At Least 98,000 Forcibly Disappeared Persons in Syria Since March 2011

Enforced Disappearance Is the Regime's Most Painful and Brutal Weapon

SYRIAN NETWORK FOR HUMAN RIGHTS الشبكة السورية لحقوق الإنسان

Friday, August 30, 2019

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.



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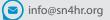
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I. Enforced disappearance is an ongoing crime and a weapon of war

The crisis of enforced disappearance is one of the most problematic issues in Syria, with the Syrian regime using this violation as a strategic war weapon. No one who has not endured this agony can imagine the suffering of a mother, father or any family member whose relative has disappeared, who are left knowing nothing about his or her fate, whether their loved one is alive or has been killed under torture. This relentless anxiety and suffering is not coincidental, but a planned tactic used by the Syrian regime to undermine the popular uprising for democracy and to intimidate, terrorize and destroy society. The Syrian Network for Human Rights' (SNHR) records contain data on hundreds of cases of people being forcibly disappeared in the first months of the popular uprising whose fate is still unknown to date. The Syrian regime has continued with this malicious strategy, expanding and spreading it across the country, using its decades of experience since the 1980s in the field of the arrest and disappearance of dissidents, showing total indifference to the number of forcibly disappeared, even if this reaches tens of thousands, so long as this terrorizes society into accepting subjugation.



Although enforced disappearance is a crime in itself, it also involves a horrific amount of other violations against the disappeared person, such as torture and denial of health care, being tried in secret courts without even the most fundamental principles of fair trial, or simply subjected to summary trial and death by torture or execution.

International law prohibits the use of enforced disappearance under any circumstances, and states that emergency conditions such as conflicts and wars may not be invoked to allow its practice. There are numerous international norms and instruments that deal with the crime of enforced disappearance as the Rome Statute, Article 7 of which describes enforced disappearance as a crime against humanity when committed as part of a widespread and systematic attack, with Article 5 of the International Convention for the Protection of All Persons from Enforced Disappearance also stressing the same point. Similarly, Article VII of the International Covenant on Civil and Political Rights states that no-one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment, and Article 14 of the same Covenant criminalizes the coercion of any person to testify against himself or admit to an offense he has not committed. . In addition, enforced disappearance violates the range of rights, such as the right to recognition of legal personality and to the freedom and security of the person, to access to judicial guarantees and to a fair trial, as well as the right of victims' families to know the truth about the fate of the disappeared and the circumstances of their disappearance. In addition, enforced disappearance violates the fundamental rights guaranteed by the Universal Declaration of Human Rights.

Methodology:

Every year on the International Day of the Victims of Enforced Disappearances, which falls annually on August 30, SNHR publishes its annual report, which monitors violations related to enforced disappearances by all actor parties in Syria. In our 2018 report, we outlined the record of victims of enforced disappearance, which was higher than that recorded in the previous year, 2017, as most of the detainees went on to be categorized as forcibly disappeared. In this report, we monitor the record of enforced disappearance at the hands of the main parties since the beginning of the popular uprising in March 2011 up to August 2019. This report also focuses mainly on the violations we documented since the last report, from August 30, 2018, to August 30, 2019, and we also outline incidents that we have documented ed previously which we had not included in our previous reports.





We also issue <u>a monthly report</u> documenting arbitrary arrests and enforced disappearances, and monitoring the incidents and cases documented each month. We have also devoted <u>a daily publication</u> to documenting cases of enforced disappearances with the aim of assisting families in reaching witnesses and providing us with new data about the disappeared. We have been able to build a strong network of relations in recent years with local activists and families of victims, as well as survivors and witnesses inside and outside Syria, and we have provided all means of communication to facilitate access and documentation such as e-mail, dedicated telephone numbers for documentation and electronic forms. All of this has helped us to document all that we've been able to document in accordance with our <u>methodology</u> based on the provisions of international law and the set of principles relating to arbitrary detention and enforced disappearance.

According to our methodology, enforced disappearance is defined in accordance with the Declaration on the Protection of All Persons from Enforced Disappearance adopted by the UN General Assembly in its resolution 47/133 of December 18, 1992, as a set of principles applicable to all States; this declaration states that enforced disappearance occurs "in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.". In our methodology, we classify an individual as being within the enforced disappearance category after they have been detained for 20 days or more with their family unable to obtain any information about their detention or whereabouts from the official authorities and when the authorities which arrested him or her refuse to acknowledge that detention.

