Defectors Under The Guillotine

Regime forces did not abide by the promises made in the "reconciliation and settlement" agreements and within the amnesty decrees for the dissidents of their forces after their pursuit and arrest, where they launched arrests, concealment and enforced disappearance against them and later announced the death of a number of them during the detention, without showing any commitment or respect for the charters and laws Humanitarian and international.

Daraa Martyrs Documentation Office - Syrian Center for Statistics and Research

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Introduction

The Syrian regime's pushing of its military and security forces in the face of popular demonstrations since March 2011 led to the "defection" of tens of thousands of recruits, officers, volunteers, and contractors. Some of them later engaged in fighting against the forces of the military regime, others went outside Syria or chose civilian life inside Syria without participating in military actions.

The Syrian Military Penal Code\(^1\) includes several articles criminalizing the case of "defection\(^2\)", in which the death penalty reaches the death penalty\(^3\), which made tens of thousands of "dissidents" face death sentences upon arrest by the Syrian regime forces.

This case was one of the main items in all "reconciliation and settlement" agreements made by the Syrian regime forces and opposition factions prior to the restoration of several areas in Syria, under the auspices of the Russian Reconciliation Center between the warring parties, allowing the sentences of "dissidents" to be dropped on condition that they return to service. Military and security in their places of service before the "dissident". The Syrian regime has also issued several "amnesty" decrees over the past years, including articles that overturn the sentences of "dissidents" and require that they surrender themselves within a fixed period, specified in each decree, from the date of its announcement.

These agreements and decrees led thousands of "dissidents" to surrender to take advantage of the overturning of their sentences, but the regime

\(^{1}\) The Syrian Military Penal Code was issued in Legislative Decree 61 of 1950.

\(^{2}\) Syrian military law does not contain the word "defection", and this process is legally described as "fleeing" only.

\(^{3}\) The Syrian Military Penal Code includes two books, the second of which is devoted to crimes. Article 172 stipulates: "The penalties stipulated in the second book - Part 2 of this law, concerning military offenses and misdemeanours, shall apply to equal military personnel, civil servants and civil servants". This law covers only military and civilian personnel in the army and does not cover civilians outside the army.
forces subsequently arrested, forcibly disappeared and forcibly disappeared
them, and then revealed the death of several of them in prisons and
detention centers.

Methodology
This report illustrates the lies of promises and amnesty decrees issued by the
Syrian regime to "dissidents" for its forces, and its failure to abide by the
terms of the "reconciliation and settlement" agreements related to dropping
sentences and not arresting them, despite the return of many of them to
military and security service, amid the absence of public trials and the
granting of "dissidents" The right to appoint lawyers and inform them of the
indictments against them, as well as the great risk to the "dissidents" who
are turning themselves in to the regime forces.

The work on this report and on the collection of data and statistics contained
in it took almost a year, during which the situation of the southern
governorate of Daraa was taken as a research and work area; as a result of
the large number of "dissidents" who surrendered to the regime forces, and
the recent "reconciliation and settlement" agreement therein.

The report is based on the Daraa Martyrs Documentation Office Database,
which has been built through continuous documentation since 2011, through
the collection, documentation, follow-up and contact of victims and their
families, through direct meetings with them or through various means of
communication, with all the guarantees provided. The researchers did not
provide any financial incentives for these families.

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4 This report discusses only the case of "dissidents" who have joined and subsequently left the military or security forces. This situation
is quite different from the "retarded" who are required to perform mandatory or reserve service and have not joined. Both cases differ
in terms of legal characterization, punishment and the manner of dealing in "reconciliation and settlement" agreements.
The report was unable to cover all violations and document all arrests of "dissidents"; as a result of the regime forces regaining full direct and indirect control over Daraa governorate, security challenges and difficulties in gathering information, as well as the refusal of a number of families to cooperate or provide details to be documented⁵.

The legal context
On May 3, 2007, Legislative Decree 30 of 2007, the so-called "Flag Service Law" was issued, replacing the old law that had been in force since 1953, and some of its articles were amended by Legislative Decree 35 of 2011 and Decree Legislative 30 of 2017 and Decree Legislative 12 of 2019 specifies the details of the "Flag Service" in all its details.

