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Summary

Seizing control of Daraa¹ and Qunaitra² from armed groups³ in August 2018, the Syrian government reportedly transferred prisoners of IS and HTS to its detention centers to be investigated and has so far concealed their fate.

The number of those transferred estimated at some 50 detainees, from south Syria. Besides, 200 civilians were alleged to be disappeared by the different armed groups, which were in control then, either for settling of scores between each other during vying for control of the region, or for alleged charges of dealing with Israel or to extort money from their families.

Waves of arrests were conducted by the Syrian forces in Daraa after retaking it, specifically in September and August 2018, as they arrested civilians from the towns of Harrah, Atman, and Meliha al-Gharbiya, in violation to the settlement agreement which grants them amnesty for six months.⁴

1. Courts and detention facilities of the insurgent groups in Daraa

Extending control over Daraa, in December 2012, armed groups⁵ started to propose military initiatives to fill the security vacuum, along with planning to establish a court to resolve disputes between clans, families and to deal with criminal matters.

Accordingly, sharia courts and boards were established across Daraa, along with prisons and detention centers. Initially there were dozens of courts including the sharia body in Jiza, the

¹ In July 2018, the armed opposition groups, presented in the Southern Front in southern Quneitra, agreed to conclude settlement with the Syrian army. But, ISIS, which held the Yarmouk Basin in Daraa, exploited the situation and mounted an attack on southern Quneitra, and in August 2018, it seized several villages, such as Qsaiba, Qarqas, al-Rafid, Ghadir al-Bustan, al-Malaga, and Saida al-Golan). However, the armed opposition groups, notably Liwa Maghawir al- Golan, Liwa al-I-Sabteen, and Liwa Mo'az Bin Jabal formed an alliance with the Syrian army to fight against ISIS. As a result, in August 2018, the Syrian army regained control of these villages and expelled ISIS.

² The armed opposition groups controlled Daraa in December 2012.

³ In July 2018, the Syrian army took control of Daraa province under a settlement agreement reached between it and the armed opposition groups. The agreement was concluded in two stages and with guarantee of the Russian military police. The first phase included northern Daraa and al-Lajat area. The second phase covered the rest areas except the Yarmouk Basin, which the Syrian army controlled in early August 2018. One of the agreement's terms was the non-entry of the Syrian army into villages ahead of the Russian military police and without concluding settlements. Another term was non-exposure to any resident, an STJ's field researcher in Daraa said.

⁴ Arrests Continue in Daraa Despite Reconciliations, STJ, October 18, 2018, <https://www.stj-sy.com/en/view/889>.

⁵ The most prominent armed groups were Suqour al-Janoub (Hawks of the South), the 1st Corps, the Unified Levant Front/ al-Jabha al-Shamiah al-Mowahida, the 1st Brigade, the 1st Maghawir Division, the 24th Infantry Division, Jaish al-Muhajireen wal Ansar, Tahrir al-Sham, Fajr al-Islam, Liwa Shabab al-Sunna, Ababeel Horan.

sharia judicial body in Meseфра town, the middle strip body in Muzayrib town, and the judicial body in al-Jaydor area based in Jasim city, which were then

the armed groups agreed to set up sharia bodies and courts, which have jails and custodies, in different places. Scores of judicial courts were set up in different parts of Daraa, most notably the sharia body in Jiza, the sharia judicial body in Meseфра town, the middle strip body in Muzayrib town, and the judicial body in al-Jaydor area based in Jasim city. However, all of these courts settled on three main ones, Gharaz Court, Jalyn Court, and the Cobra Court. Later, they turned to judicial courts that followed particular regions and strips. Each court was subordinate to a specific armed group and a special ideology. Moreover, every court had its own prisons; some were public and others were secret, which have yet to be uncovered. Violations against civilians were recorded committed in these courts soon after it launched work.