This report relies mainly on SNHR's archives of detainees and enforced disappearances, resulting from the daily monitoring and documentation that we have carried out continuously since 2011 up to the current moment concerning incidents of arbitrary arrest and enforced disappearance. We also constantly update these records and all the statistics therein in tracking detainees' status, with every detainee registered by name, place and conditions of detention, the party responsible for the arrest and enforced disappearance, the latest observations and documents, and other details. The information technology department has built a special database providing information on detainees' gender, marital and family status, age group and place of detention, with all data being entered automatically. Using





the SNHR database, we can determine the cases of arrests according to the governorate in which the incident took place, and the governorate which the detainee comes from. In this report, we distribute the record of the cases of arrests according to the place where the arrest took place, rather than the governorate which the detainee comes from because, in most cases, the governorate where the incident took place is the same one he or she is from. We further note that we sometimes distribute cases of arrests according to the governorate which the detainee comes from in order to show the extent of the loss and violence suffered by the people of that governorate compared to other governorates, and that we refer to this in the report when doing so.

Given the exceptional difficulties and the magnitude of the violations, the cases mentioned in this report represent the bare minimum of violations which we have been able to document, and we confirm that the real figures are far higher.

The methodology used in the report is based also on the interviews we conducted with the families of victims who were forcibly disappeared from different Syrian governorates, carrying out these interviews either by telephone or various online communication programs or by visiting the family members in their homes inside and outside Syria. In this report, we provide 15 personal accounts, which we obtained directly and did not get from open sources. In some cases, we used aliases to protect the witnesses' confidentiality and prevent them from being harassed or prosecuted. Witnesses received no financial compensation or promises in exchange for interviews. We explained the purpose of the report beforehand to all the interviewees we spoke with, and obtained their consent to use the information they provided to serve the purposes of the report and document their cases.

Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

"Syrian society has suffered from many types of violations, some of which constitute crimes against humanity and war crimes, but the crime of enforced disappearance practiced by the Syrian regime for eight years is classified as the most powerful and sadistic weapon of war. The scale of the record of enforced disappearance compared to the population in Syria is horrific and devastating, constituting a crime against humanity committed by the ruling authorities, which millions of Syrians have suffered for years, and there is no hope of revealing the fate of these people without changing the ruling regime that caused their disappearance."





II. Syrian Network for Human Rights' cooperation with the United Nations Group on Enforced Disappearances

The SNHR team conducts regular <u>periodic correspondence</u> with the UN Group on Enforced Disappearances and we have received many official responses about the cases we have submitted to them. The Rapporteur corresponds with the Syrian regime about all these sent cases, which are listed in the special annex on the report prepared by the UN Group on Enforced Disappearances in Syria. We have devoted <u>a form</u> on our official website that families can fill out which are sent automatically to the team at the Detainees and Forcibly Disappeared Persons Department that follows up on each case and communicates with the families to complete the documentation and registration process.

We periodically receive documents from the UN Group on Enforced Disappearances on a number of cases provided by the SNHR, with the Syrian regime asked to disclose and report on their fate.

In this regard, the SNHR is requesting further cooperation from the families in order to submit as many cases as possible to the UN Group on Enforced Disappearances. Our team works 24/7 to build broad relationships with the families of the disappeared, to obtain as much data as possible which is stored within our database of enforced disappearances.

III. The record of victims of arbitrary arrest and enforced disappearance and its distribution in Syria since March 2011

From March 2011 to August 2019, the SNHR team documented at least 144,889 individuals who are still detained or forcibly disappeared by the main parties in Syria. These cases are distributed as follows:



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A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):

128,417 individuals, including 3,507 children, and 7,852 women (adult female).

B. Extremist Islamist groups: 10,721 individuals, including 349 children and 461 women, divided between:

- ISIS (the self-proclaimed 'Islamic State'): 8,715 individuals, including 326 children and 402 women (adult female).

- Hay'at Tahrir al Sham (an alliance composed of Fateh al Sham Front and a number of factions of the Armed Opposition): 2,006 individuals, including 23 children and 59 women (adult female).

