup> Interview by voice call 8 April 2021.

<sup>245</sup> Interview by voice call, 14 December 2020.

<sup>246</sup> Interview in person, 20 May 2021, Lebanon.

<sup>247</sup> Interview by voice call, 28 May 2021.

security member beat him in a way so as to maximize the pain. In the fourth intelligence facility where he was detained and tortured, agents took Ismael to a basement. “A guard asked me where I was hurt. I explained to him. He started hitting me where I was injured,” Ismael said.<sup>248</sup>

In another case, an intelligence agent beat a six-year-old, according to her mother.<sup>249</sup> As Noor returned from Lebanon with her son and her daughter, security officials held them for a day at the border crossing and subjected them to torture and other ill-treatment. As the family did not have access to toilet for several hours, Noor’s son urinated on himself. “He [the investigator] beat my son with his hands in a strong way. My son fell on the floor and screamed,” Noor recounted.<sup>250</sup> The beating of men, women, and children reaches the threshold of constituting torture or other ill-treatment in contravention of international law (see 7.4 “Syria’s obligation under international law”).<sup>251</sup>

## 7.2 TORTURE METHODS

**“Five soldiers beat me with metal sticks. They broke my fingers. They used electricity. They tortured somebody who died in front of me. There was blood everywhere. I was on ‘balango’ for more than 12 hours. I lost consciousness. Then five new soldiers beat me again. Then they sent me to my cell. My cellmates couldn’t recognize my face because of the blood. My whole body was kind of black. They tortured me in ways beyond imagination.”**

Samer, who was detained for nine months and routinely tortured.<sup>252</sup>

**“I was completely naked. They put me on a chair and handcuffed me to the chair. They put water on the chair and connected cables to the wet chair. They applied [electricity to] it many times, for a short time. They gave me a break and asked me questions. Then they applied electricity again.”**

Ashraf, who was detained for six months in several branches and repeatedly tortured.<sup>253</sup>

Security officials used a wide range of means to ill-treat and torture detainees during interrogations, such as electric devices and specific torture techniques among others. In one case, intelligence members used cigarettes to inflict pain on a returnee. Mazen said that his 70-year-old father, who was detained at a political security branch in Damascus for two months upon return, was tortured with this technique. “They [security officers] burnt his body with cigarettes. He had several marks on his hands, his shoulders, his legs, and his back,” Mazen said.<sup>254</sup>

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<sup>248</sup> Interview by voice call, 21 October 2020.

<sup>249</sup> Interview by voice call, 14 December 2020.

<sup>250</sup> Interview by voice call, 14 December 2020.

<sup>251</sup> ICCPR Article 7, Convention Against Torture, Article 1.

<sup>252</sup> Interview by voice call, 19 January 2021.

<sup>253</sup> Interview by voice call, 11 May 2021.

<sup>254</sup> Interview by voice call, 19 May 2021.

According to four interviewees, security agents also used electric devices during interrogations.<sup>255</sup> As security officials interrogated Ismael about why he left and returned to Syria, he said that they tortured him with electricity: “They electrocuted me between the eyes. I felt my whole brain was shaking. Sometimes I lost consciousness. I don’t know for how long... In the end, I was unable to hold my body anymore, my shoulder was dislocated. They put electricity on my head. I wished I would die. I didn’t know if it was the morning or the night. I wasn’t able to stand on my feet anymore, even to go to interrogation. They had to hold me to take me there and bring me back. In the end, I wanted to just yell at them so that they would hit me harder and I would die. And everything would be over then.” Ismael said he was detained in four intelligence branches for three-and-a-half months.<sup>256</sup>

