



Danish Immigration Services
Attention: Department reg. Country of Origin information
Sandholmgårdsvej 40
3460 Birkerød

14. December 2021

Subject: Country of Origin (COI) report on Syria and Amnesty International's comments

Amnesty International would like to comment on the Danish Immigration Service's recent COI-report from October on **issues regarding return to Syria** which we have read with interest. We appreciate the Immigration Service's inclusion of Amnesty International's report '*You're going to your death*' in its background information.

Having read the report closely, we have noted several inaccurate statements in the report and have additional comments on the information and analysis presented in the report.

We are aware that the Immigration Service is determined to be as neutral and objective as possible without drawing conclusions in their COI-reports. However, we found that the brief misrepresents some facts involving the security clearance and settlement of status processes, security risks posed by the Syrian security forces and intelligence apparatus, and implications on lack of monitoring and protection.

On page 12, the report states that "Syrian citizens who want to return to Syria but who have left the country illegally due to the conflict, or who have unsettled military and security issues, can settle their issues with the Government of Syria".

Amnesty International wants to stress that this information comes from the Syrian Ministry of Foreign Affairs and the Syrian Embassy in Stockholm. These sources cannot be considered neutral. Research shows that not having performed the military service is a very common reason for people to be detained upon return. Amnesty International has documented cases of people who were detained for this reason for several months and then sent to the army in Idlib.

Further on the same page it states that a person needs to settle his/her status with the Syrian authorities to have his/her name removed from the wanted lists, which leads to the person not being wanted anymore and will thus not be prosecuted by the government of Syria. This description appears incredibly simplistic without considering the risks involved with applying for status settlement which requires engaging with Syrian security and intelligence forces responsible for arbitrary detention, torture and disappearance amounting to crimes against humanity.

Secondly, given that this process is not official or legally prescribed, there is no assurance that a security clearance approval would protect individuals, including refugees returning to Syria, from arbitrary detention. Thirdly, the report fails to highlight how such processes expose refugees and their families to scrutiny by the authorities, with the risk to lead to detention.

To that effect, the report should reflect the arbitrariness and opaque nature of the security clearance and settlement processes and how they do not in any way protect or ensure the safety of a refugee upon return. The report currently provides the reader with false assurance of the process and easiness of being removed from the wanted lists without addressing the fact that these processes are not necessarily successful.

Amnesty International and Human Rights Watch have documented several cases in which Syrian security and intelligence forces have arbitrarily detained refugees returning to Syria despite obtaining a security clearance.

This demonstrates the point that these processes are flawed and arbitrary and do not provide protection or safety guarantees, which the COI report should reflect.

The report accurately states on page 14 that many Syrians do not trust the authorities and therefore would not settle their security status through embassies or consulates. However, this remark should itself lead to a concern exposing the perceived dangers of interacting with the Syrian authorities. The lack of trust in the authorities should be mentioned in the report.

On page 16, the report depicts the returnee's interaction with the Syrian security service as unproblematic when going through a security clearance process in Syria. The risks and consequences that might follow from this interaction is not accounted for or even flagged as a potential risk. Based on Amnesty International's latest report, as well as research conducted in the past 10 years, the security services have committed arbitrary detention, torture, and enforced disappearance with impunity. Additionally, Amnesty International and Human

Rights Watch recently documented cases of returnees who were subjected to serious violations upon return and after obtaining security clearances. The 'visit' to the intelligence service as part of the settlement process is thus not as risk-free as portrayed in the COI-report.

The Immigration Service's report seems to ignore the historical context of the Syrian government and its security and intelligence forces which since the start of the conflict have committed brutal violations against civilians. It is important to highlight that the perpetrators have remained in power and continue to commit war crimes and crimes against humanity with impunity.

In the chapter on treatment upon return, we find it contradictory to note that there has not been sufficient research on what happens to returnees in Syria and that reliable figures on arrests and detention are not available. If the Danish Immigration Services considers this to be the case, we question what makes it possible for the Immigration Service to claim that conditions are sufficiently safe in Syria. We find it furthermore problematic as it downplays the arbitrary nature of violations and dangers that we (Amnesty International) and Human Rights Watch have showed in our reports though a combination of 131 cases throughout almost four years (mid-2017- April 2021) covering various areas under the control of the Syrian government.

It is important to note that the Syrian government has consistently blocked the UN Commission of Inquiry on Syria from entering Syria to investigate violations. The fact that neither the Commission of Inquiry, nor the UNHCR are able to monitor and report on violations and ill-treatment against people returning to Syria indicates that refugees have no guarantee of protection. It would benefit the overall presentation of the report to highlight this.

Furthermore, on page 21 of the COI report regarding the consequences of settlement of security issues for family members, it is stated that relatives have faced **issues** with the authorities without providing details about what these issues might be. It could potentially be serious human rights violations which ought to be flagged. The lack of details does not do justice to the seriousness of some the risks involved for individuals seeking status settlement as well as their family members.

We regret the way Amnesty International's methodology is presented and we had hoped that our findings would add to the overall assessment of arbitrariness violations returnees might face – independent of security clearance/status settlement. Our recent report should be considered in the light of ten year-long

violations by the Syrian authorities which Amnesty International, the UN and other organisations, have documented throughout the whole period. Our research's findings can thus not be dismissed on the ground that the report "solely" covered 66 cases.

Our research document violations against returnees, including arbitrary detention, sexual violence, and other ill-treatment upon return as direct consequence of their initial displacement, a condition that may apply to every returnee. Women are as much at risk as men. The arbitrariness of violence and violations means that Syria is not safe for any returnees – whether having obtained a security clearance or status settlement or not.

We appreciate the continued attention on the situation in Syria by the Danish Immigration Service and welcome further discussion and involvement on the issue. We hope the agency will take our comments into consideration going forward.

Yours sincerely



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