

General Allegation – 123rd session: Syrian Arab Republic

The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in the Syrian Arab Republic.

1. The source reports that, between 2011 and 2017, the Syrian government, acting through branches of the Syrian Armed Forces and State Security Department, systematically perpetrated enforced disappearances against Sunni Muslims in Aleppo, Damascus, Homs, Idlib, Latakia and Rif-Dimashq. The large geographic spread is indicative of the widespread nature of the disappearances perpetrated by the government.
2. In many cases, the events amounting to the deprivation of liberty of the concerned individuals occurred in a public setting, often in full view of the victim's family and neighbours. The relatives have described the way in which their loved ones were forcibly removed from their homes or places of work by Syrian military officers. In several cases, Syrian military officers physically beat the alleged victims while they stood standing in the street, or while they were being taken to the car.
3. The alleged arrests were also carried out at checkpoints run by the Syrian military. As the fighting in Syria intensified, the number of checkpoints in the country increased exponentially. The Syrian military used checkpoints to verify IDs and to conduct personal searches. It has also been suggested that checkpoints were set up for the explicit purpose of forcibly disappearing people. In some instances, the deprivation of liberty leading to the disappearances occurred at a checkpoint on the border between Syria and Lebanon.
4. In the majority of cases, the precise reason for the arrest or other deprivation of liberty remains unknown. The source details how Syrian military branches would carry out mass arrests of men, in particular, in a way that appears random and indiscriminate. The impression left on the relatives is that the intention behind the carrying out of mass public arrests was to incite terror in the local community.
5. Although the individuals disappeared by the Syrian military appear to be random targets, the source suggests that there is an underlying logic to the military's activities. While some relatives allege that sectarianism lies at the heart of their loved ones' disappearance, others suggest that there is a punitive aspect to enforced disappearance, claiming their loved ones were disappeared as retaliation for local resistance to the government. One of the few concrete reasons for deprivation of liberty indicated is a failure to perform military service.
6. The deprivation of liberty was followed by a complete refusal on the part of the Syrian authorities to disclose information about the fate or whereabouts of the concerned person, or even to acknowledge their existence. The relatives describe desperate attempts to obtain further information about their loved ones, often over a prolonged period. In the absence of official mechanisms for obtaining further information, it is left

to relatives' own initiative to undertake the necessary inquiries into the fate or whereabouts of their loved ones.

7. In many instances, fears of reprisals have prevented relatives from making further inquiries on the fate and whereabouts of their loved ones. Male members of the family are particularly fearful. As a result, it is often female family members, who put themselves at risk to uncover the fate or whereabouts of their missing relatives. On the rare occasions when relatives have been able to obtain information, it is usually through informal sources. Several have described attempts to leverage their personal connections with individuals, such as members of the military, who have close ties to the government. Often, they were only able to obtain information through informal sources by paying exorbitant amounts of money.
8. When relatives have attempted to follow up on the leads obtained through informal channels, they have come up against the state's refusal to verify the hard-won information by acknowledging the disappearance. The refusal to validate the relatives' search for the truth compounds the original act of disappearance and is a source of re-traumatization.
9. The information provided indicates that individuals forcibly disappeared by the Syrian government were subjected to torture and cruel, inhuman, or degrading treatment. Such treatment can occur from the moment of arrest or deprivation of liberty and continue throughout the disappearance.
10. Information received also describes the disappearance of Syrian nationals by a non-state armed group known as the Army of Islam, or the Islamic Army. While the Army of Islam does not appear to be a regular division of the Syrian Armed Forces, the information provided indicates that there was cooperation between the Army of Islam and the Syrian government, and that the former was operating with the acquiescence of the latter.
11. The source also outlines the predatory way in which private individuals have sought to exploit the grief caused by enforced disappearance. Abusing the trust placed in them by relatives who are desperate to know the circumstances of the disappearance and the fate or whereabouts of their loved ones, individuals close to the Syrian government have solicited bribes for the mere promise of information and the comfort that it may bring. This amounts to enriching oneself at the expense of relatives' fundamental right to know the truth.
12. The individuals involved in brokering information include military officials, judges, and lawyers. In some cases, the relatives have fallen victim to acts of pure deception, as the promised information fails to materialize, and the broker cuts off all communication with the relatives. In other cases, the brokers are engaged in acts of extortion rather than deception, demanding huge amounts of money for even the most modest services. Some relatives believe that brokers have gone so far as to mislead them about their loved one's death.

