

## Syrien

### De generelle forhold og udvalgte risikoprofiler.

#### Juni 2019

I løbet af foråret har Udlændingestyrelsen i et mindre antal sager truffet afgørelse om at nægte at forlænge eller inddrage opholdstilladelser til syriske flygtninge. Det drejer sig om personer fra Damaskus provinsen med opholdstilladelser meddelt efter udlændingelovens § 7, stk. 3.

Dansk Flygtningehjælp er i den forbindelse blevet kontaktet af både advokater og syriske flygtninge, der efterspørger opdaterede oplysninger om situationen i Syrien. Dansk Flygtningehjælps Asylafdeling har derfor udarbejdet herværende notat. Notatet berører kort den generelle sikkerhedssituation i Syrien, særligt i Damaskus, men har sit primære fokus på menneskerettighedssituationen i landet, herunder også Damaskus. Fokus er således i højere grad på risikoen for at blive udsat for vilkårlig anholdelse, tortur eller andre overgreb, samt mere specifikt risikoen for at personer, der vender tilbage efter at være flygtet fra Syrien, udsættes for overgreb. Derudover gennemgås nogle enkelte af de særlige profiler, der kan være i risiko i Syrien. Disse særlige profiler er valgt ud fra, hvad der forventes at kunne blive relevant i de kommende sager om inddragelse og nægtelse af forlængelse. Risikoen for fx militærnægtere og desertører, samt personer i opposition til de kurdiske myndigheder er således blandt de mange risikoprofiler, der ikke er omtalt i dette notat.

Ifølge flere kilder i den seneste fact-finding rapport er sikkerhedssituationen i Damaskus-provinsen forbedret. Men som rapporten og mange andre kilder samtidig illustrerer, er sikkerhedssituationen fortsat hverken god eller stabil. Derudover er menneskerettighedssituation i Syrien, herunder i Damaskus, fortsat dybt problematisk. Dansk Flygtningehjælp vurderer derfor, at flygtninge fra Syrien fortsat bør meddeles beskyttelse i Danmark.

## Udviklingen i Danmark fra september 2013 til februar 2019

I september 2013 ændrede Flygtningenævnet praksis i forhold til Syrien. Med henvisning til EMD's Sufi og Elmi dom fra 2011 blev det lagt til grund, at personer, der kom fra områder, hvor der var eller for nylig havde været væbnede kampe, alene som følge af deres blotte tilstedeværelse ville være i reel risiko for overgreb i strid med EMRK art. 3.<sup>1</sup> Personer fra sådanne områder blev herefter meddelt opholdstilladelse efter udlændingelovens § 7, stk. 2.

Fra den 20. februar 2015 (ikrafttrædelsesdatoen for lov nr. 153 af 18. februar 2015), blev syrere, der var i risiko pga. de generelle forhold i Syrien, og som havde søgt asyl i Danmark fra den 14. november 2014, meddelt opholdstilladelse efter § 7, stk. 3.

Den 27. februar 2019 meddelte Flygtningenævnet, at man vurderer, at de generelle forhold i Syrien er ændrede, og at der nu er færre kamphandlinger og færre civile tab. Flygtningenævnet henviser til, at Udlændingestyrelsen som første instans må vurdere, hvorvidt der fortsat er grundlag for at meddele opholdstilladelse efter § 7, stk. 3, med henvisning til de generelle forhold.<sup>2</sup>

Samme dag den 27. februar 2019 meddelte Udlændingestyrelsen, at man vil ændre praksis i sager vedrørende de generelle forhold i Syrien. Det fremgår af styrelsens pressemeddelelse, at en praksisændring alene vedrører personer fra Damaskus-provinsen.<sup>3</sup>

Udlændingestyrelsen henviser i deres pressemeddelelse til den seneste fact-finding rapport vedrørende Syrien, som udkom den 21. februar 2019. Rapporten er udarbejdet af Udlændingestyrelsen i samarbejde med Dansk Flygtningehjælp og har titlen: Syria: Security Situation in Damascus Province and Issues Regarding Return to Syria.<sup>4</sup>

## Den generelle sikkerhedssituation i Damaskus-provinsen

Ifølge flere kilder i førnævnte fact-finding rapport fra februar 2019 (herefter blot omtalt som den seneste fact-finding rapport) er sikkerhedssituationen i Damaskus-provinsen markant forbedret siden de syriske myndigheder i maj 2018 opnåede fuld kontrol i provinsen. På tidspunktet for missionen i november 2018 havde der i en længere periode ikke været væsentlige sikkerhedshændelser, ud over de israelske angreb nær lufthavnen. Antallet af checkpoints inde i byen var desuden betydeligt reduceret i forhold til tidligere.<sup>5</sup>

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<sup>1</sup><https://www.fln.dk/da/GlobalMenu/Nyheder/Nyhedsarkiv/2013/Flygtningen%C3%A6vnet%20%C3%A6ndrer%20praksis%20som%20f%C3%B8lge%20af%20den%20forv%C3%A6rrede%20situation%20i%20Syrien.aspx>

<sup>2</sup> <https://fln.dk/da/GlobalMenu/Nyheder/Nyhedsarkiv/2019/27022019.aspx>

<sup>3</sup> <https://nyidanmark.dk/da/Nyheder/2019/02/Udl%C3%A6ndingestyrelsen-%C3%A6ndrer-praksis-i-sager-vedr%C3%B8rende-de-generelle-forhold-i-Syrien>

<sup>4</sup> <https://nyidanmark.dk/da/Nyheder/2019/02/Udl%C3%A6ndingestyrelsen-offentligg%C3%B8r-ny-landerapport-om-Syrien>

<sup>5</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 11-13. [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentligg%C3%B8r\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentligg%C3%B8r_landerapport_om_syrien)

Som det også fremgår af rapporten, var der mellem missionen og færdiggørelsen af rapporten to større eksplosioner i Damaskus. Derudover udgør store mængder af ueksploderet ammunition en sikkerhedsrisiko i visse områder.<sup>6</sup> Ifølge fact-finding rapporten melder enkelte kilder desuden om mindre hændelser med skyderi og knivstikkeri ved checkpoints, afværgede selvmordsangreb og flere checkpoints i visse områder.<sup>7</sup> En enkelt kilde påpeger desuden risikoen for fremtidige 'insurgent style attacks'.<sup>8</sup>

Idlib ligger 300 km. fra Damaskus. Situationen i Idlib er i de seneste uger blevet intensiveret, og spørgsmålet er om Damaskus provinsen vil være helt upåvirket af en eventuel yderligere eskalering af situationen i Idlib.

Af en artikel på UN News fremgår det om situationen i Idlib:

*"Despite repeated warnings from the UN Secretary-General and others, the decision by the Syrian Government and allies - which include Security Council permanent-member Russia - to intensify a military offensive on Idlib in recent weeks, means that "our worst fears are now coming true", said Emergency Relief Coordinator, Mark Lowcock."*<sup>9</sup>

Tidligere UN Special Envoy, Staffan de Mistura, har i maj 2018 vedrørende situationen i Idlib udtalt:

*"Regarding the northern rebel-held area of Idlib, Mr. de Mistura said that if the Syrian government's previously-used tactic of bombing a rebel territory followed by negotiations and then mass evacuations is repeated in Idlib, it could affect "six times" more people than the battle to retake the suburbs of Ghouta, near the capital Damascus. "If we see a Ghouta scenario in Idlib, this could be six times worse, affecting 2.3 million people," Mr. de Mistura said."*<sup>10</sup>

SAWA, en Non-Governmental Organization med base i Libanon, har i februar 2019 udgivet en rapport om situationen for syriske flygtninge, hvor de bl.a. beskriver den store usikkerhed i Syrien:

*"While the Syrian government now controls well over 70 percent of Syrian territory, the war itself is not over. Conflict is ongoing, with shelling by regime forces in northern Syria, along the border of territory in Idlib held by Free Syrian Army (FSA) opposition forces, as well as recent airstrikes by Israeli forces on Iranian targets near Damascus. A catastrophic offensive on Idlib, currently home to over 2 million people, over half of whom are IDPs, remains a harrowing possibility. U.S.-led coalition air strikes against Islamic State militants in eastern Syria continue, coupled with fighting on the ground between pro-Kurdish Syrian Democratic Forces (SDF)*

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<sup>6</sup> Ibid. p. 11.