Amnesty International has documented trends in the type of methods used to subject individuals to torture or other ill-treatment.<sup>257</sup> According to the testimonies obtained, security officials subjected six detainees to specific torture methods, which Syrian security forces have routinely used since at least the beginning of the conflict and have been documented by Amnesty International and other organizations.<sup>258</sup> In four cases, security agents inflicted “shabeh” on the detainees; this is when an individual is suspended by their wrists, which are usually manacled to a hook or over a door or pipes in the ceiling, and beaten.<sup>259</sup> Ismael said that intelligence members subjected him to “shabeh” as retaliation for requesting medical treatment for his torture-inflicted injuries. “A military doctor came and asked who was sick. I raised my hand. The doctor asked what I was accused of. When he found out that I was accused of terrorism, he told prison guards to take me outside of the cell so that he could look at my injuries. Once outside, they tortured me with ‘shabeh’ and beat me in the lobby of the branch for I think an hour. Then they took me back into the cell. I was feeling very bad,” Ismael said. Three returnees with whom Amnesty International spoke said that they were subjected to “balango”, whereby prison guards hoist an individual in the air for hours from their wrists tied behind the back.<sup>260</sup> “They tortured me using ‘balango’ from early morning to 4am the next day. I couldn’t reach the ground. They repeated that for 29 days straight,” said Hazem, who was detained for nine months and routinely tortured.<sup>261</sup>

According to two detained returnees, intelligence members also used what is known as the “German chair”, whereby an individual is strapped onto a metal chair, the back of which is moved backwards, causing acute stress on the spine and severe pressure on the neck and limbs.<sup>262</sup> Ismael was subjected to the “German chair”: “It hurt my back, my backbone and my neck. The pain was indescribable. Sometimes, they left us on the chair for four or five hours,” Ismael said.<sup>263</sup> In one case, security agents used the “dulab” [tyre in Arabic], which is when an individual is forced into a vehicle tyre, bent forward so that the victim’s feet and head are on one side of the tyre, while their hands and back are on the other; the person is then beaten up.<sup>264</sup>

Last, two detainees told Amnesty International that security officers tortured other men in front of them.<sup>265</sup> “They tortured somebody in front of me. He died in front of me. There was blood everywhere,” Samer said.<sup>266</sup>

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<sup>255</sup> Interviews by voice call, 21 October 2020, 19 January, 7, 11 May 2021.

<sup>256</sup> Interview by voice call, 21 October 2020.

<sup>257</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/); Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/); Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/);

<sup>258</sup> UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 12 February 2014, A/HRC/25/65, p.46; Human Rights Watch, *Torture Archipelago, Arbitrary Arrests, Torture, Enforced Disappearances in Syria’s Underground Prisons*, 3 July 2012, [hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias](https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias), Human Rights Watch, *If the dead could speak, Mass death and torture in Syria’s detention facilities*, 16 December 2015, [hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities](https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities), European Center for Constitutional and Human Rights, *Criminal Complaint to the war crimes commission of Swedish police and the Swedish war crimes prosecutor team, Torture in Syria*, February 2019, [ecchr.eu/fileadmin/Hintergrundberichte/Executive\\_summary\\_Syria\\_Sweden.pdf](https://ecchr.eu/fileadmin/Hintergrundberichte/Executive_summary_Syria_Sweden.pdf)

<sup>259</sup> Interviews by voice call, 11, 19, 28 May, 8 June 2021.

<sup>260</sup> Interviews by voice call, 19 January, 28 May, 8 June 2021.

<sup>261</sup> Interview by voice call, 19 January 2021.

<sup>262</sup> Interviews by voice call, 21 October 2020, 11 May 2021.

<sup>263</sup> Interview by voice call, 21 October 2020.

<sup>264</sup> Interview by voice call, 11 May 2021.

<sup>265</sup> Interviews by voice call, 21 October 2020, 19 January 2021.

<sup>266</sup> Interview by voice call, 19 January 2021.



## 7.3 DEHUMANIZING TREATMENT AND NEGLECT

Information collected by Amnesty International show that security officials also subjected returnees to other ill-treatment, including denial of medicine and stress positions. This treatment affected six returnees, including children, and was designed to put them under pressure and instil fear during detention.

Some of this treatment was degrading and dehumanising, such as replacing names by numbers. Two returnees told Amnesty International that intelligence agents assigned them numbers instead of using their names.<sup>267</sup> “They registered our names and gave us numbers. My ‘name’ was 54... The next day, at 8.30am, they called my number and others: they called 54 and 68,” said Karim, who spent six-and-a-half months in jail.<sup>268</sup>

In two cases, interviewees reported that security officials denied them medical treatment and tortured one of them because he asked for medical treatment (see 7.2 “Torture methods”).<sup>269</sup> One man who returned from Jordan in 2018 and was arrested at the Jaber-Nassib border crossing told Amnesty International that a security officer forced him to stand in stress positions. “He forced me to be completely naked, without underwear. He took me outside. It was snowing. He threw cold water on my body. I felt it was my last hours. I prepared myself to die and said my prayer,” said Wael, who was then detained at the Air Force Intelligence facility in Damascus.<sup>270</sup>