13. It is reported that the damage caused by enforced disappearance has overwhelmed the family structures that existed prior to the disappearance in Syria. In many cases, enforced disappearance resulted in the loss of not one parental relationship, but two, as the remaining caregiver struggles to deal with the psychological harm caused by the disappearance, while shouldering the new responsibilities that have been thrust upon them.
14. The source maintains that there is a clear link between the forcible disappearance of a family member and a reduction in children's educational development and attainment. The information provided reveals that education is often disrupted when a Syrian household loses a male relative. Most relatives reported some form of disruption to children's education as a result of their loved one's disappearance. Some cited loss of motivation as the primary reason, re-emphasizing the severe psychological and emotional consequences of enforced disappearance. Others pointed to a drop in familial support for their education, the need to work, or the pressure to marry early. Though boys and girls are similarly affected, the underlying reasons are gendered.
15. It is indicated that patriarchal norms and structures in Syria mean that a girl's right to education is often precariously held. Young Syrian women and girls have repeatedly indicated that losing their father meant losing a pillar of support for their education. Some have lost their right to freely choose their own destiny completely. This is because the financial uncertainty caused by the disappearance of the family breadwinner puts young women and girls at risk of forced and child marriage.
16. Young men and boys have reported that they became acutely aware of the family's economic and social situation following the disappearance of the family breadwinner. Recognition of the economic disruption caused by the disappearance of the breadwinner goes hand in hand with a growing sense of responsibility to improve the family's financial and social situation. Young men and boys step into stereotypically male adult roles, including by becoming income earners, to meet the needs of the family. The information presented suggests that this disproportionately affects the first-born boy in the family.
17. The combined effect of all of these factors is that the forcible disappearance of a male breadwinner increases the risk that young men and boys will be forced into child labour. It is reported that young men and boys, whose parent is disappeared, start to work from around the age of 10. They perform jobs involving hard labour, such as farming, woodcutting, and carrying heavy goods. Such work is well beyond their physical development, making it hazardous to their health and physical wellbeing.
18. Although the source suggests that young men and boys are more likely to be forced into child labour, girls are also affected. Taking on the role of income earner impairs the enjoyment of other rights, particularly the right to education. Young men and boys have explained that education was incompatible with their new role within the family, as

they took on responsibilities such as care of younger siblings and earning to support the family.

The Working Group would like to bring to the Government's attention the following articles of the Declaration which are directly related to the present allegation:

Article 1

1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.

2. Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Article 2

1. No State shall practice, permit or tolerate enforced disappearances.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 9

1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.

2. In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.

3. Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.

Article 10

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.
2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.
3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.

The Working Group would be grateful for your Excellency's Government cooperation and observations on the following questions:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. What are the rules and the procedure for accurately and promptly informing family members, legal counsel or any other persons having a legitimate interest in the information on the places of detention of persons deprived of their liberty?
3. How does your Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?
4. Please provide information concerning safeguards to prevent the arbitrary deprivation of liberty, as well as to prevent torture and other acts of ill-treatment of persons deprived of their liberty.

5. How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that complaints are promptly, thoroughly and impartially investigated by that authority? What steps does your Government take to protect relatives of the disappeared from any form of reprisals?

6. What State authority is designated to receive and investigate such complaints? Does this authority have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found?

7. How does your Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

8. Please indicate if the political process to bring about an end to the conflict includes negotiations aimed at the design and implementation of transitional justice measures to address the gross violations of international human rights law and serious violations of international humanitarian law committed against civilians since March 2011.

9. Please provide information in relation to the functioning of the Working Group on the Release of the Detainees/Abductees, the Handover of Bodies and the Identification of Missing Persons and whether victims and their families are consulted or participate in its work.

The Working Group requests your Excellency's Government to provide a response to the above questions within sixty days.