

## Schnellrecherche der SFH-Länderanalyse vom 26. Oktober 2015 zu Syrien: Geheimdienst

Fragen an die SFH-Länderanalyse:

- Was ist die Zuständigkeit von der behördlichen Stelle «Generalführung der Armee und Streitkräfte – Geheimdienstkommissariat»? Für welche Fälle stellt diese Stelle Haftbefehle aus?
- Was muss man sich unter dem Haftgrund «Kommunikation mit feindlichen ausländischen Stellen» vorstellen?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

### 1 Militär-Geheimdienst

**Keine geregelten Zuständigkeiten.** Die verschiedenen syrischen Geheimdienste operieren traditionsgemäss unabhängig voneinander, ohne definierten Zuständigkeitsbereich zur Abgrenzung voneinander. Der Militärgeheimdienst sowie der Luftwaffengeheimdienst stehen unter dem Verteidigungsministerium, der Politische Geheimdienst steht unter dem Innenministerium und der allgemeine Geheimdienst untersteht direkt dem Präsidenten (*United States Department of State*, 2015)

**Das Department of Military Intelligence (Shu`bat al-Mukhabarat al-`Askariyya).** Bereits vor dem Ausbruch des Krieges im März 2011 befasste sich der Militär-Geheimdienst nicht nur mit operationellen und strategischen Geheimdienstaufgaben, welche für das Militär relevant sind, sondern auch mit Aufgaben, welche die interne Sicherheit betreffen. Schon damals galt der Militär-Geheimdienst als sehr einflussreich, da die Armee auch auf politischer Ebene immer einflussreicher wurde (*United Kingdom Home Office*, Februar 2009). Zudem unterstützte der Militär-Geheimdienst auch palästinensische, libanesischen und türkische extremistische Gruppierungen, überwachte und tötete syrische Dissidenten im Ausland und koordinierte die syrischen Streitkräfte, die im Libanon stationiert waren (*United Kingdom Home Office*, 2006).

Wie die anderen Geheimdienste auch, unterhält der Militär-Geheimdienst verschiedene Abteilungen (*Branches*) in Damaskus sowie lokale Abteilungen im ganzen Land. Praktisch alle Abteilungen unterhalten Haftzentren unterschiedlicher Grösse (*Human Rights Watch*, 2012).

**Mushtarka.** Gemäss einer im Bericht des *Danisch Immigration Service* zitierten Quelle hat das syrische Regime seit den Wahlen im Juni 2014 eine neue militärische Einheit geschaffen, die *Mushtarka*, in welcher Mitglieder der Militärpolizei und des Militär-Geheimdienstes integriert sind. Diese integrierte Einheit hat den Auftrag, in allen von der Regierung kontrollierten Gebieten die Rekrutierung junger Männer umzusetzen, egal wo diese registriert sind. Dadurch soll die Möglichkeit verhindert

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werden, durch Bestechung der Rekrutierung in den Militärdienst zu entgehen, da es schwieriger sei, Personen des Militärgeheimdienstes und der Militärpolizei gleichzeitig zu bestechen. *Mushtarka* operiere willkürlich und etabliere temporäre Check-points (*Danish Immigration Service*, 2015).

US Department of State, 25. Juni 2015:

**«The government's multiple security branches traditionally operated autonomously with no defined boundaries between their areas of jurisdiction. Military Intelligence and Air Force Intelligence report to the Ministry of Defense, the Political Security Directorate reports to the Ministry of Interior, and the General Intelligence Directorate reports directly to the Office of the President. The Interior Ministry controls the four separate divisions of police forces: emergency police, traffic police, neighborhood police, and riot police.»** Quelle: US Department of State, Country Report on Human Rights Practices 2014 – Syria, 25. Juni 2015:  
[www.ecoi.net/local\\_link/306245/443517\\_de.html](http://www.ecoi.net/local_link/306245/443517_de.html).