"Flag Service" means that the enrolment of young Syrian Arab citizens and the like to serve in the armed forces. This law also covers Palestinian refugees. Article 123 of Legislative Decree 30 of 2007 stipulates that "Palestinian Arabs residing in the Syrian Arab Republic and their children on the date of the issuance of Law No. 260 dated 10/7/1956 shall be treated as Syrians with respect to the provisions contained in this Law. The law, while retaining their original nationality, shall be marketed to compulsory service at every meal according to the instructions of the General Command".

This service is divided into two phases, compulsory and standby, and is served by most young people, except for specific cases that receive "amnesty" from the service⁶.

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⁵ Many families refuse to communicate with human rights organizations for fear of their personal safety and the safety of the detainee from family members, after some families have been harassed and intimidated by the danger of communicating with local or international human rights bodies.

⁶ Pursuant to Article 12 of Legislative Decree 30 of 2007, there are eight different categories of amnesty for service:
(A) A military officer who has been in active service for a period of not less than five years of actual service and no period of compulsory service shall be reduced for those who have not been active for five years.
- The duration of the study at the expense of the Ministry of Defense before the appointment at the prescribed rank after graduating from a university or civil institute shall not be calculated from the application of the provisions of this paragraph.
(B) Anyone who has completed ten years in the internal security forces and does not reduce any period of service for those who have not been ten years of actual service.
Under article 102, paragraph 1, of the Syrian Military Penal Code, No. 61 of 1950, “Any person who commits the offense of fleeing to the enemy\(^7\) shall be liable to the death penalty. An officer shall be punished by life imprisonment with hard labour and shall, in addition, be punished by expulsion in all circumstances”. Under article 103, paragraph 5 (a) and (b), of the same Act, the death penalty includes “fleeing a conspiracy before the enemy” and “the head of the conspiracy to flee abroad”.

The regime used this law to sentence death sentences to tens of thousands of "dissidents" recruits, officers and volunteers for its military and security forces, and also issued a series of judicial rulings based on decrees and laws against terrorism\(^8\), terrorist financing and money laundering, for the purpose of freezing and seizing movable and immovable property criminalize them on terrorism charges, which the regime passed on large numbers of civilians and "dissidents", especially those who founded or later joined the military opposition factions.

Subsequently, the regime issued a number of amnesties for "internal and external desertion crimes" if the "defector" surrendered, namely: Legislative Decree 34 of 2011, Legislative Decree 61 of 2011, Legislative Decree 10 of 2012, Legislative Decree 30 Legislative Decree 71 of 2012, Legislative Decree

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\(^7\) In this case, the law does not distinguish between "fleeing" both inside and outside Syria and places them all under the name of "fleeing to the enemy".

\(^8\) On July 2, 2012, Law 19 of 2012, the so-called "Anti-Terrorism Law" was passed, carrying a broad language to define terrorism, which allowed the regime to classify many activities and make many judgments under this classification.
23 of 2013, Legislative Decree 70 of 2013, Legislative Decree 71 of 2013 extending Decree 70 for an additional month, Legislative Decree 22 of 2014, Legislative Decree 32 of 2015, Legislative Decree 8 of 2016, the latest of which was Legislative Decree 18 of 2018, which gave amnesty for all cases of "defectors" Internal and external before October 9, 2018, but does not include "those who have gone into hiding and fleeing justice unless they surrendered within 4 months for internal flight and 6 months for external flight", a decree on which the defectors’ extradition was based last year.

Subsequently, outside the context of the period covered by the report, Decree 20 of 2019 issued a general amnesty for crimes committed before 14 September 2019, including in respect of “dissidents” where they were granted a full amnesty provided, they were handed over. "Themselves within three months for internal flight and six months for external flight".

The issuance of Legislative Decree 18 of 2018, complemented the agreements of "reconciliation and settlement" in the governorates of Daraa and Quneitra, southern Syria, and to facilitate the process of return of "dissidents" reached within the agreements. This decree and these agreements cover the time period of the research and work process in this report.

Situation of dissidents in "reconciliation and settlement" areas
After the “reconciliation and settlement" agreements in Daraa governorate, "dissidents" were divided into several different categories and situations.

Category 1: departed from convoys rejecting the agreement towards northern Syria, the exact number is not available, but it is estimated that dozens of a total of 4653 men⁹ left the governorates of Daraa and Quneitra.