<sup>7</sup> Ibid. p. 12.

<sup>8</sup> Ibid. p. 12

<sup>9</sup> Risk grows of 'catastrophic humanitarian fallout' in Syria's Idlib, where 3 million are trapped: top UN officials urge unity in Security Council. 17. maj 2019. <https://news.un.org/en/story/2019/05/1038681>

<sup>10</sup> UN envoy 'encouraged' by latest talks on avoiding 'worst-case scenario' in Syria's Idlib. 16. maj 2018. <https://news.un.org/en/story/2018/05/1009912>.

*and Islamic State militants near Deir ez-Zor. The recent and contradictory announcement regarding U.S. withdrawal from Syria add to the environment of uncertainty.”<sup>11</sup>*

I indledningen til den seneste fact-finding rapport omtales situationen i Syrien som bl.a. ustabil:

*“..attention should be called to the changeable and unstable situation in Syria and the fact that the information provided may quickly become out-dated.”<sup>12</sup>*

## **Menneskerettighedssituationen i Damaskus-provinsen og generelt i Syrien**

Situationen i Damaskus-provinsen er – ligesom i resten af Syrien – kompleks. Som det bl.a. ses af nedenfor nævnte rapporter, er de syriske myndigheders tolerancetærskel i forhold til opposition lav og vilkårligheden er udbredt. Det er derfor nærmest umuligt at forudse, hvem der kan komme i risiko. Vurderingen af om en person vil være i risiko for forfølgelse eller andre alvorlige menneskerettighedskrænkelser, hvis han/hun vender tilbage til Syrien fordrer således meget stor forsigtighed.

Uanset visse forbedringer i den generelle sikkerhedssituation i Damaskus provinsen i den seneste tid, så er der grund til at være opmærksom på de mange forhold i Syrien, herunder i Damaskus provinsen, der gør sig gældende, når det skal vurderes om en person vil være i risiko for krænkelse af sine menneskerettigheder ved tilbagevenden.

Menneskerettighedssituation i Syrien er fortsat yderst problematisk. Alvoren og omfanget af krænkelse afspejles bl.a. i US State Departments rapport Country Report on Human Rights Practices 2018 – Syria fra 13. marts 2019:

*“Human rights issues included reports of unlawful or arbitrary killings by the government, including those involving the repeated use of chemical weapons, including chlorine and other substances; enforced disappearances; torture, including torture involving sexual violence; arbitrary detention; harsh and life-threatening prison conditions, including denial of medical care; prisoners of conscience; arbitrary or unlawful interference with privacy; undue restrictions on free expression, including restrictions on the press and access to the internet, including censorship and site blocking; substantial suppression of the rights of peaceful assembly and freedom of association; severe suppression of religious freedom; undue restrictions on freedom of movement; restrictions on political participation; high-level and widespread corruption; unlawful recruitment and use of child soldiers by the government and other armed actors; trafficking in persons; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; violence and severe discrimination targeting LGBTI persons; and severe restrictions on workers’ rights.”<sup>13</sup>*

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<sup>11</sup> SAWA. Unpacking Return: Syrian Refugees’ Conditions and Concerns. 6. februar 2019. p. 29. <https://reli-efweb.int/report/lebanon/unpacking-return-syrian-refugees-conditions-and-concerns-enar>.

<sup>12</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 5. [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>13</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

Human Rights Watch skriver i deres World Report 2019 – Syria fra 17. Januar 2019, at:

*“.. government forces continued to violate human rights and international humanitarian law, arbitrarily detaining and mistreating people, and imposing onerous restrictions on freedom of movement.”<sup>14</sup>*

I en rapport fra UK Foreign and Commonwealth Office fra den 5. Juni 2019, fremgår det at:

*“In areas where hostilities ceased and control returned to the regime, the security apparatus resumed its violations against civilians.”<sup>15</sup>*

Den lave tolerancetærskel og udbredte vilkårlighed afspejles også af følgende udtalelse fra COAR, refereret i den seneste fact-finding rapport:

*“The following profiles will face scrutiny when passing checkpoints: Individuals who originate from reconciled areas, former opposition activists, individuals wanted for conscription, anyone with any relation to political actors (both secular and islamists), individuals from large and famous families who are known to be in opposition to the government, and individuals who have similar names to wanted people.*

*There is not a systematic follow-up on what happens to people who face scrutiny at checkpoints. The source has anecdotal knowledge that it will often depend on the officer in charge and/or on the type of the security branch that is controlling the check point. Sometimes people are released the same day and other times it may take up to three days to have one’s situation cleared. If an individual succeeds in clearing his name from one security branch, that does not guarantee that he has succeeded in clearing his name from all lists because there is not one unified wanted lists among the different security branches. There is an internal competition among the different security service branches and therefore they do not always coordinate or communicate amongst each other.”<sup>16</sup>*

En risiko, der kan ramme bredt og helt vilkårligt, er risikoen for at blive mødt med falske anklager om fx at have været tilknyttet IS. Eller have et navn, der ligner et navn på en 'wanted list'.

En kilde citeres således i den seneste fact-finding rapport:

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<sup>14</sup> HRW. Human Rights Watch: World Report 2019 – Syria. 17. januar 2019. <https://www.ecoi.net/en/document/2002172.html>.

<sup>15</sup> Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report. 5. juni 2019. <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2018/human-rights-and-democracy-the-2018-foreign-and-commonwealth-office-report>

<sup>16</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 58 (pkt. 187-188). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerappport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerappport_om_syrien)

*".. if your neighbour has falsely accused you in your absence of being affiliated to the IS, you will be in trouble upon return."*<sup>17</sup>

Vedrørende navnesammenfald fremgår, det af samme rapport, at:

*"According to COAR Global, individuals who have similar names to wanted people will face scrutiny when passing checkpoints. Rami Abdurrahman (SOHR) noted that there have been cases of people being detained due to similarity of their names to some persons on wanted lists."*<sup>18</sup>

Også Human Rights Watch nævner ifølge rapporten risikoen forbundet med at have et navn, der minder om et navn på en eftersøgt.<sup>19</sup>

### Anholdelse og fængsling

Vilkårligheden i forhold til hvem, der kan være i risiko for anholdelser og fængsling, ses bl.a. af US State Departments rapport Country Report on Human Rights Practices 2018 – Syria fra 13. marts 2019:

*"Activists and international humanitarian organizations stated that government forces continued to conduct security raids in response to antigovernment protests. In areas under government control, security forces engaged in arbitrary arrests. For example, the SNHR reported that on June 21, government forces raided a residence in the Jaloub al Mal'ab neighborhood of Hama, arrested 11 civilians, including two women and three children, and took them to an undisclosed location. The COI reported in March that authorities continued to arrest men and boys arbitrarily at some checkpoints. Often authorities cited no reason for arresting civilians."*<sup>20</sup>

Samme billede tegner sig i Amnesty Internationals' Human rights in the Middle East and North Africa: Review of 2018 – Syria, fra 26. februar 2019, hvor det ligeledes fremgår, at antallet af fængslinger fortsat er stort og rammer bredt:

*"Security forces arrested and continued to detain tens of thousands of people, including peaceful activists, humanitarian workers, lawyers and journalists, subjecting many to enforced disappearance and torture or other ill-treatment, and causing deaths in detention."*<sup>21</sup>

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<sup>17</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 62 (pkt. 218). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>18</sup> Ibid. p. 17f.

<sup>19</sup> Ibid. p. 67 (pkt. 249).