United Kingdom Home Office, 6. Februar 2009:

**«Syrian Military Intelligence (SMI) “Syrian Military Intelligence (SMI) does not simply gather operational and strategic intelligence relevant to the armed forces; it also has an important mission relating to internal security. SMI has long been regarded as highly influential within Syria's intelligence and security network and it has been involved in unconventional warfare. Its HQ is located at the Defence Ministry complex in Damascus. Probably the most pre-eminent of Syria's myriad intelligence agencies, SMI derives something of its importance from history: the intelligence agencies created during the mandate period followed the French model, and the Military Intelligence agency was known as the Deuxieme Bureau until 1968; its dominance became entrenched as the army came to play an increasingly active role in politics.»** Quelle: Jane's Information Group, a Sentinel Country Risk Assessments: Syria, latest updates 27 February 2008 – 12 January 2009; in: United Kingdom Home Office, Country of Origin Information Report – The Syrian Arab Republic, 6. Februar 2009:  
[www.refworld.org/docid/498c4aa82.html](http://www.refworld.org/docid/498c4aa82.html).

United Kingdom Home Office, 27. Oktober 2006:

**«Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya): “Syria's military intelligence service, headquartered at the Defense Ministry complex in Damascus, is formally responsible for the usual range of military surveillance operations, planning, etc. that one would expect. In addition, it is responsible for providing military and logistical support to Palestinian, Lebanese, and Turkish extremist groups, monitoring (and often assassinating) political dissidents abroad, and coordinating the activities of Syrian and Lebanese military forces stationed in Lebanon.»** Quelle: Middle East Intelligence Bulletin, Syria's Intelligence Services: A Primer (Vol. 2, No. 6), 1. Juli 2000; in: United Kingdom Home Office, Country of Origin Information Report – Syria, 27. Oktober 2006:  
[www.refworld.org/docid/45656fe44.html](http://www.refworld.org/docid/45656fe44.html).

Human Rights Watch, 3. Juli 2012:

*«In charge of Syria's network of detention facilities are the country's four main intelligence agencies, commonly referred to collectively as the mukhabarat:*

- *the Department of Military Intelligence (Shu`bat al-Mukhabarat al-`Askariyya);*
- *the Political Security Directorate (Idarat al-Amn al-Siyasi);*
- *the General Intelligence Directorate (Idarat al-Mukhabarat al-`amma); and*
- *the Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya).*

***Each of these four agencies maintains central branches in Damascus as well as regional, city, and local branches across the country. In virtually all of these branches there are detention facilities of varying size.»*** Quelle: Human Rights Watch, Torture Archipelago : Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011, 3. Juli 2012, S. 1-2:

[www.refworld.org/docid/4ffd16482.html](http://www.refworld.org/docid/4ffd16482.html).

Human Rights Watch, 3. Juli 2012:

***Human Rights Watch has documented the use of torture and ill-treatment in the following detention facilities:***

- *Military Intelligence Branch 215 - Damascus - Brig. Gen. Sha'afiq*
- *Military Intelligence Branch 227 - Damascus - Maj. Gen. Rustom Ghazali*
- *Military Intelligence Branch 291 - Damascus - Brig. Gen. Burhan Qadour (Replaced Brig. Gen. Yousef Abdou in May 2012)*
- *Military Intelligence Branch 235 ("Palestine") - Damascus - Brig. Gen. Muhammad Khallouf*
- *Military Intelligence Branch 248 - Damascus*
- *Military Intelligence Branch 245 - Daraa - Col. Loai al-Ali*
- *Military Intelligence Aleppo Branch - Aleppo*
- *Military Intelligence Branch 271 - Idlib - Brig. Gen. Nawfel al-Hussein*
- *Military Intelligence Homs Branch - Homs - Muhammad Zamreni*
- *Military Intelligence Latakia Branch – Latakia»* Quelle: Human Rights Watch, Torture Archipelago: Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011, 3. Juli 2012, S. 5:

[www.refworld.org/docid/4ffd16482.html](http://www.refworld.org/docid/4ffd16482.html).

Danish Immigration Service, 2015:

***«However, since elections in June 2014, the regime has set up a new local joint force called Mushtaraka comprising persons from the Military Police (alShurta alAskariya) and the Military Intelligence (alAmn alAskari). This joint force is in charge of forced recruitment of all young people regardless of their place of registration, in all government controlled areas. One of the main purposes of creating such joint force is, according to the source, to eliminate the possibility of using bribe to avoid military service as it would be difficult to bribe persons from the Military Police or the Military Intelligence in each other's presence. It was added that the Mushtaraka operates randomly and they catch people by establishing temporary checkpoints which can change the location from one day***