The courts are:

- 1) **The Judicial Sharia Board:** (later renamed the Cobra Court) established by al-Nusra Front in Kiheel town, late 2013.
- 2) **Gharaz Court:** formed after al-Nusra Front dominated the Cobra Court in early 2014, by the armed groups; Suqour al-Janoub, the 1st Corps, the 1st Maghawir Division, the 24th Infantry Division, Liwa al-Muhajireen wal Ansar and others.
- 3) **Jalyn Court:** established in early 2014 in Jalyn town by the Islamic Mouthana Movement⁶ following disagreements on the jurisprudential references between the aforementioned courts.

Disagreements and disputes arouse between armed groups on policing the city, which led to security chaos and loss of civilians' rights as a result. That was the reason of the absolute consensus among the insurgent groups in Horan, including the Southern Front⁷, the largest, to form a unified judiciary for Daraa and Qunaitra under the name Dar al-Adel Court in Horan (Justice Courthouse in Horan)⁸, in November 2014, which was based in Gharaz area.

The Dar al-Adel Court adopted The Unified Arab Law⁹, and it had 60 judges, all from Horan, a prison and its own automation system. Initially, it managed to reset the judicial system,

⁶ The Islamic Mouthana Movement was formed in 2012. It was one of the most important military forces in southern Syria. It controlled wide swaths of Daraa and some areas in Qunaitra. It comprises about 700 fighters. In June 2016, it pledged alliance to IS in the Yarmouk Basin.

⁷ The assembly included numerous armed opposition groups, most notably Suqour al-Janoub (Hawks of the South), Tajamo Alwiyat Qasioun, Lions of War Room (Ghorfat Osoud al-Harab), and Jaish al-Nasr (the Army of Victory).

⁸ "Daraa- Court of Justice in Horan Pursues Number of Persons Pose the Participation in Sochi Congress for "National Dialogue", STJ, May 4, 2018, <https://www.stj-sy.com/en/view/524>

⁹ The Arab Model Law was produced in 1981, by the Arab League after the ministers of justice from all Arab countries met in Yaman. It was proclaimed Sanaa' Strategy for the unification the Arabic legislations. For more please clock on: <https://carij.org/node/1728>

but the individual acts of some groups, particularly al-Nusra Front, impeded its work. Regarding this Abu Sariya, 38, a media activist from al-Lajat area reported to STJ saying:

“Initially we were optimistic that the Dar al-Adel Court would prevail security and stability and wouldn’t repeat the mistakes of its predecessors, which could cause a destructive all-out war. But, unfortunately that wasn't the case, because of some actors’ failure to respect the court’s work, such as the al-Nusra Front, which established its own secret detention centers and prisons across Daraa and Qunaitra, and the biggest were in Saida town and in Tell al-Jabiyah, west of Nawa city. We got information confirming that those custodies contained mass graves.”

In the same context, locals reported to STJ that armed groups, other than al-Nusra Front and IS, also committed grave violations against civilians in the pockets they control. Some of these groups were the Artillery Division/Fawj al-Medfaiya, Liwa al-Haramayn al-Sharifein, Jaish al-Yarmouk (Yarmouk Army), Liwa Shabab al-Sunnah, Alwiyat Ababeel Horan, and Alwiyat al-Furqan.

2. Fighting IS justifying violations

Mass arrests conducted against Daraa’s civilians by anti-government armed groups who were in control then. After the Islamic Mouthana Movement and Liwa Shohadaa al-Yarmouk pledged alliance to IS in June 2016, and then merged to form Jaish Khalid Ibn al-Walid¹⁰, in the Yarmouk Basin in west Daraa which began to implement Hodoud and the Islamic codified penal provisions against those who violate its draconian laws, beside arresting many for charges of apostasy and dealing with the *Sahwat* (Awakening).

In parallel, al-Nusra Front merged with other anti-IS groups to form Jaysh al-Fath (Army of the Conquest) in the south¹¹ to fight against IS, and which in turn arrested civilians for allegations of belonging to IS sleeper cells.

As a Consequence, kidnappings, assassinations, disputes between armed groups arose and turned to armed conflicts that claimed lives of many civilians.¹²

¹⁰ This army was announced in June 2016, when both the Islamic Mouthana Movement and Liwa Shohadaa al-Yarmouk unified. Estimated 800 fighters joined it. It activates in villages in the Yarmouk Basin, including al-Shajara, Jamla, Ein Thakar, al-Qaseer, Adwan, Tasil, Nafa'ah, Saham al-Golan, Jeleen, alMezera'ah, al-Shabraq, Beit Era, Koya, and Maariyah.