Amnesty International documented the case of torture or other ill-treatment of a three-year old girl and a teenage boy. Yasmin, their mother, said that when the three of them returned from Lebanon, security officials arrested them at the border crossing and drove them to a military intelligence detention centre: “They [security officers] put bags on our head so we couldn’t see where they took us. They put us in a very, very, cold room, with no cement on the floor. It was freezing so we put all our clothes on...They came into the cell, they handcuffed me and my son but they couldn’t handcuff my daughter because she was three years old,” Yasmin said.<sup>271</sup>

These actions against men, women and children have caused suffering to detainees and amount to torture or other cruel, inhuman or degrading treatment or punishment (‘ill-treatment’), which is prohibited by international law.<sup>272</sup> Torture and other ill-treatment resulted in physical as well as mental harm. “After I was released, I couldn’t see anyone who visited me for five months. I was too scared to speak to anyone. I had nightmares, hallucinations. I was talking during my sleep. I used to wake up crying and scared. I’m disabled because the nerves of my right hand are damaged due to ‘shabeh’. Some of the disks of my back are also damaged,” said Karim.<sup>273</sup>

## 7.4 SYRIA’S OBLIGATIONS UNDER INTERNATIONAL LAW

Everyone deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.<sup>274</sup> No one may be subjected to torture or to other cruel, inhuman or degrading treatment or punishment. The right to freedom from torture and other ill-treatment or punishment is enshrined in Article 7 of the ICCPR, Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture, CAT) to which Lebanon is party, Articles 37(a) and Article 19 of the CRC, and Article 8 of the Arab Charter.<sup>275</sup> This right is absolute. No exceptional circumstances whatsoever, including threats to national security or other violent crime, may be invoked to justify torture or other ill-treatment. The prohibition applies irrespective of the offence allegedly committed.<sup>276</sup> The prohibition of torture is also a rule of customary international law, binding on all states whether or not they are parties to particular treaties which contain the prohibition. It is one of a small number of peremptory norms of general international law (*jus cogens* rules).

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<sup>267</sup> Interviews by voice call, 21 October 2020, 28 May 2021.

<sup>268</sup> Interview by voice call, 28 May 2021.

<sup>269</sup> Interviews by voice call, 21 October 2020, 19 May 2021.

<sup>270</sup> Interview by voice call, 8 April 2021.

<sup>271</sup> Interview by voice call, 16 December 2020.

<sup>272</sup> In Article 7 of the ICCPR.

<sup>273</sup> Interview by voice call, 28 May 2021.

<sup>274</sup> Article 10 of ICCPR and Article 20(1) of the Arab Charter. The right to humane treatment is expressly non-derogable under the Arab Charter (Article 4(2)).

<sup>275</sup> Syria ratified the CAT in 2004.

<sup>276</sup> Article 2(2) of CAT; HRC General Comment 20, §3; CAT: General Comment 2, §5, Israel, UN Doc. A/57/44 (2001) §53(i) and CAT/C/ISR/CO/4 (2009) §14.

According to Article 1(1) of the Convention against Torture, an act constitutes torture if four elements are present: (1) intention, (2) infliction of severe physical or mental pain or suffering, (3) a purpose such as coercion, intimidation, obtaining information or a confession, or discrimination and (4) a degree of official involvement.<sup>277</sup>

In contrast, cruel, inhuman or degrading treatment or punishment is not defined under international law. In line with the position of many international and regional human rights monitoring bodies, Amnesty International considers that cruel, inhuman or degrading treatment or punishment may be defined negatively in relation to torture in that it lacks one or more of the above-mentioned elements of the torture definition.<sup>278</sup>

The Convention against Torture obliges Syria to take “effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”.<sup>279</sup> Syria’s obligations include the duty to criminalize torture, to investigate allegations of torture and other ill-treatment promptly and impartially, to bring suspected perpetrators to justice, to provide remedies to victims, to train all officials involved in the handling of detainees regarding the prohibition of torture and other ill-treatment, to implement safeguards to prevent torture and other ill-treatment, and to refrain from sending or returning (*refouler*) a person to a state where she or he risks being subjected to torture, ill-treatment or other prohibited treatment.<sup>280</sup>

By repeatedly subjecting Syrian detained returnees to torture or other ill-treatment during their interrogation, the Syrian authorities violated the Convention against Torture and the absolute prohibition of torture. Under international law, the authorities have an obligation to prevent torture; investigate whenever there are reasonable grounds to suspect acts of torture or other ill-treatment have occurred, even when no official complaints have been made; bring those responsible to justice; and provide reparation to victims.