<sup>20</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. Marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

<sup>21</sup> Amnesty International. Human rights in the Middle East and North Africa: Review of 2018 – Syria. 26. februar 2019. p. 1: <https://www.ecoi.net/en/file/local/2003684/MDE2499032019ENGLISH.pdf>.

I en artikel fra maj 2019 skriver Human Rights Watch om vilkårlige anholdelser både ved checkpoints, arbejdspladser og private hjem af personer, der opfattes som modstandere af regimet (*"..those who were perceived to oppose the government or considered as disloyal, including..*), samt at dette fortsat er et problem særligt i de nyligt generobrede områder. Videre fremgår det af artiklen:

*"To date, the Syrian government authorities continue to detain and subject tens of thousands to enforced disappearance. Their families are rarely told where their loved ones are held or whether they are still alive. ...Despite the staggering evidence of violations and the continuing devastating impact these practices have had on Syria, very little progress has been made to release arbitrarily-held detainees, provide information on the whereabouts of the disappeared and missing, and hold the actors responsible for these violations accountable. Instead, government forces and anti-government armed groups continue to arrest and abduct individuals with impunity, while families ask questions but get no answers."*<sup>22</sup>

I en rapport fra januar 2019 fra FN's Internationale Undersøgelseskommission vedrørende Syrien fremgår det under afsnittet om forholdene i de regeringskontrollerede områder, at disse områder for så vidt angår vilkårlige fængslinger, er de værste:

*"Upon securing control over Duma (Rif Dimashq), Dar'a and northern Homs government forces engendered a climate of fear through a campaign of arbitrary arrests and detention. Indeed, while arbitrary detention throughout the Syrian Arab Republic continues to be perpetrated by all parties on the ground, the phenomenon has been most pervasive since 2011 in areas under government influence. During the reporting period, activists, civil defence volunteers, conscript deserters, recent returnees and others generally perceived to be opposition supporters were the most likely to be detained arbitrarily."*<sup>23</sup>

Et af de forhold, som bidrager til vilkårlighed og uforudsigelighed, er de forskellige sikkerhedstjenesters lister over eftersøgte personer 'wanted lists'. Navnene på disse 'wanted lists' koordineres ikke nødvendigvis mellem de forskellige sikkerhedstjenester – en person kan fx være blevet slettet på den ene liste men fortsat figurere på en anden liste. Flere kilder omtaler ifølge den seneste fact-finding rapport disse lister og den manglende koordinering mellem de forskellige sikkerhedstjenester.<sup>24</sup>

New York Times skriver i en omfattende rapport fra maj 2019 om hemmelige fængsler, forsvindinger og tortur af en karakter og et omfang, så FN har kaldt det 'udryddelse' og henviser til en fortsat stigning i antallet af arrestationer, tortur og henrettelser.

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<sup>22</sup> Human Rights Watch. Syria: Tell Families of Missing the Fate of Loved Ones. 13. maj 2019.

<https://www.hrw.org/news/2019/05/13/syria-tell-families-missing-fate-loved-ones>.

<sup>23</sup> Human Rights Council. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic. 31. januar 2019. pkt. 73. [https://www.ecoi.net/en/file/local/2003613/A\\_HRC\\_40\\_70.pdf](https://www.ecoi.net/en/file/local/2003613/A_HRC_40_70.pdf).

<sup>24</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 15. [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

*“As Syria’s president, Bashar al-Assad, closes in on victory over an eight-year revolt, a secret, industrial-scale system of arbitrary arrests and torture prisons has been pivotal to his success. While the Syrian military, backed by Russia and Iran, fought armed rebels for territory, the government waged a ruthless war on civilians, throwing hundreds of thousands into filthy dungeons where thousands were tortured and killed. Nearly 128,000 have never emerged, and are presumed to be either dead or still in custody, according to the Syrian Network for Human Rights, an independent monitoring group that keeps the most rigorous tally. Nearly 14,000 were “killed under torture.” Many prisoners die from conditions so dire that a United Nations investigation labeled the process “extermination.”*

*Now, even as the war winds down, the world’s attention fades and countries start to normalize relations with Syria, the pace of new arrests, torture and execution is increasing.*

..

*Detainees have recently smuggled out warnings that hundreds are being sent to an execution site, Saydnaya Prison, and newly released prisoners report that killings there are accelerating.”<sup>25</sup>*

#### Familiemedlemmer til eftersøgte

Familiemedlemmer til eftersøgte personer kan være i risiko for at blive tilbageholdt ved checkpoints. Det fremgår bl.a. af US State Departments rapport Country Report on Human Rights Practices 2018 – Syria fra 13. marts 2019, at:

*“Reports continued of security services arresting relatives of wanted persons to pressure individuals to surrender.”<sup>26</sup>*

Tilsvarende skriver Human Rights Watch i en artikel fra 21. maj 2019:

*“In three cases, relatives were detained and/or harassed by intelligence branch members to gain information about their wanted family member or to force that family member to return.”<sup>27</sup>*

Se i øvrigt vedrørende familiemedlemmer til personer i opposition til de syriske myndigheder under Særlige risikoprofiler afsnit 1.

#### Personer, der vender tilbage efter at være flygtet fra Syrien

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<sup>25</sup> New York Times. Inside Syria’s Secret Torture Prisons: How Bashar al-Assad Crushed Dissent. Maj 2019. <https://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-prisons.html?action=click&module=News&pgtype=Homepagehttps://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-prisons.html?action=click&module=News&pgtype=Homepage>

<sup>26</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

<sup>27</sup> Human Rights Watch. Syria: Detention, Harassment in Retaken Areas. 21. maj 2019. <https://www.hrw.org/news/2019/05/21/syria-detention-harassment-retaken-areas>



Dertil kommer den store usikkerhed omkring den mulige risiko for personer, der sendes tilbage til Syrien.

Både UNHCR, EU og FN har udtalt, at forholdene i Syrien fortsat ikke findes gode nok til at syrerne kan vende hjem.

UNHCR anmodede i november 2017 om et moratorium vedrørende tvungen tilbagesendelse til Syrien:

*“As all parts of Syria are reported to have been affected, directly or indirectly, by one or multiple conflicts, UNHCR calls on states not to forcibly return Syrian nationals and former habitual residents of Syria, including Palestinians previously residing in Syria..”<sup>28</sup>*

Den 23. marts 2019 udtalte Henrik Nordentoft, Regional Repræsentant for UNHCR, i en artikel på UNHCRs danske hjemmeside, at;

*“.. efter UNHCR’s vurdering er der ingen tvivl: Forholdene i Syrien er på nuværende tidspunkt endnu ikke tilstrækkeligt sikre, trygge og bæredygtige til, at syrerne kan vende hjem.”<sup>29</sup>*

På en EU-konference ligeledes i marts måned 2019 blev det tilsvarende konkluderet, at:

*“The co-chairs and the donor community concurred, however, that conditions inside Syria do not lend themselves to the promotion or facilitation of organised voluntary returns in conditions of safety and dignity in line with international law.”<sup>30</sup>*

FN’s Undersøgelseskommission vedrørende Syrien udtalte i februar 2019:

*“Beyond clashes, seven years of prolonged hostilities have generated numerous security vacuums, elevating the risk of both continued violence in many areas and impunity for serious human rights violations. The three Commissioners emphasised that the scope and scale of violations create extensive barriers to safe and sustainable return.*

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<sup>28</sup> UNHCR: International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. November 2017. p. 70. <https://www.refworld.org/pdfid/59f365034.pdf>.

<sup>29</sup> UNHCR: Syrien er for farligt at vende hjem til. 23. marts 2019. <https://www.unhcr.org/neu/dk/25091-unhcr-syrien-er-for-farligt-at-vende-hjem-til.html>.

<sup>30</sup> EU-Rådet. Pressemeddelelse. Brussels III Conference on 'Supporting the future of Syria and the region': co-chairs declaration. 14. marts 2019. Pkt. 21. <https://www.consilium.europa.eu/da/press/press-releases/2019/03/14/brussels-iii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>.