¹¹ Jaish Al-Fath (Army of the Conquest) in Southern region was announced on July 20, 2015. Several Islamist groups in Daraa and Qunaitra unified and formed Jabhat Fateh al-Sham. The groups merged are: Ahrar al-Sham Movement, al-Nusra Front, Ihiyaa al-Jihad Brigade, Liwa Mojahidi Nawa, Liwa Osoud al-Tawhid, Liwa Ansar al-Haq and Liwa al-Omarein.. The main aim of Fateh al-Sham was to fight ISIS, which began to appear as sleeper cells in the south before publicly announces itself in March 2016. However, it was a fragile alliance that soon split.

3. Unknown fate and uncertain expectations

One of those arrested was Mohammed Sabti, 17, who fled the military operation launched by the Syrian army in Daraa and headed to Qunaitra. On July 18, 2018, IS exploited the ongoing fighting between the Syrian army and the armed groups and mounted an offensive on south Qunaitra.

Mohammed's brother, Abdullah, who lives with his family in Nawa in Daraa, told STJ:

"In July 2018, IS held Qasiba town in Qunaitra and installed military checkpoints. On July 19th, Mohammed was arrested on an IS checkpoint on charges of smoking, while he was on his way to al-Rafid town to seek a safe place to set up our tent. We hurried to the checkpoint to gain release of him, but they said he was transferred to a prison in the Yarmouk Basin. We could not pursue his location because the military situations worsened when the Syrian army defeated IS and controlled the whole region. After that, we asked about him in the detention centers, which once belonged to armed groups but were controlled by the Syrian army later. However, an official in the army said that all the prisoners would be interrogated and only those prove not guilty with terrorist activities would be released."

Mohammed's brother said that his father retained a lawyer and paid him to find Mohammed, but the lawyer did nothing, he not even tried to know if Mohammed was alive or dead. The news about Mohammed is disturbing; some said he was held at the political security while others said that he was summarily executed with other detainees by IS, we heard also that IS took its detainees to al-Suwaida after concluding an agreement with the Syrian army¹³.

"We lost much in the war. We lost our house in Damascus. My uncle and my four cousins were killed. We pray to God that my brother is fine," Abdullah concluded.

¹² In a report issued in the early months of 2016, the Daraa Martyrs Documentation Office documented the death of 446 people, including 79 assassinations, 16 cases of them were related to killing leaders in the armed groups. In addition to 312 deaths as a result of armed conflicts amongst armed groups. For more, please click on: <http://daraamartyrs.org>

¹³ In Early August 2018, the Syrian army defeated ISIS and controlled the Yarmouk Basin area. A secret agreement was held between the Syrian regime and Jaish Khalid bin al-Walid/ISIS. According to the agreement, 400 elements of ISIS and their families were evacuated to east al-Suwaida and east Homs. In return, ISIS released the abductees from al-Sweida who were 36 abductees, including 20 women and 16 children, an STJ's field researcher said.

4. We learned nothing about Faisal since his arrest

The same story repeated in Daraa, where HTS arrested many civilians for alleged accusations of having links with IS, Israel, or the Syrian government. Some of those arrested were executed, others were subjected to excruciating torture and others remained unaccounted for.

Faisal al-Halqi, 38, is from Jasim city in Daraa. He is married with six kids. In April 2017, HTS arrested him and his fate is unknown until now.

A source from the family recalled to STJ:

"A group of masked men stormed Faisal's house and pulled him out in front of the people. We tried to prevent them, but they were terrifying, and they were likely to shoot us. One of the men was identified as Abu Dajana, the sharia official of HTS. Unlike the other men, he was unmasked and all of the townspeople know him. Faisal's mother fell at his feet begging him not to take her son but he showed no mercy. He replied, 'we will only ask him one question and then sent him back'. But Faisal was taken to anonymous place."