*to another. However, as the force is still new, there is not much information on how it is organized and how it is functioning, according to the source.<sup>52</sup> The source emphasized that although the Mushtaraka has succeeded in catching and recruiting some of the IDPs from the Northern Syria, in Latakia and Tartus, the general rule is still that people from opposition controlled areas are not being called up for military service since calling up people takes place on the basis of place of registration as mentioned above.» Quelle: Skype meeting with Kheder Khaddour, Carnegie Middle East Center, 31. Mai und 29. Jun 2015; in: Danish Immigration Service, Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG, September 2015, S. 51-52: [www.refworld.org/docid/5629d2584.html](http://www.refworld.org/docid/5629d2584.html).*

## **2 Willkürliche Verhaftung durch die Geheimdienste in Namen der «nationalen Sicherheit»**

Unter dem Notstandsgesetz von 1963 hatten die Geheimdienste weitreichende Befugnisse und eine lange Geschichte Menschen ohne Haftbefehl verhaften und ohne Prozess inhaftieren zu können. Auch nachdem das Notstandsgesetz im April 2011 aufgehoben wurde, änderte sich nichts am Vorgehen der Geheimdienste (*Human Rights Watch*, 2012).

*Human Rights Watch* dokumentierte 2012 ausführlich die Vorgehensweise der Geheimdienste, die Willkür der Inhaftierung und die miserablen Haftbedingungen in den Haftzentren der verschiedenen Geheimdienstabteilungen. Um die tausenden Personen, die im Rahmen der Anti-Regime-Demonstrationen verhaftet worden sind unterbringen zu können, eröffnete das Regime neue inoffizielle Haftzentren in Schulen, Spitälern oder Stadien, um die Inhaftierten später in die verschiedenen Geheimdienstabteilungen zu transferieren (*Human Rights Watch*, 2012).

**Willkürliche Verhaftungen.** Die von *Human Rights Watch* dokumentierten Verhaftungen fanden bei Razzien, Hausdurchsuchungen und an Checkpoints statt. Auch die Armee, die Bereitschaftspolizei (*Riot Police*) oder regimetreue Milizen verhafteten Menschen, die später an einen der Geheimdienste übergeben wurden. Die Häuser von Personen, nach denen ein Geheimdienst sucht, werden durchsucht, zum Teil werden an Stelle der gesuchten Person Verwandte mitgenommen. Die Verhafteten wissen oft nicht, von welcher Institution sie inhaftiert sind. Sie kennen weder den Grund der Verhaftung noch wissen sie, wohin sie gebracht werden. Es scheint üblich, dass Inhaftierte von einem Geheimdienst an den nächsten übergeben werden. Bei mehr als der Hälfte der von *Human Rights Watch* Interviewten ehemals inhaftierten Personen wurde keine offizielle Anklage erhoben oder ein Verfahren eingeleitet. Familien der Inhaftierten werden nicht informiert weshalb, von wem oder wo ihre Angehörigen festgehalten werden (*Human Rights Watch*, 2012).

Auch im aktuellen Bericht des *United States Department of State* werden die willkürlichen Verhaftungen beschrieben. Gemäss diesem Bericht hat die Anzahl willkürlicher Verhaftungen vor allem von Jungen ab zehn Jahren sowie Männern im Jahr 2014 zugenommen. Viele Verhaftungen fanden an Checkpoints statt, die vom Militär, einem der Geheimdienste oder den paramilitärischen *National Defense Forces* unterhalten werden. Weiterhin werden, um Druck auszuüben, Verwandte von gesuch-

ten Personen verhaftet. Die *UN Commission of Inquiry on Syria* berichtete über Massenverhaftungen von Männern, die im wehrdienstfähigen Alter sind. Dies geschieht vor allem in Regionen, die vom syrischen Regime zurückerobert wurden (*US Department of State*, 2015).

Bei Strafverfahren ist prinzipiell die Ausstellung eines Haftbefehls vorgesehen, doch die Polizei beruft sich meistens auf die «nationale Sicherheit» als Begründung, dass keine Haftbefehle ausgestellt werden müssen. Das *United States Department of State* bestätigt die Informationen, die *Human Rights Watch* publiziert hat: Personen, die im Kontext der nationalen oder politischen Sicherheit inhaftiert werden, werden meistens nicht über die Gründe der Verhaftung informiert, der Zugang zu einem Anwalt wird verweigert und sie erhalten selten ein Verfahren. Die Anzahl der Personen, die aufgrund von Vergehen gegen die nationale Sicherheit inhaftiert worden sind, hat 2014 zugenommen. Falls die Fälle trotzdem an einem Gericht behandelt werden, werden sie an ein Militär-, Sicherheits- und Strafgericht überstellt (*United States Department of State*, 2015).