C. Factions of the Armed Opposition: 2,844 individuals, including 329 children and 846 women (adult female).

D. Kurdish-led Syrian Democratic Forces (the Democratic Union Party): 2,907 individuals, including 631 children and 172 women (adult female).

According to the SNHR database, at least 98,279 individuals have been forcibly disappeared from March 2011 to August 2019 by the main parties in Syria, distributed by the parties as follows:



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A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):

83,574 individuals, including 1,722 children, and 4,938 women (adult female).

B. Extremist Islamist groups: 10,594 individuals, including 326 children and 408 women, divided between:

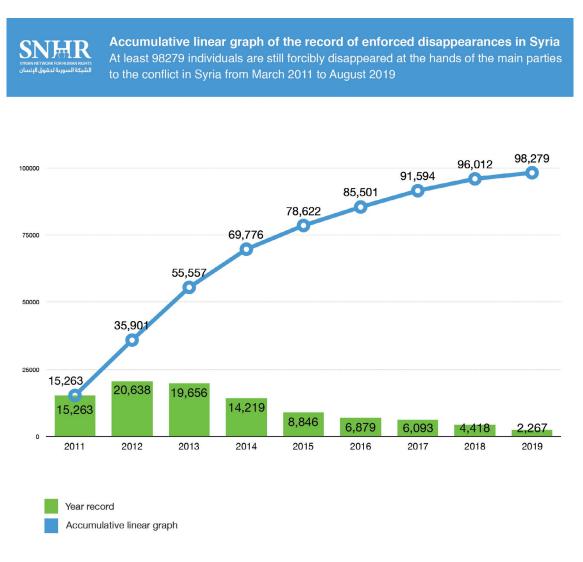
- ISIS (the self-proclaimed 'Islamic State'): 8,648 individuals, including 319 children and 386 women (adult female).

- Hay'at Tahrir al Sham (an alliance composed of Fateh al Sham Front and a number of factions of the Armed Opposition): 1,946 individuals, including seven children and 22 women (adult female).

C. Factions of the Armed Opposition: 2,234 individuals, including 222 children and 416 women (adult female).

D. Kurdish-led Syrian Democratic Forces (the Democratic Union Party): 1,877 individuals, including 52 children and 78 women (Adult female).

Chart showing the distribution of the record of the forcibly disappeared in Syria since 2011 by year, and the accumulative linear graph of that record:

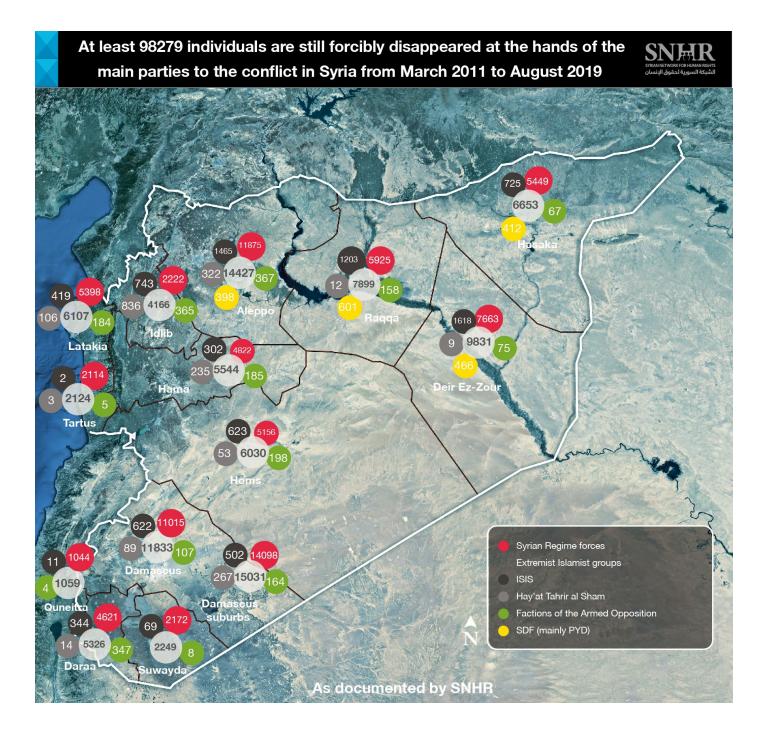


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The previous chart shows that 2012 was the worst year to date in terms of the record of the forcibly disappeared, followed by 2013.