⁹ In July and August 2018, 10,516 people who refused to join the reconciliation and settlement agreements left southern Syria, including 4,635 men, 2,479 women and 3,402 children, according to Syria response coordinators.
towards northern Syria, one of these "dissidents" was later killed in the battles against regime forces in the governorate Idlib\(^{10}\).

Category 2: joined the agreements of "reconciliation and settlement", and later joined directly to the fourth division of the regime forces in the governorate of Daraa. Hundreds of people from the governorate of Daraa joined this division, including "dissidents", after making promises not to engage them in any battles outside the governorate Daraa\(^{11}\). In addition, dozens of "dissidents" will join the Russian-backed Fifth Corps in Daraa countryside, after settling their status with the regime's military security and obtaining approval to join the corps\(^{12}\). There is also no accurate statistic for their number.

Category 3: it is the category discussed in this report, which includes "dissidents" who surrendered to the regime forces taking advantage of amnesty decrees or "reconciliation and settlement" agreements or were arrested before surrendering. They are estimated in the thousands.

Category 4: An estimated 150 defectors, who refuse, until the reporting date, to surrender or join the regime forces\(^{13}\). The largest number of these elements are in the Daraa al-Balad area of Daraa\(^{14}\), and their future is unknown until the date of this report.

\(^{10}\) On June 7, 2019, a dissident recruit from the town of Ghabagheb in Daraa province was killed in clashes with regime forces in the town of Kfarhoud in Hama province, while he was participating in the fighting within HTS.

\(^{11}\) There are no official or written promises to those who joined the 4th Division to not participate in any battles outside the province of Daraa, only verbal promises made by officers of this division, and from the signing of the agreements until August 2019, no coercive participation of those who joined this division in battles was announced outside Daraa governorate.

\(^{12}\) The 5th Corps participated in the battles alongside the regime forces in the area of Tulul al-Safa in the Syrian desert and the governorates of Deir Ezzor and Latakia.

\(^{13}\) Several negotiations between representatives of these "dissidents" and regime representatives failed to find a solution and did not join the regime forces.

\(^{14}\) The Daraa al-Balad area in Daraa city is subject to a special agreement with the Russian military police, where regime forces and security branches have not been allowed to enter the area until the date of reporting, and its presence is limited to a number of
Category 5: its members joined the agreements of "reconciliation and settlement", and later left the governorate of Daraa, before surrendering themselves, towards northern Syria through smugglers or neighboring countries illegally, they are estimated to be at least 50 people.

Statistics
Since the announcement of “reconciliation and settlement” agreements in Daraa governorate, on July 1, 2018 and before the announcement of Legislative Decree 18 of 2018 on October 9, 2018, some “defectors” have turned themselves to regime forces through his checkpoints and police stations, including those arrested after the process of "reconciliation and settlement". During this period, the report documented the arrest of 30 regime defectors, the report documented the announcement of the death of 1 of them during the period of detention in prisons and detention centers of the regime forces. Another one of them was released after three months of detention and was attached to one of the regime's military formations. 9 of those arrested were inside Sednaya Military Prison in Rif-Dimashq countryside.

Since the promulgation of Legislative Decree 18 of 2018 on 9 October 2018 until the end of August 2019, the report documented the arrest of 112 “dissident” who surrendered or were arrested after the “reconciliation and settlement” process and documented the death of 8 of them were detained security and military roadblocks in its vicinity only. This provided a kind of safe cover for the presence of these dissidents and not to arrest or arrest them.

15 The statistic includes arrests of “dissidents” who surrendered and received settlement cards and were returned to their military parts to complete military service. They were subsequently re-arrested, no later than two months after the settlement date.

16 No information is available if the release of those arrested is linked to a particular transaction or proceedings of a particular kind, the report was also unable to verify the reasons for the arrest of some “dissidents” who surrendered and not to arrest others, this is due to the lack of direct access to the reasons for the arrest, the minutes of investigation and the charges against them.

17 The report relied on four different ways of confirming the detainee’s presence in Sednaya Military Prison: informing the regime forces of the reconciliation and settlement committees of the location of the detainee, information from those released, family visits by the detainee, information from the detainees provided to the parents during the visit.
in regime prisons and detention centers; 8 others were released at different intervals and joined the regime's military formations, while the report documented the presence of 13 of those arrested inside Sednaya Military Prison in Rif-Dimashq countryside.