**Folter in den Hafteinrichtungen.** *Human Rights Watch* dokumentierte 2012 über 20 verschiedene Foltermethoden, die in den Haftzentren der Geheimdienste entwickelt und angewendet werden (*Human Rights Watch*, 2012).

**Straffreiheit.** Straffreiheit der Sicherheitskräfte ist die Norm. Der Generalstab der Armee und der bewaffneten Truppen (*General Command of the Army and Armed Forces*) kann Haftbefehle gegen Mitglieder des Militärs und der Geheimdienste ausstellen. Diese Fälle müssen vor Militärgerichten verhandelt werden. Aus dem Jahr 2014 sind dem *United States Department of State* keine strafrechtlichen Verfahren oder Verurteilungen von Angehörigen der Sicherheitsdienste wegen Missbrauchs oder Korruption bekannt (*United States Department of State*, 2015).

*Human Rights Watch*, 3. Juli 2012:

**«Syria's intelligence agencies have historically operated independently from each other with no clear boundaries to their areas of jurisdiction. Relying on the country's overbroad emergency law, the mukhabarat has a long history of detaining people without arrest warrants and denying detainees other due process safeguards. Lifting the emergency law in April 2011 changed little in practice. Legislation limiting the time that a person can be lawfully held in detention without judicial review to 60 days for certain crimes, simultaneously introduced in April 2011, does not meet the requirement in international law that judicial review should take place "promptly." Furthermore, several former detainees interviewed by Human Rights Watch said that they had been held without judicial review even longer than the 60 days permitted by Syrian law.**

**To manage the thousands of people detained in the context of anti-government demonstrations, the authorities also established numerous temporary unofficial holding centres in places such as stadiums, military bases, schools, and hospitals where the authorities rounded up and held people during massive detention campaigns before transporting them to branches of the intelligence agencies.**

**All of the witnesses interviewed by Human Rights Watch described conditions of detention—extreme overcrowding, inadequate food, and routine denial of necessary medical assistance—that would by themselves amount to ill-treatment and, in some cases, torture. But almost all the former detainees interviewed by Human Rights Watch also said they had been subjected to torture or witnessed the torture of others during their detention.**

Interrogators, guards, and officers used a **broad range of torture methods**, including prolonged beatings, often with objects such as batons and wires, holding the detainees in painful stress positions for prolonged periods of time, often with the use of specially devised equipment, the use of electricity, burning with car battery acid, sexual assault and humiliation, the pulling of fingernails, and mock execution. Altogether **Human Rights Watch documented more than 20 different methods of torture used in Syria's archipelago of torture centers.**» Quelle: Human Rights Watch, Torture Archipelago : Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011, 3. Juli 2012, S. 1-2:  
[www.refworld.org/docid/4ffd16482.html](http://www.refworld.org/docid/4ffd16482.html).

Human Rights Watch, 3. Juli 2012:

«Arbitrary Arrests and Unlawful Detention

Given the limited access for independent observers and the near-complete secrecy surrounding detentions and detention facilities in Syria, it is virtually impossible to establish how many people have been detained since demonstrations broke out in March 2011. As of June 22, 2012, the Violations Documentation Center (VDC), a Syrian monitoring group working in coordination with the Local Coordination Committees (LCC), a network of Syrian activists, had documented over 25,000 detentions. The actual number is likely much higher.

**Most of the detentions documented by Human Rights Watch were carried out by the intelligence services (mukhabarat), often assisted by the military, during and immediately following anti-government protests; in the course of large-scale house-to-house “sweep” operations; and at checkpoints on roads. Riot police (Hafz al-Nizam), the army, and, in some cases, pro-government militias also detained people, but often these detainees were eventually transferred to the mukhabarat.**