Map showing the distribution of the record of the forcibly disappeared by the main parties in Syria according to the Syrian governorates:



The previous map shows that Damascus Suburbs governorate leads the other governorates in terms of the record of victims of enforced disappearance, followed by .Aleppo then Damascus





Enforced disappearance has been carried out in the context of a widespread attack against all civilian population groups. The Syrian regime is by far the most prolific perpetrator of this crime, with other parties left far behind in terms of the number of enforced disappearances to such a degree that there is no serious comparison with any of the other parties engaged in the conflict. The Syrian regime, which has issued orders to its forces to carry out arrests and enforced disappearances, is fully aware of their effect, which constitutes a crime against humanity under Article 7 of <u>the Rome Statute</u> of the International Criminal Court. This crime is, therefore, not subject to the statute of limitations and the same article gives the victims' families the right to reparation and to know the fate of the disappeared. It is also considered a war crime under Article 8 of the Rome Statute itself due to its being practiced as part of a systematic and public policy in dealing with the popular uprising for democracy, overwhelmingly by the Syrian regime.

IV. The impact of enforced disappearance and the disclosure of the fate of some victims by the Syrian regime

The tactics used by the Syrian regime in conducting enforced disappearances begin from the very first moments of the victim's arrest, which is very much like a kidnapping. It begins with a group of armed men, often affiliated with the regime's security apparatuses, wearing military or civilian uniforms, storming a house, raiding a workplace or manhandling the victim in a public place, or at a checkpoint, with these arrests carried out without presenting any official warrant or arrest warrant or obtaining the approval of the judiciary to arrest. The personnel carrying out these arrests do not declare or reveal which security body they belong to or which party they are affiliated with, and do not disclose their identities or names or what their victim is supposedly charged with, meaning that such incidents are, as a whole, closer in nature to kidnappings by gangs of Mafiosi or other gangsters and criminals than to arrests by government officials. This often coincides with the use of violence, beatings, humiliation and intimidation intended to terrorize the victim at the scene, along with depriving the victim of all his or her legal and human rights and subjecting him or her to multiple forms of torture. The arresting officers and authorities also deliberately encourage continuous fear both with the victim and with his or her family concerning his or her unknown fate, with the ruling authorities denying any knowledge of who arrested the victim and of their whereabouts and refusing to allow him or her any communication with his or her family or even any opportunity to notify his or her spouse or family members about the detention, or to contact a lawyer. This is how cases of forcible disappearance begin.





Victims' families are left in a traumatic cycle of constant anxiety, fear and confusion due to the lack of knowledge about the fate of their loved ones and their inability to take any formal legal action to help them discover their fate because of the lack of any mechanism enabling them to do so. The ruling authorities have essentially adopted the strategies of terrorist gangs and made them integral to the structures of state institutions that possess the nomenclature and outward appearance of legitimate state bodies, such as the Judicial Institution, the People's Assembly, and the police, but which are in fact dominated by the thuggish security services, whose personnel threaten families who dare to repeat any request for information about their forcibly disappeared loved ones, threatening them with a similar fate of disappearance and torture for doing so; this is no idle threat.

Syrian Regime forces have targeted all those involved in the popular uprising for freedom from hereditary dictatorship with the strategy of enforced disappearance. Data analysis shows that this phenomenon spread most extensively in areas which saw the most overt demands for freedom, indicating a consistent and deliberate policy and approach, which includes the recent calculated revelations about the fate of some of the disappeared persons. The synchronization of the work of state institutions in the service of participating in this criminal act is evident through the arrest of persons supporting the popular uprising, followed by their forcible disappearance and the issuing of death certificates which lack any information on the cause and place of the individuals' deaths. This also confirms to us that there are large numbers of state employees, senior officials and other personnel who are fully aware of what the Syrian regime is doing, of the real cause of the victims' deaths and of the acts of brutal torture they endured before dying, and that some of this number know the location of the victims' bodies and mass graves due to the enormous number of enforced disappearances and the number of people whose deaths we know of due to torture, numbering around 14,000 Syrian citizens.