*On-going violations by all sides – coupled with the destruction of vital infrastructure, lack of effective service provision and civil documentation – have created conditions that render the possibility for safe and sustainable return completely illusory,” said Commissioner Karen AbuZayd.”<sup>31</sup>*

The Washington Post skriver i en artikel fra 2. juni 2019, om anholdelser og afhøringer af tilbagevendte syriere, der bl.a. udsættes for tortur og tvinges til at give oplysninger om deres familiemedlemmer:

*“A recent survey of Syrians who returned to government-held areas found that about 75 percent had been harassed at checkpoints, in government registry offices or in the street, conscripted into the military despite promises they would be exempted, or arrested.*

*“According to our data, you are the exception if nothing happens to you,” said Nader Othman, a trustee with the Syrian Association for Citizens’ Dignity, which said it had interviewed 350 returnees across Syria. “One of our most important takeaways is that most of those people who came back had thought that they were cleared by the regime. They thought their lack of opposition would protect them.”.<sup>32</sup>*

Videre beretter artiklen om en ung mand, der trods forudgående tjek og betaling af bestikkelse, blev anholdt og udsat for tortur, da han vendte tilbage til Syrien:

*“Hassan, 30, left his home in the western province of Homs in 2013. Before returning at the end of last year, he secured what he believed were guarantees for his safety after paying a large bribe to a high-ranking security official.*

*But officers from the state security directorate met him at the airport and took him for interrogation. “They knew everything — what I’d done abroad, which cafes I’d sat in, even the time I had sat with opposition supporters during football matches,” he recalled.*

*A week later, he was arrested during a visit to a government registry office and taken to a nearby police station. In a dingy room, officers took turns beating and questioning him, he said, accusing him of ferrying ammunition for an armed opposition group inside Syria in 2014.*

*“I kept telling them that they knew I wasn’t in the country then,” he said. “All they did was ask me for money and tell me that it was the way to my freedom.”*

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<sup>31</sup> UN Commission of Inquiry on Syria: Continued hostilities and lawlessness countrywide render safe and sustainable returns impossible. 28. februar 2019. <https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>

<sup>32</sup> The Washington Post. Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation. 2. juni 2019. [https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef\\_story.html?utm\\_term=.06f123248a1f](https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef_story.html?utm_term=.06f123248a1f).

*At one point, he said, the guards dragged in a young woman he had never met. "They beat her with a water pipe until she screamed, [then] told me they would do the same if I didn't cooperate," Hassan said.*

*He said he was released at the end of January after relatives paid another bribe, this time \$7,000."<sup>33</sup>*

Også organisationen SAWA finder, at det for de fleste syriske flygtninge fortsat er for usikkert at vende tilbage.

*"Even in areas where the security situation has stabilized, Syrian refugees have well-founded fears about their physical protection if they were to return to Syria. Overall, it is not safe for many Syrian refugees to return given persistent and well-documented protection concerns such as extrajudicial killings and forced disappearances, forced conscription, refusal of entry at the border, movement restrictions, extortion, kidnappings, and gender-based violence including rape and sexual assault."<sup>34</sup>*

Flere kilder nævner ifølge den seneste fact-finding rapport at tilbagevenden, i al fald fra nabolandene, har krævet en form for forudgående sikkerhedstjek foretaget af de syriske myndigheder. Flere kilder nævner at både russerne og Hizbollah har været involveret i processen omkring tilbagevenden fra nabolandene.<sup>35</sup> En enkelt af kilderne bemærker desuden, at Facebook og aktiviteter på sociale medier er nogle af de ting, der er blevet tjekket i forbindelse med sikkerhedsgodkendelsen forud for tilbagevenden.<sup>36</sup>

En General fra Immigration and Passports Department udtaler ifølge den seneste fact-finding rapport, at illegal udrejse ikke længere straffes. Modsat dette oplyser en advokat ifølge samme rapport, at illegal udrejse fortsat straffes, men henviser samtidig til et administrativt cirkulære, der beskriver proceduren for hvordan personer kan søge om en erklæring, der sikrer dem mod straf for illegal udrejse.<sup>37</sup>

I forbindelse med en beskrivelse af den syriske lovgivning vedrørende udrejse af landet skriver UNHCR i deres rapport fra februar 2017, at:

*"However, in the context of the conflict in Syria, laws are reported to be implemented in an arbitrary and unpredictable manner. Moreover, border authorities may be given internal instructions about which no information is available publically."<sup>38</sup>*

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<sup>33</sup> Ibid.

<sup>34</sup> SAWA. Unpacking Return: Syrian Refugees' Conditions and Concerns. 6. februar 2019. p. 29. <https://relefweb.int/report/lebanon/unpacking-return-syrian-refugees-conditions-and-concerns-enar>.

<sup>35</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 40 (pkt. 46), p. 59 (pkt. 197), p. 63 (pkt. 224). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentlig-goer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentlig-goer_landerapport_om_syrien)

<sup>36</sup> Ibid. p. 59 (pkt. 198).

<sup>37</sup> Ibid. p. 19.

<sup>38</sup> UNHCR: Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria. Februar 2017. p. 2. <https://www.refworld.org/docid/58da824d4.html>.

En General fra Immigration and Passports Department udtaler videre ifølge den seneste fact-finding rapport, at syrere, der har søgt asyl i andre lande, ikke retsforfølges eller anholdes. Dette bekræftes tilsyneladende kun af en enkelt af rapportens øvrige kilder.<sup>39</sup>

I februar i år skrev Foreign Policy om syriske flygtninge, som forsvandt efter at være vendt frivilligt tilbage fra Tyskland. Den ene efter at være blevet indkaldt til afhøring hos den lokale efterretningsafdeling, herefter tilsyneladende fængslet og siden ikke hørt fra. Den anden blev angiveligt tilbageholdt nær grænsen. Ingen ved hvad der senere er blevet af ham.<sup>40</sup> Videre skriver Foreign Policy:

*“Thousands of Syrian citizens have simply disappeared into the regime’s prison system, with no record of their fate or whereabouts, since the start of the war, and returning refugees are especially vulnerable to such harsh treatment. Some of those now living as refugees took part in protests or are suspected of being rebels. Some have relatives who were, even if they themselves were not. The regime has also indicated that it regards the very act of leaving the country as grounds for suspicion.”<sup>41</sup>*

Syrian Observatory oplyser i en artikel fra november 2018, at mere end 700 tilbagevendte flygtninge fra nabolandene var blevet anholdt siden den foregående måned:

*“The UK-based Syrian Observatory for Human Rights (SOHR) on Friday said that more than 700 repatriates have been arrested since October, after returning to government-held parts of the country. It said that the returnees were mostly from Lebanon, Jordan, Turkey and other countries in the region. Of the 700, only 230 remain detained, the monitoring group said, explaining that most had been released after brief detention.*

*The reason behind their arrest was not immediately clear, but the Syrian government has been known to detain people on charges of assisting or supporting rebel groups. Relatives of rebel sympathizers have also been detained in the past as a pressure tactic.*

*Lebanon’s minister of refugee affairs confirmed to the National on Sunday that his office has received reports of Syrians being detained after returning to government-held parts of Syria from Lebanon, but said that he could not detail how many.”<sup>42</sup>*

I følge den seneste fact-finding rapport udtaler en kilder, at:

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<sup>39</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 20. [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>40</sup> Foreign Policy: A Deadly Welcome Awaits Syria’s Returning Refugees. 6. februar 2019. [https://foreign-policy.com/2019/02/06/a-deadly-welcome-awaits-syrias-returning-refugees/?utm\\_source=ECRE+Newsletters&utm\\_campaign=89ccbcc72a-EMAIL\\_CAMPAIGN\\_2019\\_03\\_01\\_02\\_13&utm\\_medium=email&utm\\_term=0\\_3ec9497afd-89ccbcc72a-420527849](https://foreign-policy.com/2019/02/06/a-deadly-welcome-awaits-syrias-returning-refugees/?utm_source=ECRE+Newsletters&utm_campaign=89ccbcc72a-EMAIL_CAMPAIGN_2019_03_01_02_13&utm_medium=email&utm_term=0_3ec9497afd-89ccbcc72a-420527849).