**Security forces also raided the homes of “wanted” individuals and, in some cases, when these persons were not at home, detained their relatives instead.** The raids were often accompanied by looting and destruction of property, and by beatings and other illtreatment of the detainees. As documented in previous Human Rights Watch publications, these actions were usually ordered, authorized, or condoned by the commanding officers. According to witnesses interviewed by Human Rights Watch, **the security forces conducting the arrests did not introduce themselves, did not provide any legal justification for the arrest, and did not inform the detainees as to where they were being taken.** Following the arrests, the detainees were usually brought to local detention facilities—police stations, local branches of one of the intelligence agencies, or ad-hoc facilities such as stadiums,

schools, facilities belonging to the youth branch of the Baath party (locally referred to as Tala'e`), or hospitals. **Following initial interrogation and collection of personal data, the security forces typically transferred the detainees to larger detention facilities located in regional centers such as Damascus, Homs, Idlib, Latakia, Daraa, and Hama.**

Most of the detainees interviewed by Human Rights Watch spent anywhere from a few days to several months in detention. **In most cases, detainees were held in more than one detention facility. It was not uncommon for detainees to be transferred to four or five detention facilities run by different intelligence agencies during their detention, being subjected to torture, the deliberate infliction of severe pain, in several of them.**

In a **typical example**, security forces detained thirty-one-year old Khalil during a protest in a town in the Idlib governorate on June 29, 2011. They first took him to the local **police station** where police officers interrogated him three times during the night following his arrest, kicking and beating him. The next day **security forces transferred Khalil to the central prison in Idlib**, where he initially spent 16 days on the third floor, being subjected to severe **torture by Political Security officers** who had taken over the floor. **Political Security officers then transferred him to a Military Intelligence facility** located in the basement of the prison, where the torture continued. After 13 days in Military Intelligence custody in Idlib, **Khalil was transferred to Damascus where he was held in Military Intelligence Branch 215 for five days, in Branch 291 for six days, and then in Branch 248 before he was eventually released, about two months after his detention.** Some detainees were released without any formal procedure, when the interrogators eventually told them that they were free to go; others were taken to court and seen by a judge and either charged and released on bail, or simply released. **More than half of the former detainees interviewed by Human Rights Watch were released without seeing a judge or having any formal charges brought against them. Human Rights Watch does not know how many people were sentenced to prison terms after their detention.**

The vast majority of detention cases documented by Human Rights Watch can be qualified as enforced disappearances. In international law this is when state agents or other persons acting with the support of the state detain someone and then refuse to acknowledge the detention, or conceal his or her fate or whereabouts. **In most of the cases documented by Human Rights Watch, the detainees' families had no information about their fate or whereabouts for weeks or, in some cases, months following the arrest, despite their inquiries with various intelligence agencies.** The authorities did not allow detainees to have any contact with the outside world and left their families wondering whether their detained relatives were alive or dead. Widespread or systematic enforced disappearances, carried out as part of a state policy, can constitute a crime against humanity.» Quelle: Human Rights Watch, Torture Archipelago: Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011, 3. Juli 2012, S. 12-14: [www.refworld.org/docid/4ffd16482.html](http://www.refworld.org/docid/4ffd16482.html).

United States Department of State, 2015:

#### **«d. Arbitrary Arrest or Detention**

*The constitution prohibits arbitrary arrest and detention, although a 2011 decree allows the government to detain suspects for up to 60 days without charge if suspected of "terrorism" and other related offenses. **Arbitrary arrests increased, according to local news sources, and several human rights organizations reported detentions in the tens of thousands. According to the UN Commission of Inquiry on Syria (COI), reports of arbitrary arrests and enforced disappearances – mainly of men and boys above age 10 – increased, and many of the arrests occurred at checkpoints operated by the army, security services, or the paramilitary National Defense Force (NDF).***

*HRW continued to report **the regime used the 2012 Counterterrorism Law to arrest and convict nonviolent activists on charges of aiding terrorists in trials that violated basic due process rights.** Although authorities brought charges under the guise of countering violent militancy, allegations included peaceful acts such as distributing humanitarian aid, participating in protests, and documenting human rights abuses.*

#### **Role of the Police and Security Apparatus**

*The government's multiple security branches traditionally operated autonomously with no defined boundaries between their areas of jurisdiction. **Military Intelligence and Air Force Intelligence report to the Ministry of Defense, the Political Security Directorate reports to the Ministry of Interior, and the General Intelligence Directorate reports directly to the Office of the President. The Interior Ministry controls the four separate divisions of police forces: emergency police, traffic police, neighborhood police, and riot police.***