Enforced disappearance is a dangerous and grave violation of human rights because of the series of violations the victim is subjected to, including torture and other cruel or degrading treatment, being deprived of freedom and the right to be defended, and being abandoned without any legal protection from his or her torturers. Forcibly disappeared individuals are denied their full human rights and endure the violation of all their fundamental political and civil rights, which are interrelated and interconnected, such as the right of an individual to recognition of legal personality, freedom, fair trial and judicial guarantees. Enforced disappearance generally violates the economic, social and cultural rights of both victims and their families, such as the right to protection and assistance to the family and the right to an adequate standard of living, because enforced disappearance often deprives families from their primary or sole breadwinner.





The Syrian regime's sadistic practices did not stop at the crimes of arrest, torture and enforced disappearance, but even exceeded this in their callousness, casually registering the deaths in detention, sometimes year previously, of detainees, many of whom they had not admitted to having imprisoned. In early 2018, we documented the publication by civil registry departments in all Syrian governorates of lists of forcibly disappeared persons newly registered as deceased in a manner that shocked the families of the disappeared, who discovered the devastating news of their loved ones' deaths during routine visits to the civil registry offices regarding other issues; these families, many of whom had been waiting for years without any news of their loved ones received no official or legal notification of their deaths and were given no information about them other than the date and time of death recorded at the registry offices. Many had died years before, with their families left to suffer and hope they might be released alive, despite the regime knowing they were already dead. Of the nearly 83,000 documented cases of enforced disappearance carried out by the Syrian regime from the beginning of 2018 up until the moment of this report's publication, we were able to document 931 cases where the Syrian regime revealed the fate of the disappeared, all of whom had died in detention. As noted above, the death notices provided did not mention the cause of death, with the families not informed at the time or even allowed to recover their loved ones' bodies for burial or know where they had been interred once they found out. In all these cases, regime officials had previously denied the existence of any incidents of enforced disappearance in its detention centers. Among the cases we documented, nine of the forcibly disappeared individuals were children at the time of their arrest and two were women (adult females).

V. Enforced disappearance by the four main parties in Syria

A. Syrian Regime forces (army, security, local militias, and Shiite foreign militias):

The crimes of enforced disappearance by Syrian Regime forces last indefinitely, with detainees disappearing for many years, as SNHR outlined in a previous report detailing the most notable cases of arbitrary arrest and enforced disappearance in Syria. In many or even most cases, victims have disappeared following arrest for at least eight years, with tens of thousands of others having been disappeared for five, six or seven years. The Syrian regime has used enforced disappearance in particular against media activists, human rights activists, academics and political opponents as a tool to crush them, dispose of them and take revenge against them for their participation in the popular uprising and opposition to the authorities, and to intimidate others who might follow their example and speak out against its crimes.

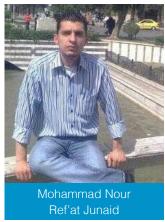


Enforced disappearances have also affected detainees held in central prisons in all the Syrian governorates, who have been subjected to trial in military courts and military field courts (al Midan Courts); although these detainees were initially allowed to have lawyers, and their families were previously able to visit them several times, Syrian Regime forces suddenly and without warning transferred them from their places of detention in central prisons to unknown locations without notifying the detainees, their lawyers or families about the reason for the transfer or their destination. We have noticed an increase in the number of detainees who have been disappeared from central prisons since the beginning of 2018 to the present, and there is a strong and well-founded concern that Syrian Regime forces have implemented sentences against them implemented in secret by the military field courts (al Midan Courts), or that security authorities have issued orders to return them to the security branches responsible for their detention and to stop their trial and detain them indefinitely under enforced disappearance by this means.

From March 2011 up until August 2019, the SNHR team has documented the cases of at least 128,417 individuals, including 3,507 children and 7,852 women, who are still arbitrarily arrested by Syrian Regime forces, of whom at least 83,574 individuals, including 1,722 children and 4,938 women, have been forcibly disappeared, with the Syrian regime being responsible for 85.04% of the total number of cases of enforced disappearance in Syria.

