



المركز السوري للإعلام وحرية التعبير

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Care of: «Syrian National Army» Directorate of Guidance / Legal Office

We have taken note of the report addressed to public opinion, published on your website under the title “[When the masks fall and the other face of justice and human rights advocates appears](#)”, which includes your reading of the report «[Do not forget the detainees](#)» issued by the Violations Documentation Center project, at the Syrian Center for Media and Freedom of Expression (SCM) on June 21, 2021, which documented the most important events related to arbitrary detainees in Syria between 01 July and 31 December 2020.

Having always welcomed the fact that Syrian public opinion and all relevant institutions, bodies and associations are informed of and follow up on the publications and studies of SCM, in particular reports documenting human rights violations; **SCM highly values and appreciates all forms of review, criticism and scrutiny of its work and sees it in the light of a positive step that contributes to the development of its work. Reaffirming its gratitude and pride in all the documentation efforts of all Syrian institutions, in particular the victims themselves, both individually and through the victims and families associations;** In this context, SCM is interested in making the following points:

1. The Violations Documentation Centre project periodically updates documented information on violations occurring in the context of the Syrian conflict and the data are subject to periodic checks and audits. **Thus, the actual number of violations committed by your factions that we have been able to document is /587/ arrests, which exceeds the previous figure in our above-mentioned report by an increase of // violations during the reporting period,** owing to the receipt of complaints and the completion of documentation after its issuance. Here, we would like to emphasize that all the figures mentioned here are the result of full documentation of each case in SCM's database, which includes the victim's name, the date of the violation and the actor, where the information is collected and kept on the basis of the SCMs working methodology, that complies with international standards for documentation. It should be noted that, in its reports, SCM usually point out that the figures contained in these reports are less than real, as they include only those that it has been able to access and verify, since there are many obstacles and difficulties in documentation limit or delay our access to information, including but not limited to, the reservation of the victims' families to report the case or to speak to the documentation team because of fear for the life of the detainee.
2. Human rights organizations involved in and concerned with documenting violations, including the Syrian Centre for Information and Freedom of Expression (SCM), face significant challenges in term of obtaining accurate information and from reliable sources; **perhaps the most important step that can help monitor the human rights situation in Syria is for all law enforcement agencies and military, police or paramilitary groups to abide by their obligation to respect the principle of the rule of law and transparency in their work. We therefore ask you to adopt transparent mechanisms allowing human rights organizations to access information, such as the publishing monthly or periodic data on the number and causes of arrests carried out by the factions affiliated with the National Army, the dissemination of legal procedures on the basis of which arrests are made, how arrest warrants are issued, and the guarantees given to detainees to safeguard their rights. Also, in cases of referral to trial, it is essential that the rules adopted in your due process must be known, whether they are followed by all courts, what appeal mechanisms and legal review do you adopt and rely on, and how fair trial requirements are provided.**



3. SCM focuses on documenting cases of arbitrary detention, that is, those that have failed to observe legal proceedings, or that have been carried out for political reasons not related to the commission of an act against the law by the detainee. Therefore, **SCM calls upon the National Army Law Office to investigate and publish in public the cases of arbitrary detention acknowledged in its statement, albeit fewer than those mentioned in the SCM's report «Do not forget the detainees».**

4. With regard to the violations that have been documented concerning the detainees being subjected to torture, **we call upon you to disclose all detention centers, to allow relevant human rights organizations to visit them and to speak with detainees, to examine the conditions of detention and the availability of legal and health conditions necessary to protect the rights of detainees.**

5. SCM emphasizes the recommendations made at the end of the «Don't Forget Detainees» report, among which is the demand addressed to the United Nations Security Council to impose sanctions against individuals and entities involved in committing grave human rights violations in Syria, **regardless of the party they belong to, as to us the norm and criteria are the grave violations and crimes committed against the victims.** As well as for the demand addressed to the international community to pressure the parties to the Syrian conflict to put an end to the climate of impunity enjoyed by the security and military forces -especially those affiliated with the Syrian Government- in order to stop their systematic violations and to put an end to enforced disappearances, arbitrary detention, torture and other forms of inhuman treatment and extrajudicial executions.

6. SCM calls upon all military and police forces in Syria, regardless of their affiliation, to voluntarily and fully abide by the principles of human rights, and demands the immediate release of any person who has been arbitrarily detained without restrictions or conditions; investigate cases of arbitrary detention and the accompanying torture or inhuman treatment, announce the results of such investigations, and take the necessary measures to hold the perpetrators accountable and punished. In this regard, SCM emphasizes its full willingness to cooperate with all judicial, police, military and paramilitary authorities to identify violations that occur in their areas of control, in turn to reduce and hold accountable such violations.

7. **SCM emphasizes that it will continue to pursue, through all possible legal means, all individuals and entities that are proven to be involved in war crimes and crimes against humanity and to defend the rights of all victims, regardless of any political, ethnic or religious considerations, through the use of universal jurisdiction, extraterritorial jurisdiction and United Nations special mechanisms as interim steps to reach a national path of transitional justice in Syria.** In this context, SCM indicates that, to date, it has been able -in cooperation with victims and Syrian and international institutions- to file 13 legal complaints to the courts in Austria, France, Germany, Norway, Sweden and Russia. 12 of these complaints are against the Syrian regime and one against an opposition faction, "Jaysh al-Islam".