*Regime-affiliated shabiha forces organized and in 2013 rebranded themselves as the NDF. These groups engaged in armed conflict and arrested, detained, and tortured those suspected of supporting the opposition. Although the NDF integrated with regime-affiliated forces, there also were other proregime militias outside the NDF.*

*Impunity continued to be a widespread problem. **The General Command of the Army and Armed Forces can issue arrest warrants for crimes committed by military officers, members of the internal security forces, or customs police during their normal duties; such cases must be tried in military courts.** There were no known prosecutions or convictions of police and security force personnel for abuse or corruption, however, and **security forces operated independently and generally outside the control of the legal system.** Nevertheless, the government dismissed two security officers, presumably for incompetence, after an October 2 bombing by unknown actors at a predominantly Alawite school in Homs resulted in the deaths of 50 persons, including 48 children, most under age 12. There were no reported government actions to reform the security forces or police. (...)*

#### **Arrest Procedures and Treatment of Detainees**

*The law generally requires a warrant for arrest in criminal cases, but police often cited emergency or national security justifications for acting without a war-*



*rant, permitted under the law. Police usually brought arrested individuals to a police station for processing and detention until a trial date was set. The law stipulates that the length of time a person may be held without charge is limited to 60 days, but according to various NGOs, activists, and former detainees, police held many individuals for longer periods or indefinitely. Civil and criminal defendants have the right to bail hearings and possible release from detention on their own recognizance. The legal system inconsistently applied this right, particularly with pretrial detainees. At the initial court hearing, which can be months or years after the arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney, although lawyers are not ensured access to their clients before trial. According to local human rights organizations, denial of access to a lawyer was common. The law provides for prompt access to family members, but NGOs and families reported inconsistent application of the law, with some families waiting as long as one year to see relatives.*

*In cases involving political or national security offenses, authorities often made arrests in secret with cases assigned in an apparently arbitrary manner to military, security, or criminal courts. This practice was common. The government detained suspects incommunicado for prolonged periods without charge or trial and denied them the right to a judicial determination of their pretrial detention. In most cases authorities did not inform detainees of charges against them until their arraignment, often months after their arrest. Security detainees did not have access to lawyers before or during questioning, or throughout preparation and presentation of their defense. The number of suspects accused of political and national security offenses increased over previous years.*

*The government often failed to notify foreign governments when it arrested or detained their citizens or after it released or deported them, especially when the case involved political charges. The government also failed to provide consular access to foreign citizens known to be in its prisons and, on numerous occasions, claimed these individuals were not in their custody or even in the country.*

**Arbitrary Arrest:** *Security forces continued their previous practices and increased arbitrary arrests, but detainees had no legal redress. Reports continued of security services arresting relatives of wanted persons to pressure individuals to surrender. Police rarely issued or presented warrants or court orders before an arrest. The security branches secretly ordered many detentions. Freedom House reported the government continued to respond to opposition protests in government-held areas with gunfire, mass arrests, and torture. In areas under government control, security forces engaged in arbitrary arrests. For example, the (UN Commission of Inquiry on Syria) COI reported mass arrests of men of fighting age in the cities of Yabroud, following its seizure by government forces in March; Assal al-Ward, following the April truce; and Homs, following the May truce. The COI also noted that authorities arbitrarily arrested men and boys over age 12 at some checkpoints. Arbitrary and false arrests were common, and detainees had no legal redress. Often authorities cited no reason for arresting civilians.*

**Checkpoints operated by the government were another commonly reported location for arbitrary detention, sometimes resulting in transfer to a long-term detention facility or disappearance. In Um Walad, Dara'a, government military and security forces arrested men at checkpoints solely for being of military age. According to the COI, there continued to be frequent accounts of enforced disappearances following arrest at checkpoints. Authorities subjected both men and women to arbitrary arrest at checkpoints. In separate incidents in April, authorities arrested two women at the al-Jorjanieh checkpoint.**

Activists and international humanitarian organizations stated government forces continued to conduct security raids in response to antigovernment protests throughout urban areas.