The source said they went to the supreme military junta¹⁴ in Jasim and also headed to some commanders in the armed groups in an attempt to release Faisal. A week later, one of Jasim's residents, who has connections with an HTS leader, pulled some strings and learnt why Faisal was arrested and where he was. The resident said that someone spied on him accusing him of belonging to an IS sleeper cell, adding that Faisal was held in a jail in Tell Jabiyah in west Daraa.

"We all know that Faisal has never involved in any military action or carried a weapon in his entire life. Somebody must have slandered him. He has been arrested for over a year. In late July 2018, the Syrian army regained control on Daraa, and the 112th Mika Brigade controlled Tell al-Jabiyah town. An official of the Brigade stated that the town's prisons were empty, and the prisoners were likely been transferred to Damascus by the Tiger Forces, who raided the town, for investigation. Faisal is still unaccounted for."

¹⁴ The Supreme Military Junta was formed in April 2016, in Jasim city in order to unite the groups and decisions, as well as to fight against ISIS, as mentioned in its statement. The Junta includes the following groups: Jaysh al-Ababeel, Liwa al-Jaydor, which is affiliated to Alwiyyat Qasioun, Liwa al-Hasan Bin Ali, which is affiliated to Sayf al-Sham, Alwiyyat al-Janoub al-Jadour Strip, Liwa Der' al-Sham, Liwa Qasioun, which is affiliated to Alwiyyat Qasioun.

5. An armed opposition group kidnapped me then the national security in Damascus summoned me for investigation

In February 2017, Jaish al-Mu'taz, an armed group of the Southern Front, kidnapped Ziyad Abdolmotalab, 27, from Dael town.

The victim Ziyad testified to STJ:

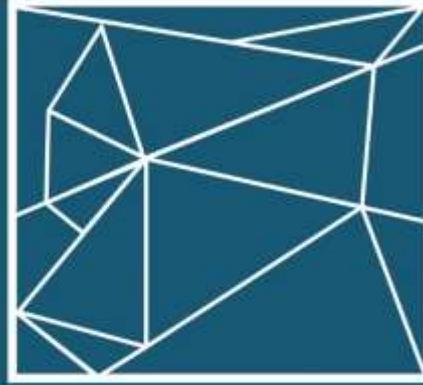
"I worked as a relief worker in a humanitarian organization. One day, I drove to a town in Daraa to receive my salary, suddenly, a group of men stopped me, and pointed a gun at me. Then, they covered my head with a black bag and one of them drove my car. It seemed that they were accustomed to kidnaping as they were calm. They took me to a room where I remained handcuffed for an whole day. Nobody investigated me. I was very scared and frightened. Later, a tall masked young man came in and enquired about my work and salary. Another one came in and beat me without any mercy. He told me that I had to ask my family for a ransom, otherwise they would kill me. He placed me in a Shabah position and tore my clothes. Then, he filmed me as I asked my family for SY 25,000,000."

Abdulmotaleb remained in captivity for more than five months until the kidnappers negotiated with his family. In early July 2017, he was blindfolded and placed in a vehicle. After driving about half an hour, they got him off the car.

"when they pulled me down from the vehicle, I thought they would execute me. But one of the men asked me to stand still. An hour later, my father and my brothers came and took me home. They paid SYP 20,000,000 to the kidnappers. My father sold his land to pay the ransom. Later, HTS arrested one of the men who admitted the kidnapping. Then, I was sure that the kidnappers were agents of Jaish al-Mu'taz Billah.

However, after the Syrian army controlled Daraa, the national security in Damascus summoned me for investigation in October 2018. I thought they would ask me about my work, but actually they wanted to know the reason I was kidnapped for. I told them that it was for a ransom, but they did not believe that, and said that it was because I was a suspected fighter of IS or al-Nusra Front. They set me free but they told me that I will be called for a further questioning later."

سوريون
من أجل
الحقيقة
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About Syrians for Truth and Justice:

STJ is an independent, nongovernmental organization whose members include Syrian human rights defenders, advocates and academics of different backgrounds and nationalities.

The initiative strives for SYRIA, where all Syrian citizens (females and males) have dignity, equality, justice and equal human rights.

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