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<sup>277</sup> For the full definition, see Convention against Torture, Article 1(1).

<sup>278</sup> See Convention against Torture, Article 16. See also Committee against Torture, General Comment 2, *Implementation of Article 2 by States Parties*, 24 January 2008, UN Doc. CAT/C/GC/2 (2008), para. 10. For example, an act of ill-treatment would constitute cruel, inhuman or degrading treatment or punishment rather than torture if it lacks the required intention or the required purpose, or if the pain or suffering it causes is not “severe”.

<sup>279</sup> Convention against Torture, Article 2(1).

<sup>280</sup> Convention against Torture, Articles 3-16. See also Committee against Torture, General Comment 2, para. 25 (“Articles 3 to 15 of the Convention constitute specific preventive measures that the States parties deemed essential to prevent torture and ill-treatment, particularly in custody or detention.”).

# 8. ENFORCED DISAPPEARANCE

**“My family thought that I was dead and had a funeral for me.”**

Samer, who was forcibly disappeared by military intelligence forces for nine months after returning from Rukban.<sup>281</sup>

Amnesty International documented 27 cases of returnees who have been subjected to enforced disappearance – i.e. when a person is arrested, detained or abducted by a state or state agents, who then deny that the person is being held or conceal their whereabouts, placing them outside the protection of the law.<sup>282</sup> This finding fits into a pattern of systematic enforced disappearances, amounting to crimes against humanity, carried by the Syrian government since 2011 and documented by Amnesty International, the UN (including recently) and other organizations.<sup>283</sup> In five cases, the authorities eventually informed families that their disappeared relatives had died in custody.<sup>284</sup>

## 8.1 ENFORCED DISAPPEARANCE

**“We still don’t know where he is. We don’t know if he is alive or dead.”**

Ruha, whose husband was arrested two weeks after his return from Lebanon and has been forcibly disappeared for about two years.<sup>285</sup>

**“If they are dead, I’ll make a grave for them and will visit them. I’ll feel relieved. Just tell me if they are dead. This is unjust, nobody’s**

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<sup>281</sup> Interview by voice call, 19 January 2021.

<sup>282</sup> Article 2, International Convention for the Protection of All Persons from Enforced Disappearance;

<sup>283</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/), UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 March 2021, A/HRC/46/55, para. 85, Human Rights Watch, *Syria: Tell families of missing the fate of loved ones*, 13 May 2019, [hrw.org/news/2019/05/13/syria-tell-families-missing-fate-loved-ones](https://www.hrw.org/news/2019/05/13/syria-tell-families-missing-fate-loved-ones)

<sup>284</sup> Interview by voice call, 17 December 2020; interviews in person, 20, 21 May 2020.

<sup>285</sup> Interview in person, 20 May 2021, Lebanon.

## experienced anything like this. We didn't do anything. We are not opponents.”

Zahra, who does not know the fate of her husband and her sister-in-law, arrested following their return from Lebanon.<sup>286</sup>

Amnesty International has received testimony relating to the disappearance of 27 people, including four children, who were subjected to enforced disappearance upon or after returning to Syria.<sup>287</sup> Returnees were disappeared for at least one week and up to four years, with 17 disappearances still ongoing, according to testimonies.<sup>288</sup> Security officials took five returnees immediately at the border crossing and five at checkpoints in Syria, relatives of returnees said.<sup>289</sup> Their families have not heard from or of them since, except two returnees' wives who received a death notice (see 8.2 “Death in detention”).<sup>290</sup>

Anwar told Amnesty International that his 58-year-old brother returned from Rukban in the summer of 2017. “The driver [of the taxi who took him from Rukban to the checkpoint] told me that soldiers stopped them [his brother and other people returning from Rukban] when they heard my brother's name. They took him and told the driver to leave. Since then, we have had no news. His wife asked different intelligence branches but they said that he was not detained,” Anwar said.<sup>291</sup>

