



16<sup>th</sup> of April 2021

Dear Minister,

We write to express grave concern regarding the recent reports that the Danish Immigration Service has removed the protected status of as many as 250 Syrian refugees as of April 13, and appeal to the Danish authorities to address this dangerous, deadly precedent.

We understand that the removal of protections for these Syrians occurred following a decision to screen the cases of Syrian refugees from Damascus and Damascus countryside, due to the incorrect assessment that “the security situation in Damascus and rural Damascus has improved significantly.” This unfortunate policy decision is founded on the conclusions of a series of Country of Origin (COI) reports by the Danish Ministry of Immigration and Integration and the Danish Immigration Service dating back to 2018, and most recently repeated in an October 2020<sup>1</sup>.

We believe the conclusions in these COI reports are incorrect, as is, accordingly, the Danish Refugee Appeals Board finding that “the situation in Damascus had changed to such effect that people did not risk ill treatment contrary to Article 3 of the European Convention on Human Rights solely on account of their presence.” We strongly believe that these reports *and the subsequent* assessment used by the Refugee Appeals Board (RAB), fail to document and relay the real threat facing refugees if they were to return; that they fail to illustrate the ongoing insecurity and repression endured by individuals in these areas now; that the RAB assessment includes deep contradictions between the information it contains and the final assessment it makes; that they fail to seriously take into account credible information from organizations such as Syrian Association for Citizen's Dignity and the Syrian Network for Human Rights, despite claiming to have included our reports as “background material”. In the Annex document attached to this letter, we provide detail on known security incidents and conditions, as well as concerns about the methodology used, that we believe highlight the need to revisit these reports, their findings and the RAB assessment.

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<sup>1</sup> <https://fln.dk/-/media/FLN/Materiale/Baggrundsmateriale/2020/10/08/10/18/syri1348.pdf?fbclid=IwAR1eN9QcvzHqPoyZSZGP69CgrfTeDTQPITIJ4JYowYGP2LaDQ-PnSe2f18>



While the Appeals Boards decision cites Danish law, namely the Aliens Act, section 7, subsection 3, as the basis for removing protection for individual Syrians, we maintain that such a decision is indeed in direct breach of the European Convention on Human Rights, Article 3, which states that 'no one shall be subjected to torture nor to inhuman or degrading treatment or punishment.' We remind that the European Court of Human Rights held that the fundamental nature of Article 3 is in holding that states cannot deport or [extradite](#) individuals who might be subjected to torture, inhuman or degrading treatment or punishment, in the recipient state and that this provision prohibits the [extradition](#) of a person to a foreign state if they are likely to be subjected there to torture. It is well documented that the situation in Damascus and Damascus countryside, as well as the rest of Syria, is absolutely not safe for refugees to return without being exposed to a risk of arbitrary arrest, torture and inhumane treatment and any extradition or transfer of Syrian refugees to Damascus or any other part of Syria, particularly areas held by the Syrian regime, would constitute a breach of the Article 3 of ECHR. There can be no individual assessment that would exclude a particular Syrian refugee from any area in the country, including Damascus, from this threat.

The threat facing those who have fled abroad from Syria is infinitely higher than that of those who remained behind. This threat is best illustrated in the statement of Syrian regime Air Force Intelligence Head Jamil al-Hassan, who explicitly said that the regime only wants loyalists to return: "A Syria with 10 million trustworthy people obedient to the leadership is better than a Syria with 30 million vandals. After eight years, Syria will not accept the presence of cancerous cells and they will be removed completely."<sup>2</sup>

Moreover, your own Appeals Board's governing body has highlighted four times since June 2019 the need to apply the principle of caution to decisions relating to the removal of Syrians protected status and find in the favor of the claimant if doubt exists. The number of removals to date suggests this caution has not been applied.

As you will be aware, Denmark's position places them in a unique position globally. To date, no governments have formally concluded that Syria is safe for the purposes of removing protection for individuals on a large scale. This has yet to occur in the region, even among Syrian Regime's allies, and runs counter to the shared EU positions documented in the recent BC5 readout and FM statements. Additionally, this position runs counter to Denmark's own foreign policy relating to Syria, regarding the dangerous nature of the security state and the need for accountability and justice for those detained in Syria prisons, a practice and file which continues without resolution.

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<sup>2</sup> The Syrian Observer, 2 August 2018: „Jamil al-Hassan: Any and All Opposition Will Be Eliminated“  
[https://syrianobserver.com/features/19769/jamil\\_hassan\\_any\\_all\\_opposition\\_will\\_be\\_eliminated.html](https://syrianobserver.com/features/19769/jamil_hassan_any_all_opposition_will_be_eliminated.html)



What is extremely worrying for all displaced Syrians is the impact of this decision of Danish authorities, which may be seen as a precedent by other countries in the EU and elsewhere, which currently offer protection to Syrian refugees. Worryingly, the Danish Immigrations Service may be considering to widen their position to other areas of Syria in the future. Again, this runs contrary to all available evidence of the continuing repression facing Syrians in areas under the control of the Syrian regime.

In view of this, SACD asks the Ministry of Foreign Affairs for a response to the following questions:

1. What is the reasoning behind its assessment to not renew or withdraw protection for the individual Syrian refugees from Damascus and Rural Damascus?
2. What are the criteria used to determine that in these cases of refugees from Damascus and Rural Damascus withdrawal of protection and their return to Syria would not breach Article 3 of the ECHR?
3. What is the justification for continuing to utilize the removal of protection pursuant to Aliens Act, section 7, subsection 3, as a justification for these decisions?
4. Will the Ministry of Immigration reconsider its assessment in view of the decision of the European Court of Justice from 19 November, which determined, explicitly in the context of Syria, that people fleeing compulsory military service in Syria can claim refugee status in the EU?
5. How did you decide which topic, subtopics and research questions need to be addressed when creating the TOR for the COI reports on Damascus, Rural Damascus, and subsequent geographical areas? Why doesn't this cover the breadth of security concerns faced by Syrians inside Syria, or on return? Is the Danish Government open to revising the scope of these reports and defining the TOR and scope in conjunction with relevant professionals and displaced Syrians themselves?
6. How does the Ministry of Immigration see the contradictions in the COI October 2020 report which served as the basis for recent decisions to withdraw protection from Syrian refugees from Damascus and Rural Damascus, where the information in the report directly contradict its final assessment?
7. Why has the Ministry relegated reports from the likes of SNHR, SACD and other credible Syrian and international organizations to "background material", when these reports clearly document abuses by the Syrian regime in contrast with the COI report?
8. Why hasn't the Danish Immigration Service been applying the principle of caution to case reviews?
9. Has the Danish Ministry of Immigration considered the protection concerns caused to Syrian refugees in Denmark by the content of their rejection letters and the proposed use of immigration detention centers for long-term residence for rejected cases, despite the appalling conditions of these centers?



Considering the grave danger facing Syrians from Damascus and Rural Damascus in Denmark, who are and may become subject to the decisions of the Ministry of Immigration and Integration of Denmark, Danish Immigration Service and Danish Refugee Appeals Board, and, importantly, the dangerous precedent that is set by these decisions, we respectfully request a prompt response to this request for information.

Sincerely,

**Board of Trustees of Syrian Association for Citizens' Dignity**

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