In general, from the beginning of July 2018 until the end of August 2019, the report documented the arrest by the regime forces of 142 “dissidents” who surrendered or were arrested after the “reconciliation and settlement” process, 9 of them died during the detention, another 9 of them were later released, and 22 were documented inside Sednaya Military Prison in Rif-Dimashq countryside.

Most "dissidents" in this statistic are conscripts in the compulsory and reserve service, the number is 114, in addition to the documented of 13 officers, 11 policemen, 3 volunteers, and 1 element in one of the security branches.

The report noted that the largest number of detainees had surrendered to the military police branch in the Qaboun neighbourhood in Damascus governorate, the number is 36, and 4 of those who died were documented inside Sednaya military prison in Rif-Dimashq countryside.

In all cases documented for those who died during the period of detention in regime forces prisons and detention centers, the regime did not hand over any bodies to the families of the detainee, nor specify the place where they were buried, but were allowed to establish consolation councils.

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18 There is no information available if the release of those arrested is linked to a specific transaction or procedures of a certain kind, and the report was unable to verify the reasons for the arrest of some of the “dissidents” who surrendered and not to arrest others, due to the lack of direct access to the reasons for the arrest, interrogation reports and charges, for them.

19 Legally known as the Military Justice Police, the authority charged with investigating crimes, collecting evidence and apprehending perpetrators. In Syria, it is responsible for arresting those charged with performing compulsory and reserve service and arresting “dissidents”.

Daraa Martyrs Documentation Office & Syrian Center for Statistics and Research
Regime forces did not directly inform the families of the deceased, but the date of death received by the families of the deceased differed from the date of notification of the death. In some cases, the date varied for only several days.

"Dissidents" who were declared died during detention\textsuperscript{20}

(A M), a resident of the town of Mahjja in the northern countryside of Daraa governorate, a "dissident" recruiter, who defected to the Military Police Branch in al-Qaboun neighbourhood of Damascus on November 11, 2018. He was documented in Sednaya Military Prison in Rif-Dimashq countryside. In February 2019. In August 2019, his family obtained his civilian ID and death certificate from Tishreen Military Hospital in Damascus Governorate.

(M SH), a resident of Da'el city in the middle countryside of Daraa governorate, a "dissident" recruiter, who was arrested on November 12, 2018 by a checkpoint of a branch of the Military Intelligence Division in Damascus Governorate. In July 2019, his family received a report from Da'el city police station about his death.

(T K), a resident of Tafas city in the western countryside of Daraa governorate, a "dissident" recruiter, who was arrested on November 25, 2018 by a checkpoint of a branch of Military Intelligence in Damascus. He was documented at Sednaya Military Prison in Rif-Dimashq countryside in January 2019. In July 2019, his family received a report from al-Muzayrib town police post about his death.

\textsuperscript{20} Names have been withheld in order not to endanger the lives of their loved ones. All victims have been declared died by their parents in public.
(W Q), a resident of Ghabagheb town in the northern countryside of Daraa governorate, a "dissident" recruiter, who was arrested on December 9, 2018 by a branch of the Military Intelligence Division in Namar town in Daraa governorate. He was documented at Sednaya Military Prison in Rif-Dimashq countryside in January 2019. In August 2019, his family obtained his civilian ID and death certificate from Tishreen Military Hospital in Damascus Governorate.

(A S), a resident of the town of Tseel in the western countryside of Daraa governorate, a "dissident" recruiter, surrendered to the Military Police Branch in the al-Qaboun neighbourhood of Damascus governorate on January 24, 2019. In August 2019, his family obtained his civilian ID and death certificate from Tishreen Military Hospital in Damascus Governorate.

(A H), a resident of the town of Jabab in the middle countryside of Daraa governorate, a "dissident" policeman, who was arrested on February 6, 2019 by a branch of the Military Intelligence Division in Damascus Governorate. In April 2019, his family obtained his civilian ID and death certificate from the Tishreen Military Hospital in Damascus Governorate.

(M Q), a resident of Ghabagheb town in the northern countryside of Daraa governorate, a "dissident" volunteer, who was arrested on September 16, 2018 by a branch of the Military Intelligence Division in Ghabagheb town in Daraa governorate, He was documented at Sednaya Military Prison in Rif-Dimashq countryside in January 2019. In August 2019, his family obtained his civilian ID and death certificate from the Tishreen Military Hospital in Damascus Governorate.