Among cases documented by Amnesty International, one family attempted to directly ask authorities the whereabouts of their relative. “My family asked the criminal branch where I was. They said that I was not there,” said Ashraf, who was actually detained in this branch for two-and-a-half months.<sup>292</sup> Mustafa, whose brother has been disappeared since he returned from Lebanon two years ago, said that his family did not attempt to inquire about his brother's location because they could not afford paying bribes to intermediaries and/or officials (see 6.5 “Detention as a mean of extortion”).<sup>293</sup> In one case, Zahra told Amnesty International that she obtained a permit to visit her sister-in-law who was arrested and disappeared alongside Zahra's husband at a Lebanese border crossing. “When I arrived, they said that she was not there,” said Zahra, who has not heard of her or her husband for two-and-a-half years.

Amnesty International also documented the enforced disappearance of a 16-year-old boy and three young children, aged two, four and eight years old.<sup>294</sup> Ibrahim, the cousin of the three young children, told Amnesty International that security officials arrested the family that returned from France in early 2019 via Lebanon, because the father was wanted by military intelligence. At the time of writing, they had been forcibly disappeared for two years and eight months.

Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) absolutely prohibits enforced disappearances and specifies that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as justification for enforced disappearance”.<sup>295</sup>

Every enforced disappearance violates a range of human rights, many of which are non-derogable. Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances violate – including during armed conflicts – the right to liberty and security of person, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to a remedy, and the right to life.<sup>296</sup> Thus the fact that Syria is not a party to the ICPPED does not release it from

<sup>286</sup> Interview by voice call, 1 June 2021.

<sup>287</sup> Interview by voice call, 16 November, 17 December 2020, 19, 28, 29 January, 15 February, 6, 11, 19 May, 1 June 2021; Interviews in person, 12, 20, 21 May 2021, Lebanon.

<sup>288</sup> Interviews by voice call, 16 November, 17 December 2020, 28, 29 January, 15 February, 6 May, 1 June 2021; Interviews in person, 12, 20, 21 May 2021, Lebanon.

<sup>289</sup> Interviews by voice call, 17 December 2020, 28, 29 January, 6 May, 1 June 2021; Interviews in person, 12, 21 May 2021, Lebanon.

<sup>290</sup> Interview by voice call, 17 December 2020, Interview in person, 12, 21 May 2021, Lebanon.

<sup>291</sup> Interview by voice call, 28 January 2021.

<sup>292</sup> Interview by voice call, 11 May 2021.

<sup>293</sup> Interview by voice call, 15 February 2021.

<sup>294</sup> Interview by voice call, 16 November 2020; interview in person, 21 May 2021, Lebanon.

<sup>295</sup> ICPPED, Article 1.

<sup>296</sup> European Court of Human Rights (ECtHR), *Kurt v Turkey* Judgment, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velasquez Rodriguez v Honduras* Judgment, 29 July 1988.

African Commission on Human and Peoples Rights, *Amnesty International and others v Sudan*, Communications 48/90, 50/91, 52/91 and 89/93, 15 November 1999; UN Human Rights Committee, *Mojica v Dominican Republic*, Communication 449/1991, Views, 10 August 1994.

the obligation not to subject anyone to enforced disappearance. Because enforced disappearances can violate several human rights simultaneously, they are referred to as “multiple” or “cumulative” human rights violations. An enforced disappearance is also a “continuing crime”, which takes place so long as the disappeared person remains missing and information about his or her fate or whereabouts has not been provided by the state. The ICPPED codifies the right of each victim and their family members to know “the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person”.<sup>297</sup> This includes measures “to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains”. The ICPPED also provides that that state shall ensure victims have the right “to obtain reparation and prompt, fair and adequate compensation”.<sup>298</sup>

## 8.2 DEATH IN DETENTION

**“Officials at the branch told our lawyer that he died from a heart attack. We were not able to retrieve his body, nor his belongings. My niece did ask, but they refused.”**

Hamida, whose husband was subjected to enforced disappearance after returning from Lebanon in late 2018.<sup>299</sup>