<sup>41</sup> Ibid.

<sup>42</sup> Syrian Observatory for Human Rights: Activists accuse Syrian Government of arresting returnees. 18. november 2018. <http://www.syriahr.com/en/?p=106923>.

*“Between 10-15 % of the Syrians who have returned from Lebanon have been detained for one hour and up to some days as the Syrian authorities ask questions about their activities and affiliation to opposition groups, however, the majority has been released. The source has information about 38 men who are still detained.”<sup>43</sup>*

Af den seneste fact finding rapport fremgår det desuden, at det kan afhænge af den enkelte officer, om man får problemer eller ej:

*“Syrians who have lived abroad, for instance in Denmark or the UK, during the war may or may not face difficulties upon return depending on the officer in charge as the regime does not have a clear strategy on return. If for instance the officer in charge is very pro-government and thus take someone’s absence during the war very personally.”<sup>44</sup>*

Den samme kilde udtaler ifølge rapporten desuden følgende, hvoraf det må udledes at selv en person, der karakteriseres som 'low profile', risikerer at skulle betale bestikkelse på 5.000 dollars eller mere for at undgå problemer:

*“Low-profile persons, who have left Syria illegally, would not face difficulties upon return to Syria, particularly if they pay bribe. Corruption is widespread among the different security branches, so unless you are a high-profile person, you can clear your issues with the authorities by paying bribe to the security services. However, the price is high and you must pay at least 5.000 USD to clear your issue.”<sup>45</sup>*

Som refereret ovenfor nævner FN’s Internationale Undersøgelseskommision vedrørende Syrien, nyligt tilbagevendte syrere, som en gruppe, der risikerer vilkårlig fængsling:

*“During the reporting period.. recent returnees and others generally perceived to be opposition supporters were the most likely to be detained arbitrarily.”<sup>46</sup>*

Det fremgår af den seneste fact-finding rapport, at mulighederne for monitorering af situationen for tilbagevendte syrere hidtil har været begrænset.<sup>47</sup> Det er desuden kun få personer, der endnu er vendt tilbage fra Europa.<sup>48</sup> Der er således begrænset viden generelt om situationen for syrere, der er vendt tilbage, og særligt

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<sup>43</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 63 (pkt. 222). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>44</sup> Ibid. p. 62 (pkt. 219). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>45</sup> Ibid. p. 63 (pkt. 225).

<sup>46</sup> Human Rights Council. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic. 31. januar 2019. pkt. 73. [https://www.ecoi.net/en/file/local/2003613/A\\_HRC\\_40\\_70.pdf](https://www.ecoi.net/en/file/local/2003613/A_HRC_40_70.pdf).

<sup>47</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 40 (pkt. 45), p. 49 (pkt. 123). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>48</sup> Ibid. p. 39f (pkt. 42ff), p. 63 (pkt. 221).

begrænset viden om situationen for syrere, der er vendt tilbage fra Europa. En kilde oplyser i øvrigt til rapporten, at der kun er få personer, der er vendt tilbage til Damaskus.<sup>49</sup>

## Særlige risikoprofiler

Afsnittet bør læses i tæt sammenhæng med det foregående afsnit om den generelle menneskerettighedssituation i Syrien. Underafsnittene om de enkelte risikoprofiler hænger i vidt omfang også indbyrdes sammen og bør læses som sådan.

1. Personer tilknyttet oprørsgrupper (eller personer, der opfattes som værende tilknyttet oprørsgrupper) eller på anden vis er i opposition til de syriske myndigheder, samt familiemedlemmer til disse

Personer, der har været tilknyttet oprørsgrupper eller på anden vis er profilerede modstandere af det syriske regime er helt oplagte risikoprofiler.

Ifølge den seneste fact-finding rapport udtaler en advokat fra Damaskus:

*“Well-known political or military opponents will not return to Syria as they know that they would immediately be arrested. These individuals will be under suspicion until proven otherwise and the security services are prepared to arrest such persons if they return”.*<sup>50</sup>

Ligeledes i US State Departments rapport fra 13. marts 2019:

*“Human rights activists, the COI, and local NGOs, however, reported thousands of credible cases of government authorities engaging in frequent torture and abuse to punish perceived opponents, including during interrogations. Observers reported most cases of torture or mistreatment occurred in detention centers operated by each of the government’s security service branches. Human Rights Watch (HRW) and the COI reported regular use of torture against perceived government opponents at checkpoints and government facilities run by the Air Force, Political Security Division, General Security Directorate, and Military Intelligence Directorate.”*<sup>51</sup>

Som det fremgår af det foregående afsnit, er brutaliteten og vilkårligheden stor, mens tolerancen overfor modstand er lille hos det syriske regime. At man ikke behøver være højt profileret modstander af regimet for at komme i risiko, og for at ens familie kan komme i risiko fremgår af adskillige rapporter, herunder bl.a. de følgende.

Ifølge den seneste fact-finding rapport udtaler Sara Kayyali fra Human Rights Watch:

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<sup>49</sup> Ibid. p. 63 (pkt. 222.)

<sup>50</sup> Ibid. p. 36 (pkt. 20).

<sup>51</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

*“..following factors may have an impact on the treatment a person receives upon return...2) involvement of the returnee or a family member (also non-immediate family members) in anti-government activities (protest or any other dissident activities)...”<sup>52</sup>*

Øvrige kilder udtaler ligeledes ifølge rapporten, at alene mistanke om tilknytning eller forbindelse til oppositionsgrupper kan føre til øget opmærksomhed, problemer og risiko for tilbageholdelse ved checkpoints.<sup>53</sup>

UNHCR skriver i deres rapport fra februar 2017:

*“.. inhabitants of Syria who hold, or who are perceived to hold, an anti-government political opinion in the broadest sense are considered to be at risk of (have a “well-founded fear” of) persecution at the hands of the government.” Og uddyber: “In determining what constitutes political dissent, the government is reported to apply very broad criteria: any criticism, opposition or even insufficient loyalty to the government expressed in any way or form – peaceful or violent, organized or spontaneous, as part of a political party, armed group or at an individual level, virtual (on the internet) or on the battlefield – has reportedly resulted in serious repercussions for the individual.”<sup>54</sup>*

I november 2017 skriver UNHCR:

*“Numerous members of political opposition parties, persons who had participated in protests against the government, .. and others who might be perceived as holding antigovernment views have reportedly been subjected to travel bans, expropriation and destruction of private property, forced displacement, arbitrary arrest and incommunicado detention, torture and other forms of ill-treatment, and summary or extrajudicial execution. An individual’s real or perceived political opposition is reportedly also frequently attributed to those around him/her, including family members, neighbours and colleagues.”<sup>55</sup>*

Vedrørende risikoen for familiemedlemmer fremgår det desuden af US State Departments rapport fra 13. marts 2019:

*“There continued to be a significant number of reports of abuse of children by the government. The COI noted regular reports of detention and torture of children younger than age 13, in some cases as young as 11, in government detention facilities. Officials reportedly targeted and tortured children because of their familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups... According to reliable witnesses, authorities continued to hold a number of children to compel parents and other relatives associated with opposition fighters to surrender to authorities.*

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<sup>52</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 67 (pkt. 249). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

<sup>53</sup> Ibid. p. 16f.

<sup>54</sup> UNHCR: Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria. Februar 2017. p. 7. <https://www.refworld.org/docid/58da824d4.html>.

<sup>55</sup> UNHCR: International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. November 2017.p. 35f. <https://www.refworld.org/pdfid/59f365034.pdf>.