**Multiple reports from local and international NGOs stated the government prevented the majority of those detained from contacting their relatives or obtaining a lawyer. When authorities occasionally released detainees, it was often without any formal judicial procedures. Hundreds of detainees interviewed by human rights groups were arrested, detained, questioned, and released after months of detention without seeing a judge or being sentenced.**

**Pretrial Detention:** Lengthy pretrial detention remained a serious problem. **Authorities held incommunicado for years many detainees before bringing them to trial. A shortage of available courts and lack of legal provisions for speedy trial or plea bargaining also contributed to lengthy pretrial detentions. There were numerous instances in which the length of detention exceeded the sentence for the crime.»**  
Quelle: United States Department of State, 2014 Country Reports on Human Rights Practices – Syria, 25. Juni 2015: [www.refworld.org/docid/559bd53712.html](http://www.refworld.org/docid/559bd53712.html).

### **3 Straftatbestände «nationale Sicherheit»**

Seit jeher sind die Straftatbestände in Syrien vage gehalten und ermöglichen den Behörden einen grossen Spielraum. Bis April 2011 wurden alle Fälle, die mit der «nationalen Sicherheit» in Zusammenhang standen vom ehemaligen SSSC (*Supreme State Security Court*) behandelt. Das SSSC unterlag dem Notstandsgesetz von 1963. Bereits damals wurden weit gefasste und interpretierbare Straftatbestände wie «Verbreitung falscher Informationen», «Diffamierung der Armee», «Beleidigung des Präsidenten», «Schädigung des Ansehens Syriens im Ausland» oder die «Mitgliedschaft in einer verbotenen Partei» behandelt (SFH, 2008).

*Kurdwatch* publizierte die Übersetzung eines Urteils aus dem Jahr 2010 gegen einen Kurden, der aufgrund der «Verbreitung falscher Informationen im Ausland, was der Reputation des Staates schädigt», verurteilt worden war (Vgl. Generalstab der Armee und der bewaffneten Truppen, Administration der militärischen Gerichtsbarkeit, Urteil, Februar 2010:

[http://kurdwatch.org/pdf/kurdwatch\\_kenco\\_urteil\\_en\\_ar.pdf](http://kurdwatch.org/pdf/kurdwatch_kenco_urteil_en_ar.pdf)).

Das syrische Regime hob das Notstandsgesetz am 21. April 2011 auf und erliess am selben Tag die gesetzliche Verordnung 55 (*Legislative Decree 55*): Inhaftierte können 60 Tage inhaftiert werden, ohne dass sie einem Richter vorgeführt werden müs-

sen, sofern es sich um bestimmte Straftaten wie «terroristische Straftaten» handelt (*Amnesty International*, 2013).

**Anti-Terrorismus-Gesetz.** Auch das im Juli 2012 verabschiedete Anti-Terrorismus-Gesetz ist so weit gefasst, dass jegliche Art von «oppositioneller» Tätigkeit darunter verstanden werden kann. Im Gesetz bedeutet «Terrorismus» nicht nur gewalttätige Aktivitäten, sondern alle Handlungen, egal welcher Methode, welche die «öffentliche Sicherheit destabilisieren», «Panik verbreiten» oder die «Infrastruktur zerstören». Auch «Terrorismus fördern», wie Informationen oder Literatur verbreiten ist verboten. Das Verbot der Finanzierung von Terrorismus bezieht sich auf die Unterstützung terroristischer Aktivitäten, ob direkt oder indirekt mit Geld, Waffen, Kommunikation, Information oder «anderen Dingen» (*Human Rights Watch*, 2014; *Amnesty International*, 2013).

Viele gewaltfreie Aktivisten werden nach dem Anti-Terrorismus-Gesetz verurteilt. So werden das Verteilen von humanitären Hilfsgütern, die Teilnahme an Protestaktionen oder die Dokumentation von Menschenrechtsverletzungen als terroristische Akte beurteilt (*United States Department of State*, 2015).

**Mediengesetz.** Auch das neue Mediengesetz vom 25. August 2011 ist vage gehalten. Es verbietet die Publikation «falscher» Informationen, vor allem wenn sie «öffentliche Unruhen hervorrufen», «die internationalen Beziehungen stören», «die nationale Einheit und die Würde des Staates verletzen», «die Moral der bewaffneten Truppen schwächen», oder «der nationalen Wirtschaft und der Sicherheit des Währungssystem schaden» (*United States Department of State*, 2012).