Among returnees who were subjected to enforced disappearance, official authorities told the relative of five that arrested returnees had died in custody, interviewees told Amnesty International.<sup>300</sup> After several months without information about the location or fate of their loved ones, relatives received information that the detainees had died, either after authorities notified the families or because relatives saw this information on administrative documents, requested for unrelated purposes. Nisreen, whose husband was arrested after the couple returned from Lebanon to Qalamoun with their baby mid-2019, told Amnesty International that this is what happened to her, after three months without news of her husband. “I obtained a family statement. It said that my husband passed away,” she said.<sup>301</sup> Maryam’s husband was subjected to enforced disappearance in similar circumstances, but his family found out through personal connections that he was being detained in the notorious Saydnaya prison. Authorities officially informed his family of his death about four months after he disappeared, Maryam said. “My family-in-law was informed that he passed away when they visited Saydnaya. Officials told them to pick up his documents,” she said.<sup>302</sup>

In a separate case, Amal told Amnesty International that authorities notified her of her husband’s death, but she found out two years and two months later that he was still alive, through one of his former cellmates. “Five months after my husband’s arrest, army members went to his mother’s and gave her his ID. They said that he died of diabetes and gangrene...Last December, a former detainee visited his mother to tell her that he didn’t die. He said that they [officials] said he died so that we stop asking about him,” Amal said.<sup>303</sup>

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IACtHR, *Blake v Guatemala* Judgment, 24 January 1998; ECtHR, *Tas v Turkey* Judgment, 14 November 2000. ECtHR, *Demiray v Turkey* Judgment, 21 November 2000; IACtHR, *Bamaca Velasquez v Guatemala* Judgment, 25 November 2000.

<sup>297</sup> ICPPED, Article 24(2).

<sup>298</sup> ICPPED, Article 25(2) and Article 24(4).

<sup>299</sup> Interview by voice call, 17 December 2020.

<sup>300</sup> Interview by voice call, 17 December 2020; interviews in person, 20, 21 May 2020.

<sup>301</sup> Interview in person, 20 May 2021, Lebanon.

<sup>302</sup> Interview in person, 21 May 2021, Lebanon. Amnesty International’s research, along with the research of the UN Commission of Inquiry, the UN Office of the High Commissioner for Human Rights and Human Rights Watch, suggests that tens of thousands of detainees have died in Saydnaya and other government-run detention centres since 2011.

Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, Syria (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/)

<sup>303</sup> Interview in person, 20 May 2021, Lebanon.

# 9. CONCLUSION AND RECOMMENDATIONS

**“I regret I returned to Syria. If I had known what would happen, I would have never come back.”**

Wael, who returned from Rukban with his family and was immediately arrested, arbitrarily detained and tortured.<sup>304</sup>

**“Tell people to not return to Syria. Don’t go home. I came home and I regret it. Reconciliation is a big lie.”**

Aya, who was raped and detained by intelligence officers upon her return from Lebanon.<sup>305</sup>

As the Syrian government has retaken control of the majority of the country’s territory, its allies as well as countries hosting a large number of refugees, as well as countries revising their asylum policies, such as Denmark and Sweden, have been promoting the narrative that parts of Syria are safe for refugees to return to.

Yet, Amnesty International’s research show that it is anything but safe for refugees to return, with Syrian authorities continuing to commit a range of gross human rights violations against individuals. Perceptions of treason, of dissent or “terrorism” have fuelled accusations by security officers, who then subjected returnees to torture or other ill-treatment, including sexual assault and rape; unlawful or arbitrary detention; and forced disappearance. The violations against returnees documented in this report are consistent with and confirm a wider pattern of violations committed by the Syrian government against perceived political opponents since the beginning of the conflict.<sup>306</sup>

The evidence presented in this report shows that security forces’ hostile perceptions towards refugees, coupled with the screening of returnees (either through organized returns; security clearance prior to return; settlement upon return; and/or screening at border crossings), have caused at least one third of Syrian returnees whose cases Amnesty International documented to suffer serious human rights violations on account of such perceptions. It is worth noting that such perceptions are not based on individual circumstances; rather, it is a broad assumption that applies to the whole group of refugees returning to Syria. Once refugees return, officials

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<sup>304</sup> Interview by voice call, 8 April 2021.