*The government reportedly punished large numbers of family members for offenses allegedly committed by their relatives, as indicated in the March COI report. In May a report by Urnammu included the example of a fighter from Idlib; government forces arrested his mother (Bahia) in 2012, as well as his sister (Misa) and 15-year-old nephew (Salim) in 2015, to pressure him to surrender; the three family members remained in detention as of May.*<sup>56</sup>

Amnesty International omtaler i deres Syrien rapport fra 26. februar 2019 ligeledes risikoen for at familiemedlemmer fængsles i stedet for den person, der er eftersøgt af myndighederne:

*“Syrian security forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance. Tens of thousands of people remained disappeared, the majority since 2011. They included ... individuals detained in place of relatives wanted by the authorities.”*<sup>57</sup>

Risikoen for familiemedlemmer omtales også i en rapport fra januar i år fra FN’s Internationale Undersøgelseskommission vedrørende Syrien:

*“Women with familial ties to opposition fighters or defectors were similarly detained for intelligence-gathering purposes or retribution.”*<sup>58</sup>

I forhold til graden af de syriske myndigheders overvågning af bl.a. internettet, fremgår det bl.a. af UNHCRs rapport fra februar 2017:

*“The Government reportedly monitors mail, online activities and political meetings. The Government has been reported to use equipment to intercept communications, install spying software onto activists’ personal computers, block text messages, and track mobile and satellite telephones. Online surveillance has reportedly led to the arbitrary arrest, incommunicado detention, torture and killing of numerous political dissidents, activists, citizen journalists and others. Countless people have reportedly been arrested for using social media to share, “like” or comment on a photo or video supporting the anti-government protests or uprising.*

...

*Following the outbreak of anti-government protests in March 2011, it has been reported that Syrians engaged in such protests abroad have systematically been monitored, intimidated and at times physically*

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<sup>56</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

<sup>57</sup> Amnesty International. Human rights in the Middle East and North Africa: Review of 2018 – Syria. 26. februar 2019. p. 4: <https://www.ecoi.net/en/file/local/2003684/MDE2499032019ENGLISH.pdf>

<sup>58</sup> Human Rights Council. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic. 31. januar 2019. pkt. 73. [https://www.ecoi.net/en/file/local/2003613/A\\_HRC\\_40\\_70.pdf](https://www.ecoi.net/en/file/local/2003613/A_HRC_40_70.pdf).



*attacked by Syrian embassy personnel and others believed to be acting on behalf of the Syrian government. When Syrians engage in protests or related activities abroad, remaining family members in Syria have reportedly been interrogated, threatened through phone calls, e-mails and Facebook messages, arrested, physically abused or even killed”*<sup>59</sup>

Ligeledes fremgår det af US State Departments rapport fra 13. marts 2019:

*“The government continued to open mail addressed to both citizens and foreign residents and routinely monitored internet communications, including email.”* Og videre samme sted: *“The government often monitored internet communications, including email; it interfered with and blocked internet service, SMS messages, and two-step verification messages for password recovery or account activation. The government employed sophisticated technologies and hundreds of computer specialists for filtering and surveillance purposes such as monitoring email and social media accounts of detainees, activists, and others. The government did not attempt to restrict the security branches’ monitoring and censoring of the internet.”*<sup>60</sup>

Freedom House skriver i en rapport fra november 2018:

*“Despite relative improvements to access, Syria remains one of the most dangerous places to use the internet in the world... A 2014 report by Kaspersky Labs revealed that some 10,000 victims’ computers had been infected with RATs in Syria, as well as in other Middle Eastern countries and the United States. The attackers sent messages via Skype, Facebook, and YouTube to dupe victims into downloading surveillance malware. One file was disguised as a spreadsheet listing the names of activists and “wanted” individuals.”*<sup>61</sup>

Som nævnt ovenfor oplyser en kilde ifølge den seneste fact-finding rapport, at Facebook og aktiviteter på sociale medier er nogle af de ting, der tjekkes i forbindelse med sikkerhedsgodkendelsen forud for tilbagevenden til Syrien.<sup>62</sup>

2. Personer, der kommer fra eller har tætte relationer i områder, der tidligere har været kontrolleret af oppositionen.

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<sup>59</sup> UNHCR: Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria. Februar 2017. p. 10. <https://www.refworld.org/docid/58da824d4.html>.

<sup>60</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

<sup>61</sup> Freedom House. Freedom on the Net 2018 – Syria. 1. november 2018. <https://www.ecoi.net/en/document/2001025.html>.

<sup>62</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 59 (pkt. 198). [https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us\\_offentliggoer\\_landerapport\\_om\\_syrien](https://nyidanmark.dk/da/News%20Front%20Page/2019/02/us_offentliggoer_landerapport_om_syrien).

Det fremgår bl.a. af den seneste fact-finding rapport, at personer, der stammer fra eller har boet i tidligere oppositionskontrollerede områder, risikerer problemer ved checkpoints.<sup>63</sup> Familiemedlemmer til disse risikerer ligeledes at få problemer ved checkpoints.<sup>64</sup>

To kilder udtaler ifølge nævnte rapport, at alene det forhold, at man har kommunikeret med personer i oprørskontrollerede områder, kan medføre risiko for anholdelse ved checkpoints.<sup>65</sup>

Human Rights Watch skriver i en artikel fra maj i år om vilkårlige anholdelser af personer fra generobrede områder, herunder Ghouta og det sydlige Damaskus, samt tilfælde af chikane og/eller anholdelse af familiemedlemmer:

*“Syrian intelligence branches are arbitrarily detaining, disappearing, and harassing people in areas re-taken from anti-government groups, Human Rights Watch said today. The abuse is taking place even when the government has entered into reconciliation agreements with the people involved.*

*Human Rights Watch has documented 11 cases of arbitrary detention and disappearance in Daraa, Eastern Ghouta, and southern Damascus. The government retook these areas from anti-government groups between February and August 2018. In all cases, the people targeted – former armed and political opposition leaders, media activists, aid workers, defectors, and family members of activists and former anti-government fighters – had signed reconciliation agreements with the government. Local organizations, including Syrians for Truth and Justice and the Office of Daraa Martyrs, have documented at least 500 arrests in these areas since August.*

...

*In at least one case, authorities transferred the person to Sadnaya prison, which is known for torture and extrajudicial executions. In three cases, relatives were detained and/or harassed by intelligence branch members to gain information about their wanted family member or to force that family member to return.”<sup>66</sup>*

UNHCR skriver i februar 2017:

*“Reports indicate that the government generally considers civilians living in or originating from locations that have seen popular protests and/or have a presence of, or have (even temporarily) fallen under control of anti-government armed groups, to be associated with the armed opposition. These civilians are thus considered by the government to be opposing it. According to reports, this is part of a broader policy whereby civilians are targeted by association, on account of being present in or originating from an area considered to be opposing the government and/or supporting anti-government armed groups. Reports*

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<sup>63</sup> Ibid. p. 16.

<sup>64</sup> Ibid p. 16.

<sup>65</sup> Ibid. p. 17

<sup>66</sup> Human Rights Watch. Syria: Detention, Harassment in Retaken Areas. 21. Maj 2019. <https://reliefweb.int/report/syrian-arab-republic/syria-detention-harassment-retaken-areas-enar>

*describe that the government seeks to erode popular support for anti-government armed groups by punishing civilians for their real or perceived opposition to the government and by making life unbearable in areas under the control of these groups. Civilians in these locations are reportedly subjected to a variety of punitive measures, including arrests, torture, sexual violence, and extra-judicial executions committed by government and pro-government forces during ground incursions, house searches and at checkpoints.*<sup>67</sup>

FN's Internationale Undersøgelseskommision vedrørende Syrien skriver i en rapport fra januar i år, at:

*"Individuals known to be in contact with relatives or friends living in areas under opposition control were also arrested, including in eastern Ghouta."*<sup>68</sup>

### 3. Hjælpearbejdere og sundhedspersonale

Human Rights Watch fremhæver i en artikel fra maj i år læger og hjælpearbejdere, som mulige risikoprofil:

*"The Syrian government targeted those who were perceived to oppose the government or considered as disloyal, including.. doctors and humanitarian aid workers. Government forces arbitrarily detained such people.."*<sup>69</sup>

Udførelse af humanitære opgaver i områder under oprørernes kontrol kan være med til at bringe en person i risiko.