Testimonies of families of victims and cases of forcibly disappeared persons by Syrian Regime forces:

Mohammad Nour Ref'at Junaid, an employee of the Federation of Syrian Chambers of Industry in Homs, from Homs city, and a resident of the old city of Homs, was 25 years old at the time of his arrest. He was arrested by Syrian Regime forces on Sunday, April 22, 2012, while he was passing through one of the regime's checkpoints known as the "Khaled Ben al Waleed Secondary School Checkpoint" in al Midan neighborhood of Homs city. His fate remains unknown to the SNHR, as well as to his family.



The SNHR spoke with Mohammad's brother, Mr. Sa'do¹, who recounted the circumstances of Mohammad's arrest, in which he was detained with two of his friends. "**Mohammad was**

arrested while he was accompanied by two friends from the same family after being stopped at the Khaled Ben al Waleed checkpoint in al Midan neighborhood. In April 2015, his two friends, the last to see Mohammad in Sydnaya Military Prison in the Red





¹ By phone on April 23, 2019

Wing in Damascus Suburbs governorate, were released. We have not received any information about him since then." Sa'do said that his brother Mohammad is not allowed to receive visits, his family have been unable to discover what the charges against him are, and he has not been subjected to any trial, adding that the family are not allowed to take any action such as appointing a lawyer.

The child, Abdul Rahman Samir Idris, was a 15-year-old student in the ninth grade of basic education at the time of his arrest in 2012. Abdul Rahman, a Palestinian Syrian national born in Douma city in the Eastern Ghouta east of Damascus Suburbs governorate, was a resident of al Yarmouk Camp south of Damascus city. He was arrested by members of Syrian Regime forces on Friday, September 21, 2012, in an area near the reserve automatic bakery in al Zahera al Jadida neighborhood in the southeast of Damascus city. His fate remains unknown to the SNHR, as well as to his family.

We contacted Abdul Rahman's mother, Sanaa², who was with her son when he was arrested. She told us, **"I left the house in a hurry in search of Abdul Rahman after I called him repeatedly and his cell phone was switched off. I found my son near the reserve automatic bakery. The minute I reached him, members of the security forces gathered around me, and told me that they would only take Abdul Rahman for interrogation and then release him. When I tried to stop them, they beat me and then took him and he's never come back. Then I started the search for him. We asked about him in Sydnaya Prison, in the military police in al Qaboun area, and in the Palestine branch, but I didn't get any information; with all their responses was the denial of his existence."**

Sanaa said that at the end of February 2013, she received information about her son from a released detainee who told her that he had been imprisoned with Abdul Rahman a week after the boy's arrest at the State Security branch in Najha area south of Damascus. He also told her that the reason for Abdul Rahman's arrest was the similarity of his name with someone else's. Sanaa told us that since then she has received no news about her son.



² By phone on May 20, 2019



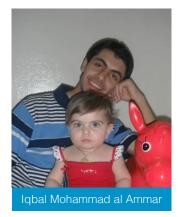


Suhaib Mohammad al Ammar, a human rights activist and university student at the University of Damascus' Faculty of Arts / English Department, was 22 at the time of his and his brother's arrest together in 2012. Suhaib, who originally came from Namar town in the northwest of Daraa governorate, was a resident of al Zahera al Jadida area southeast of Damascus city when he was arrested by members of the Syrian regime's Military Security forces on Sunday, November 25, 2012, in a raid on his home in al Zohour neighborhood. Suhaib was arrested along with his younger brother, Iqbal, another activist and a student at the same university's French language department, born in 1992, and with two of their relatives, Yousef Awad al Ammar and Bilal Omar Kushan. The fate of all four remains unknown to the SNHR, as well as to their families.

The SNHR contacted Dr. Mohammad³, Suhaib's and Iqbal's father, who told us: "At ap-

proximately 12 pm, Suhaib drove one of his friends to her house. After returning to [his] house, members of the Military Security forces raided the house and arrested all the young people in it - Suhaib, his brother lqbal, Yousef Awad al Ammar and Bilal Omar Kushan. Since then, we have been unable to see them or find out any information about them."

Dr. Mohammad said that the family had visited the Ministry of National Reconciliation on a continuous basis to ask about his sons and relatives, as well as visiting the Justice Palace, the Military Police and the Terrorism Court in Damascus city, but to no avail.