SFH, 21. November 2008:

*«SSSC (Supreme State Security Court) verhandelt alle politischen Fälle und Fälle, die im Zusammenhang mit der nationalen Sicherheit stehen, und unterliegt gemäss dem Notstandsgesetz von 1963 keinen verfassungsrechtlichen Auflagen. **Verbreitung falscher Informationen, Diffamierung der Armee, Beleidigung des Präsidenten, Schädigung des Ansehens Syriens im Ausland oder die Mitgliedschaft in einer verbotenen Partei sind die häufigsten, weit gefassten politischen Tatbestände, die am SSSC behandelt werden.**»* Quelle: SFH, Syrien: PKK- und PYD-Aktivitäten, 21. November 2008:

[www.fluechtlingshilfe.ch/assets/herkunftslander/mittlerer-osten-zentralasien/syrien/syrien-pkk-und-pyd-aktivitaeten.pdf](http://www.fluechtlingshilfe.ch/assets/herkunftslander/mittlerer-osten-zentralasien/syrien/syrien-pkk-und-pyd-aktivitaeten.pdf).

*Amnesty International*, 16. September 2013:

*«6.2 Trials before the Anti-Terrorism Court*

*Human rights defenders and other peaceful activists, including women, are currently being tried before the Anti-Terrorism Court in Damascus, which was set up in July 2012 as a result of Law No.22 issued by President al-Assad, with the stated intention of tackling armed violence against the state. However, it has been used to prosecute peaceful opponents of Syrian government policies and practices.*

*This court does not afford defendants basic due process rights according to international fair trial standards. It is responsible for prosecutions under the Anti-Terrorism Law, which defines an act of “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.” The law also stipulates that promoting “terrorism”, including by distributing literature or other information, is punishable by imprisonment with hard labour. Financing terrorism includes supplying, directly or indirectly, money, weapons, ammunition, explosives, means of communication, information, or “other things” to be used in the implementation of a “terrorist act”. The Syrian authorities lifted a long-standing state of emergency on 21 April 2011, but they enacted Legislative Decree 55 on the same day. The decree limits the time that a person may be lawfully held in detention without judicial review to 60 days for certain crimes, including terrorism offences.» Quelle: Amnesty International, 58th Pre-Sessional Meeting of the United Nations (UN) Committee on the Elimination of Discrimination Against Women – Syrian Arab Republic, 16. September 2013, S. 9:  
[www.ecoi.net/file\\_upload/1930\\_1387798997\\_int-cedaw-ngo-syr-15312-e.pdf](http://www.ecoi.net/file_upload/1930_1387798997_int-cedaw-ngo-syr-15312-e.pdf).*

*Human Rights Watch, 15. März 2014:*

*«The government often accuses political detainees of supporting "terrorism." Syria's government adopted a counter-terrorism law in July 2012 that is broad enough to encompass almost any opposition activity. The law defines terrorism not just as violent acts, but as any act that can "destabilize public security," using "any method." Some detainees eventually appear in court, and others before military tribunals, but the fate of many others remains unknown.» Quelle: Human Rights Watch, Syria: Free All Arbitrarily Held Detainees, Hostages, 15. März 2014:  
[www.refworld.org/docid/532830744.html](http://www.refworld.org/docid/532830744.html).*

*United States Department of State, 2015:*

*«HRW continued to report the regime used the 2012 Counterterrorism Law to arrest and convict nonviolent activists on charges of aiding terrorists in trials that violated basic due process rights. Although authorities brought charges under the guise of countering violent militancy, allegations included peaceful acts such as distributing humanitarian aid, participating in protests, and documenting human rights abuses.» Quelle: United States Department of State, 2014 Country Reports on Human Rights Practices – Syria, 25. Juni 2015:  
[www.refworld.org/docid/559bd53712.html](http://www.refworld.org/docid/559bd53712.html).*

*United States Department of State, 2012:*

*«Libel Laws/National Security: The media law in force until August 25 prohibited the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of*

*publishing such information were subject to prison terms ranging from one to three years and fines ranging from 500,000 to one million Syrian pounds (SYP) (\$9,000 to \$18,000). According to the new media law issued on August 25, journalists could not be imprisoned for practicing their profession; however, they could face fines of up to one million SYP (\$18,000) for speaking out against the regime.»* Quelle: United States Department of State, 2011 Country Reports on Human Rights Practices – Syria, 24. Mai 2012:

[www.state.gov/j/drl/rls/hrrpt/2011/humanrightsreport/index.htm?dliid=186425#wrapper](http://www.state.gov/j/drl/rls/hrrpt/2011/humanrightsreport/index.htm?dliid=186425#wrapper).