Christopher Kozak, Institute for the Study of War udtaler ifølge den seneste fact-finding rapport:

*"Finally, there have been arrest campaigns in Eastern Ghouta focused on medical or humanitarian personnel as well as other individuals that are affiliated with opposition governance efforts - not just individuals affiliated with armed opposition groups in former opposition-held areas."*<sup>70</sup>

Ifølge samme rapport udtaler Sara Kayyali, Syria Researcher fra Human Rights Watch:

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<sup>67</sup> UNHCR: Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria. Februar 2017. p. 14. <https://www.refworld.org/docid/58da824d4.html>.

<sup>68</sup> Human Rights Council. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic. 31. januar 2019. pkt. 74. [https://www.ecoi.net/en/file/local/2003613/A\\_HRC\\_40\\_70.pdf](https://www.ecoi.net/en/file/local/2003613/A_HRC_40_70.pdf).

<sup>69</sup> Human Rights Watch. Syria: Tell Families of Missing the Fate of Loved Ones. 13. maj 2019. <https://www.hrw.org/news/2019/05/13/syria-tell-families-missing-fate-loved-ones>

<sup>70</sup> Syria - Security Situation in Damascus Province and Issues Regarding Return to Syria. Rapport fra februar 2019. p. 54 (pkt. 159). [file:///C:/Users/dorte/Downloads/Syrien\\_FFM\\_rapport\\_2019\\_Final\\_31012019%20\(3\).pdf](file:///C:/Users/dorte/Downloads/Syrien_FFM_rapport_2019_Final_31012019%20(3).pdf)

*“..following factors may have an impact on the treatment a person receives upon return... being a part of an NGO inside or outside of Syria (humanitarian NGOs, human rights NGOs, media NGOs etc., particularly those that operated in non-government held Syria)”<sup>71</sup>*

På linje hermed fremgår det af US State Departments rapport Country Report on Human Rights Practices 2018 – Syria, fra 13. marts 2019:

*“HRW reported the government continued to use counterterrorism law to arrest and convict nonviolent activists on charges of aiding terrorists in trials that violated basic due process rights. Although authorities reportedly 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.”*

Tilsvarende skriver Amnesty International i deres rapport fra 26. februar 2019:

*“Security forces arrested and continued to detain tens of thousands of people, including.. humanitarian workers .. subjecting many to enforced disappearance and torture or other ill-treatment, and causing deaths in detention.”<sup>72</sup>*

I en artikel fra CARE fra 15. august 2018 beskrives Syrien som et af de farligste steder i verden for hjælpearbejdere:

*“Over the years, aid workers have become a target in Syria. Though they are at the forefront of the humanitarian response, and deliver vital help to civilians in need, warring parties don’t hesitate to kill, arrest, and detain aid workers,”<sup>73</sup>*

Vedrørende risikoen for sundhedspersonale skriver Physicians for Human Rights i en artikel fra maj:

*“Medical professionals are often on the front lines in conflict situations, propping up civilian communities suffering from violence, abuse, and deprivation. Nowhere has this been truer than in Syria. But in a context where the targeting of civilians has played such a prominent role in the prosecution of the war, medical professionals have all too often been violently prevented from carrying out their duties through persecution, torture, and killings.*

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<sup>71</sup> Ibid. p. 67 (pkt. 249).

<sup>72</sup> Amnesty International. Human rights in the Middle East and North Africa: Review of 2018 – Syria. 26. februar 2019. p. 1. <https://www.ecoi.net/en/file/local/2003684/MDE2499032019ENGLISH.pdf>.

<sup>73</sup> CARE. Syria tops the list of deadliest places for aid workers for the second consecutive year. 15. August 2018. <https://reliefweb.int/report/world/syria-tops-list-deadliest-places-aid-workers-second-consecutive-year>.

*As first responders, medical personnel also see up close the wounds and evidence of violence and torture in their patients. Persecution of medical professionals is often part of oppressive governments' intentional strategies of silencing these powerful witnesses.*

...

*Throughout the conflict in Syria, the Syrian government has systematically targeted medical facilities and personnel, killing doctors, nurses, and others as they care for the sick and injured in hospitals, clinics, and in the field. Health professionals have also been arrested, disappeared, imprisoned, tortured, and executed – often for upholding their professional commitment to treat all patients, regardless of political affiliation. PHR has documented the deaths of 890 medical personnel from the start of the conflict in 2011 through December 2018.”<sup>74</sup>*

#### 4. Risiko for kvinder, herunder æresrelaterede overgreb

Allerede før konflikten var vold mod kvinder indenfor hjemmets fire vægge udbredt og almindeligt accepteret. Under konflikten har vold mod kvinder, herunder seksuel vold, været systematisk anvendt.

UK Foreign and Commonwealth Office skriver i en rapport fra 5. Juni 2019:

*“Women continued to be disproportionately affected by the conflict, including through displacement, and sexual violence. Many female-headed households faced particular challenges since women are not permitted to own or inherit property. As a consequence, they faced difficulties in accessing services, livelihoods, and the legal system.”<sup>75</sup>*

Om den omfattende anvendelse af kønsrelateret vold i den syriske konflikt skriver Pramila Patten, UN Special Representative on Sexual Violence in Conflict i marts 2018:

*“The Commission of Inquiry finds that the Syrian Government and associated militias used rape and other forms of sexual violence as part of a widespread and systematic attack against the civilian population of Syria in order to cause maximum “terror and humiliation to the population” and “to target civilians broadly perceived as associated with the opposition.””<sup>76</sup>*

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<sup>74</sup> [Physicians for Human Rights](https://reliefweb.int/report/syrian-arab-republic/medical-personnel-are-targeted-syria-0). Medical Personnel Are Targeted in Syria. 14. maj 2019. <https://reliefweb.int/report/syrian-arab-republic/medical-personnel-are-targeted-syria-0>

<sup>75</sup> Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report. 5. juni 2019. <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2018/human-rights-and-democracy-the-2018-foreign-and-commonwealth-office-report>.

<sup>76</sup> UN Special Representative on Sexual Violence in Conflict, Pramila Patten, Condemns the Use of Rape and Other Forms of Conflict-Related Sexual Violence Committed in Syria. 15 marts 2018. <https://www.un.org/sexualviolencein-conflict/press-release/un-special-representative-on-sexual-violence-in-conflict-pramila-patten-condemns-the-use-of-rape-and-other-forms-of-conflict-related-sexual-violence-committed-in-syria/>

UNHCR skriver blandt andet i Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, fra November 2017:

*“The situation of women is severely affected by the ongoing conflict as they are increasingly exposed to a range of human rights violations by different parties to the conflict on the basis of their gender. Women have reportedly been targeted for arbitrary arrest, incommunicado detention, abduction, torture and sexual violence as well as execution for their real or perceived support for or affiliation with a party to the conflict, including on account of their own political views or activities, their family links, religious or ethnic identity, or their place of residency or origin. Both government and anti-government armed groups are reported to have used women as bargaining chips in hostage exchanges.*

*Women and girls reportedly also face specific forms or manifestations of persecution. According to reports, sexual violence has been systematically used throughout the conflict, including as a weapon of war. The occurrence of other forms of gender-based violence (GBV), including domestic violence, “honour crimes”, early and forced marriages, as well as trafficking for the purpose of sexual exploitation and forced prostitution, is reportedly widespread and has “normalized” after years of conflict.”<sup>77</sup>*

UNHCR skriver endvidere, at en række kategorier af syriske kvinder højst sandsynligt har behov for international beskyttelse, i visse tilfælde som medlemmer af en særlig socialgruppe.<sup>78</sup>

Hustruvold er ikke kriminaliseret, voldtægt af en ægtefælle er specifikt undtaget fra den syriske straffelovs definition på voldtægt, og når vold er ’æresrelateret’, kan straffen nedsættes.<sup>79</sup>

Af US State Departments rapport Country Report on Human Rights Practices 2018 – Syria fra 13. marts 2019, fremgår det, at:

*“The law does not specifically prohibit domestic violence, but it stipulates that men may discipline their female relatives in a form permitted by general custom. According to a November 2017 UNFPA report, violence against women and children was pervasive and increasing due to conflict and the lack of economic opportunity for men. Victims did not report the vast majority of cases. Security forces consistently treated violence against women as a social rather than a criminal matter. Observers reported that when some abused women tried to file a police report, police did not investigate their reports thoroughly, if at all, and that in other cases police officers responded by abusing the women...*

*The law permits judges to reduce penalties for murder and assault if the defendant asserts an “honor” defense, which often occurred. The government kept no official statistics on use of this defense in murder and assault cases and reportedly rarely pursued prosecution of so-called honor crimes. There were no*

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<sup>77</sup> UNHCR. International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. November 2017. p. 59f. <https://www.refworld.org/docid/59f365034.html>

<sup>78</sup> UNHCR 2017. p. 63.