<sup>305</sup> Interview by voice call, 17 December 2021.

<sup>306</sup> Amnesty International, *Syria: “Between Prison and the Grave”: Enforced Disappearances in Syria* (Index: MDE 24/2579/2015), 5 November 2015, [amnesty.org/fr/documents/mde24/2579/2015/en/](https://www.amnesty.org/fr/documents/mde24/2579/2015/en/); Amnesty International, *Syria: “It Breaks the Human”: Detention, Torture, Disease and Death in Syria’s Prisons* (Index: MDE 24/4508/2016), 18 August 2016 [amnesty.org/en/documents/mde24/4508/2016/en/](https://www.amnesty.org/en/documents/mde24/4508/2016/en/); Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, (Index: MDE 24/5415/2017), 7 February 2017, [amnesty.org/en/documents/mde24/5415/2017/en/](https://www.amnesty.org/en/documents/mde24/5415/2017/en/);

draw the conclusion that they supported the opposition or participated in anti-government protests simply because they chose to leave instead of staying to “defend the nation”, or because they originate from areas previously held by the opposition or because any one of their relatives is allegedly affiliated with the opposition.

Syrian authorities have screened returnees and identified those suspected of opposing the government or having “betrayed” their country, and they do this through the various return processes (including organized return processes, security clearance processes and settlement processes, as well as security checks at border crossings).

One third of the cases documented in this report (22 cases out of 66) are tied to human rights violations that took place in Damascus or the Damascus area. They show that even when indiscriminate violence is at a low level, or the government is in control of a certain area, the risks remain nonetheless – in clear contradiction to Denmark’s safety assessment of Syria (see 3.3 European countries’ policy). In fact, and as a result of the Syrian government’s abuses, returnees who have been able to flee have departed Syria once more and become refugees again.

Based on these findings, Amnesty International concludes not only that no part of Syria is safe for returnees to go back to, but also that people who have left Syria since the beginning of the conflict are at real risk of suffering persecution upon return on account of their perceived political opinion and therefore qualify for international protection under the 1951 Refugee Convention. Testimonies show that women are as much at risk as men when they return and should therefore be granted the same level of protection.

Based on its determination of risks upon return, Amnesty International believes that any return to Syria at this time would be in violation of the international obligation of non-refoulement, as stated in Article 33 of the 1951 Refugee Convention and other international instruments, which prohibits states from transferring people to a place where they would be at real risk of persecution or other serious human rights violations.<sup>307</sup>

#### **TO EUROPEAN GOVERNMENTS:**

- Grant refugee status (rather than subsidiary protection status) to people who have left Syria since the beginning of the conflict and are now, or have been in the past, seeking asylum, without any restriction to the right to seek asylum.
- Reconsider assessments designating parts of Syria as safe because indiscriminate attacks have decreased. Safety assessments must include criteria based on the risks of human rights violations committed by any actors, such as those involved in screening or processing returnees.
- Maintain protection for Syrian refugees living in Europe. Immediately halt pushbacks, collective expulsions, returns and other direct or indirect practices resulting in refoulement or chain-refoulement of Syrian refugees and refrain from them in the future.
- Urge Syria’s neighbouring countries, including Lebanon, Jordan, and Turkey, to put an end to returns of refugees to Syria and to respect the principle of non-refoulement.

#### **TO THE EU AND EU MEMBER STATES:**

- Guarantee meaningful financial support to countries hosting large numbers of Syrian refugees and translate commitments into concrete actions to take on a fair share of responsibility for supporting Syrian refugees through:
  - EU and member state contributions to UN inter-agency humanitarian appeals. The amounts committed and disbursed should be published annually.
  - Bilateral assistance – both financial and technical support, depending on the host country’s needs – to enable the host state to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, health care and education. The extent of such bilateral assistance should also be published annually.

#### **TO EUROPEAN AND OTHER GOVERNMENTS OPERATING RESETTLEMENT PROGRAMMES:**

- Increase resettlement commitments for Syrian refugees and provide complementary pathways to protection, including community sponsorship.