(H N), a resident of Ghabagheb town in the northern countryside of Daraa governorate, a "dissident" first assistant in the military area, who was arrested on August 14, 2018 by a branch of the Military Intelligence Division
in Ghabagheb town in Daraa governorate, He was documented at Sednaya Military Prison in Rif-Dimashq countryside in December 2018. In September 2019, his family obtained his civilian ID and death certificate from the Tishreen Military Hospital in Damascus Governorate.

(S K), a resident of Nawa city in the western countryside of Daraa governorate, a “dissident” recruiter, surrendered to the Military Police Branch in the al-Qaboun neighbourhood of Damascus governorate on January 28, 2019. In May 2019, his family received information from one of the detainees that he died during the detention. In September 2019, his family obtained a personal registration statement from the Civil Registry Directorate in Daraa governorate and his registration was transferred to death.

Conclusions and recommendations
The Syrian regime has not complied with UN Security Council Resolution 2139 of 2014, which calls on all parties to the conflict in Syria to stop unlawful attacks on populated areas, blockades, arbitrary arrests and abductions, torture, and enforced disappearances.

The use of force by the Syrian regime forces and its Russian ally forced the other party to accept the "reconciliation and settlement" agreements. The process of "reconciliation and settlement" in southern Syria followed the Syrian regime forces and their Russian ally the constant threat of the start of military operations in north-western Syria, to push those who reject the agreements to approve them.

The regime's failure to comply with its promises and decrees has left many refugees, including “dissidents” outside Syria, suffering from security concerns about their return, lack of access to services, and lack of access to
basic and essential services including adequate housing, sustainable electricity and water.

To the Syrian regime

Fulfil the declared and unspoken obligations of the various amnesty decrees and “reconciliation and settlement” agreements with regard to “dissidents”, immediately stop their arrests, disclose the fate and whereabouts of individuals who have been subjected to enforced disappearance, release all detainees and immediately allow independent observers to visit all places of detention.

Respect all standards of fair trial, including ensuring that people are arrested and detained in accordance with the law, inform individuals at the time of arrest of the reasons for their arrest and ensure that they are brought before a duly constituted court without delay. All detainees should have access to basic services and minimum standards of treatment, including medical care, while in detention. They should have access to their families and must be guaranteed access to legal counsel. The regime should also ensure that the identity, location, status and condition of all detainees are disclosed.

The regime should immediately notify families of the death of their detained relatives, the reason and circumstances that led to their death, return the bodies of the deceased to their relatives and allow an independent criminal examination. The regime must also conduct transparent investigations into all allegations of torture of detainees or deaths in custody and make public the results of such investigations.

Unimpeded access without delay to the UN-appointed The Independent International Commission of Inquiry on the Syrian Arab Republic and The Impartial and Independent International Mechanism to Investigate all
allegations of crimes covered by international and human rights law and international humanitarian law.

Allow and facilitate the entry and work of human rights NGOs without delay.

Recognize the crimes against surrendered “dissidents” and fully respect their right to full reparation as set out in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Serious Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

To the international community

Referring the situation in Syria to the Prosecutor of the International Criminal Court; demanding The Independent International Commission of Inquiry on the Syrian Arab Republic, The Impartial and Independent International Mechanism to Investigate, and human rights NGOs be allowed unhindered access to Syria.

Targeted sanctions against those responsible for war crimes and crimes against humanity in violation of UN Security Council Resolution 2139.

Imposing an arms embargo on the Syrian regime.
Daraa Martyrs Documentation Office: An independent human rights office that works on documenting the martyrs of the Syrian revolution in Daraa province and provides statistical studies on the victims of the Syrian revolution, including the people of Daraa province and who is present there. The office is an independent non-governmental and non-profit organization.

For more information: http://DaraaMartyrs.org

Syrian Center for Statistics and Research: An independent, non-profit and non-governmental organization. It works on providing advisory services as well as research studies for the Syrian and non-Syrian groups that are interested in the Syrian situation, or involved in the decision making thereof. The center includes a local network of reporters and a team of researchers and academics inside and outside of Syria. Its activities aim to capture the realities and variables, and highlight the complete scene of events by collecting and analyzing data and information and producing reports and studies that serve the interested bodies in formulating their executive strategies and help in the building and development process.

For more information: https://csr-sy.org