<sup>79</sup> Ibid. p. 60 (note 334), p. 61 (note 335).

*officially reported honor killings during the year, but UNFPA reported in November 2017 that honor killings increased since the onset of the crisis in 2011 due to increased sexual violence and lawlessness.*<sup>80</sup>

Tilsvarende fremgår det af en rapport fra World Bank fra 6. februar 2019, at:

*“With increased economic responsibilities, decreased access to economic and social life, and deepening gender-based violence, Syrian women face additional challenges. The conflict has exacerbated an already restrictive environment for women in Syria, reinforcing patriarchal traditions and attitudes. With weak to no enforcement and limited effective protection of women against violence, cases of domestic violence, rape (including marital rape), forced marriage to armed group fighters, trafficking, and sexual enslavement have all increased in scale and scope.”*<sup>81</sup>

Samt videre:

*“As before the conflict, there are no effective legal protections against domestic violence or criminalization of marital rape or rape and limited-to-no mechanisms available for Economic and Social Context for Syrians women to file complaints. Generally, there is a lack of services to support survivors of domestic violence, although the first official shelter for battered women was opened in 2008.”*<sup>82</sup>

Vedrørende en form for ‘normalisering’ og bred accept af hustruvold, ses i UNHCRs internationale beskyttelsesbetragtninger fra november 2017 en henvisning til en tidligere rapport:

*“Women who identified themselves as survivors of domestic violence discussed how the sustained psychological toll of the conflict was eroding men’s capacity to control their anger; the threshold at which they resorted to violence was therefore getting lower. Male violence also appeared to have been normalized, widely discussed by men and women alike as an ‘understandable’ consequence of the psychological effects of living in areas of high insecurity. Moreover, whilst men have traditionally been the family breadwinner within the Syrian context, high unemployment and rising living costs have made basic needs provision increasingly difficult. The stress associated with failing to fulfil the role of household provider was explained as another major reason for domestic violence”.*<sup>83</sup>

Kvinder, der har været udsat for voldtægter eller blot befundet sig i en situation, hvor der kan være en formodning om, at hun har været udsat for voldtægt, risikerer at blive udstødt. UNHCR skriver bl.a.:

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<sup>80</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.

<sup>81</sup> The World Bank: The mobility of Displaced Syrians: An Economic and Social Analysis. 6. februar 2019. P. 20. <http://www.worldbank.org/en/country/syria/publication/the-mobility-of-displaced-syrians-an-economic-and-social-analysis>

<sup>82</sup> Ibid. p. 78f.

<sup>83</sup> UNHCR. International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. November 2017. p. 59f. p. 60 (note 334). <https://www.refworld.org/docid/59f365034.html>

*“Women survivors of sexual and gender-based violence (SGBV) reportedly suffer deep levels of trauma, which is often compounded by experiences of rejection and stigma by members of their families and community”.*<sup>84</sup>

I en artikel fra maj 2019 skriver United Nations Population Fund, at:

*“Assessments and data gathered in 2018, as has been done for Voices 2017 and 2016, reconfirmed that GBV – particularly sexual violence and sexual harassment, domestic violence, family violence against women and girls, and early/forced marriage – continues to pervade the lives of women and girls, particularly adolescent girls. Women, girls, boys and men have confirmed that GBV occurs in homes, at schools and universities, in the market, and on the street. In a word: everywhere. The fear of sexual violence – both generally and associated with abduction – is a concern raised by women and girls contributing to psychosocial distress. It is a further limitation of their movements in some parts of Syria, which is already restricted by parents, husbands and family members who harbour the same concerns.”*<sup>85</sup>

At kvinder risikerer overgreb i forbindelse med udlevering af nødhjælp er bl.a. omtalt i en artikel fra BBC News fra 2018:

*“Aid workers told the BBC that the exploitation is so widespread that some Syrian women are refusing to go to distribution centres because people would assume they had offered their bodies for the aid they brought home.”*<sup>86</sup>

## 5. LGBT

Freedom House skriver om diskrimination og straf af LGBT-personer i en rapport fra 2018:

*“Syrian law discriminates against LGBT (lesbian, gay, bisexual, and transgender) people. According to the 1949 penal code, “unnatural sexual intercourse” is punishable with up to three years in prison. Individuals suspected of same-sex sexual activity are at risk of execution in areas held by extremist groups.”*<sup>87</sup>

Tilsvarende skriver UNHCR i november 2017:

*“The 1949 Penal Code in Article prohibits same-sex sexual acts, even between consenting adults, defined as “intercourse that violates nature,” and provides for up to three years of imprisonment as a criminal*

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<sup>84</sup> Ibid. p. 61.

<sup>85</sup> [United Nations Population Fund](https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2019). Whole of Syria Gender-Based Violence Area of Responsibility: Voices from Syria 2019 - Assessment Findings of the Humanitarian Needs Overview. 5. Maj 2019. <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2019>

<sup>86</sup> BBC News. Syria conflict: Women 'sexually exploited in return for aid'. 27. februar 2018. <https://www.bbc.com/news/world-middle-east-43206297>

<sup>87</sup> Freedom House, Freedom in the World 2018 - Syria, 28 May 2018. <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5b2cb8414&skip=0&query=LGBT&coi=SYR&searchin=fulltext&sort=date>



*sanction. Although no prosecutions under Article 520 have been reported in recent years, courts have reportedly prosecuted gay men and lesbians in a discriminatory manner based on vague charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting “obscene” parties... Individuals of diverse sexual orientations, and those who are perceived as such, are reportedly often subjected to multiple forms of ill-treatment at the hands of different actors, including their immediate and extended families, wider society, government authorities, as well as a range of armed groups, including ISIS and Jabhat Fatah Al-Sham.”<sup>88</sup>*

Kriminalisering, vold og alvorlig diskrimination af LGBT-personer omtales desuden i US State Departments rapport Country Report on Human Rights Practices 2018, hvor det ligeledes fremgår, at;

*“In previous years police used this charge to prosecute lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were no reports of prosecutions under the law during the year, but NGO reports indicated the government arrested dozens of LGBTI persons since 2011 on charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting “obscene” parties. Local media and NGOs reported instances in which government and progovernment forces used accusations of homosexuality as a pretext to detain, arrest, torture, and kill civilians. The frequency of such instances was difficult to determine, since police rarely reported their rationale for arrests...*

*Although there were no known domestic NGOs focused on LGBTI matters, there were several online networking communities, including an online LGBTI-oriented magazine. Human rights activists reported there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society.”<sup>89</sup>*

Dansk Flygtningehjælp juni 2019

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<sup>88</sup> UNHCR. International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. November 2017. p. 65f. <https://www.refworld.org/docid/59f365034.html>

<sup>89</sup> USDOS – US Department of State, Country Report on Human Rights Practices 2018 – Syria. 13. marts 2019. <https://www.ecoi.net/en/document/2004226.html>.