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<sup>307</sup> Article 33 of the 1951 Refugee Convention states: “1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

## **TO THE SYRIAN AUTHORITIES:**

The Syrian government is fully aware of the actions it needs to take to stop the crimes against humanity, including systematic torture and other ill-treatment, being carried out by its security forces. Amnesty International has called on the Syrian government repeatedly to undertake the following:

- End sexual violence, enforced disappearances, arbitrary arrests, torture and other ill-treatment and make clear to all government forces and militias that such violations will not be tolerated.
- Ensure the respect, protection and fulfilment of the human rights of all people in Syria, including those of returnees; in particular, ensure that fleeing violence and persecution and living abroad as a refugee is not used as a reason for persecution against people returning to Syria.
- Provide clear and reliable information on administrative requirement and processes to return to Syria and ensure this process is foreseeable and includes procedural safeguards.
- Grant UN agencies, the International Committee of the Red Cross and NGOs unhindered access so that they can monitor the return of those refugees who return and assist them in accordance with international standards, without discrimination in access to aid.
- Ensure that all persons deprived of their liberty are protected from torture and other ill-treatment and are treated humanely in accordance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
- Grant independent international monitors, such as the UN-mandated Independent International Commission of Inquiry on the Syrian Arab Republic, unhindered access to all persons deprived of their liberty and allow them to carry out unannounced inspection visits to all detention facilities to investigate and monitor conditions.
- Ensure that all those detained are registered, are brought promptly before a court, have access to a lawyer, can challenge the legality of their detention before an independent court, are provided access to medical care, are held in recognized places of detention and are allowed regular visits by their families.
- Inform families of the fate, whereabouts and legal status of all persons in their custody and respond to all outstanding requests.
- Ensure that all reports of torture and other ill-treatment, including sexual violence, are investigated, that those suspected of responsibility are prosecuted in civilian courts in proceedings that conform to international fair trial standards and that victims receive full reparation.
- Provide full cooperation and unimpeded access to the Independent International Commission of Inquiry on the Syrian Arab Republic, to investigate all alleged crimes under international law and violations and abuses of international human rights law and international humanitarian law.
- Become a party to the Optional Protocol to the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Accede to the Rome Statute of the International Criminal Court and issue a declaration accepting the International Criminal Court's jurisdiction since 1 July 2002.

## **TO THE LEBANESE GOVERNMENT:**

- Provide all Syrian refugees with a regular migration status which protects them from refoulement.
- Grant permission to UNHCR once again to register new refugees.
- Allow legal re-entry for refugees who returned to Syria and decided to leave again out of fear of persecution.
- Retract the decision of the General Directorate of the General Security Office to deport refugees who entered Lebanon “illegally” after the date of 14 April 2019.
- Do not implement the “General policy paper for return of refugees” adopted on 14 July 2020.



**TO THE LEBANESE, JORDANIAN, TURKISH GOVERNMENTS:**

- Maintain protection for Syrian refugees from refoulement.
- End all deportations of refugees to Syria, as well as all other forms of direct or indirect transfers, in line with the international obligation of non-refoulement and ensure that refugees from Syria are provided absolute protection from refoulement to Syria or other places, regardless of their criminal record or residency status.

**TO THE LEBANESE AND TURKISH GOVERNMENTS:**

- End unfair and restrictive policies coercing refugees to return to Syria, which amount to constructive refoulement.

**TO THE LEBANESE AND JORDANIAN GOVERNMENTS:**

- Ratify the 1951 Refugee Convention and its 1967 Protocol.

**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# “YOU’RE GOING TO YOUR DEATH”

## VIOLATIONS AGAINST SYRIAN REFUGEES RETURNING TO SYRIA

Syrian intelligence officers have subjected women, children and men returning to Syria to unlawful or arbitrary detention, torture and other ill-treatment including rape and sexual violence, and enforced disappearance. These violations have been a direct consequence of perceived affiliation with the opposition simply deriving from refugees’ displacement. Based on these findings, Amnesty International concludes that no part of Syria is safe for returnees to go back to, including Damascus or the Damascus area, and people who have left Syria since the beginning of the conflict are at real risk of suffering persecution upon return, with women being as much at risk as men.

Therefore, Amnesty International believes that any return to Syria at this time would be in violation of the international obligation of non-refoulement, which prohibits states from transferring people to a place where they would be at real risk of persecution or other serious human rights violations.

Amnesty International is calling on European governments to maintain protection for Syrian refugees living in Europe and grant refugee status to people who have left Syria since the beginning of the conflict.