³ Via E-mail on June 13, 2019

Ali Saeed al Shehabi, a Palestinian thinker and historian, was a 57-year-old retired teacher of English language at the time of his arrest in 2012. Ali, who had worked in the schools run by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in Damascus city, was originally from al Aal village to the southwest of Golan city in Quneitra governorate, and was living in al Yarmouk Camp in the south of Damascus. Members of the Syrian regime's Military Security forces arrested him on Monday, December 17, 2012, while he was passing through one of the regime's checkpoints at the northern entrance of al Yarmouk Camp. His fate remains unknown to the SNHR, as well as to his family.



The SNHR spoke with Ms. Latifa⁴, Ali's sister, who told us that Ali had been arrested several times after the uprising began in 2011, adding "The last time he was accompanied by a friend, and after his friend's departure, he was arrested by members manning the Military checkpoint in al Yarmouk Camp. Two days later, we knew that he was in the 235 Branch, known as Palestine Branch. Since then, we have not received any information about him despite our repeated attempts." Latifa told us that she asked for the help of a person working in the Popular Front for the Liberation of Palestine – General Command (PFLP-GC) who told her that the head of the Palestine branch had admitted that Ali was being held in the branch, but refused to give any further information. Latifa also told us that she had applied for a search request in the Justice Palace in the Mazza neighborhood of Damascus city, and had received a reply informing her that no arrest warrant had been issued against Ali and he was not being held in any prisons.

Fuad Mohammad Amjad Bilal, a dental laboratory technician, from Jdaidet Artouz town west of Damascus Suburbs governorate, was aged 29 at the time of his arrest in 2013. He was arrested by members of the Syrian regime's Military Security forces on Wednesday, January 9, 2013, in a raid on his aunt's home where he was living, in al Shamali neighborhood of al Zaitoun area in Jdaidet Artouz town. His fate remains unknown to the SNHR, as well as to his family.







⁴ By phone on June 21, 2019

We spoke with Mrs. Lamyaa⁵, Fuad's mother, who told us about the circumstances of Fuad's arrest and the subsequent arrest of his brother Yousef, adding that she had later identified Yousef's body from a photo published on Facebook among the leaked 'Caesar' photos of regime torture victims, while Fuad's fate is still unknown.

She said: "Fuad was visiting his aunt's house when a patrol of the Military Security Branch raided the house, arrested him and took him to an undisclosed location. Nearly two weeks later, his brother Yousef was arrested along with a friend who was released six months later. Fuad's and Yousef's fate remained unknown, until 2015, when I found a photo of Yousef among the photos of Caesar victims posted on Facebook."

Lamyaa said she tried searching for a picture of Fuad, but did not find one and has received no information about him since his arrest.

Lamyaa provided us with a photo of Yousef, which she found on the social networking site Facebook among the leaked photos of torture victims - known as the Caesar photos -



death due to torture

busef Mohammad Amjad Bil before his arrest

The child, Nour al Din Badr al Din Mahmoud, from Saqba town in the Eastern Ghouta, east of Damascus Suburbs governorate, was aged 15 at the time of his arrest in 2013. Syrian Regime forces arrested him on Saturday, July 20, 2013 in al Wafdin Camp near Douma city in the Eastern Ghouta, east of Damascus Suburbs governorate. His fate remains unknown to the SNHR, as well as to his family.

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The child Nour al Din Mahmoud





⁵ By phone on May 8, 2019

The SNHR spoke with Mrs. Adiba⁶, Nour al Din's mother, who told us about the circumstances of her child's arrest "He was stopped by members of the regime forces in al Wafdin Camp after they shot at his leg, injuring it. Several months later, a man who had been released told me that he had seen Nour al Din in the Air Force branch in Damascus city. More months later, another detainee was released and told me that he had seen Nour al Din in the 248 branch of Military Security in Damascus city. In 2015, I learned that Nour had been transferred to Sydnaya Military Prison, and, since then, I have not heard any news about him."

Adiba said that she has been unable to obtain any Information about the fate of her son apart from the reports she received from the released persons, all of whom have confirmed that Nour al Din had been severely tortured, despite his injury.

Mohammad Khalaf al Sharif, a university student at the Faculty of Arts / Arabic Department, was aged 25 at the time of his arrest in 2013. Mohammed, from J'eifinet al Mashi, which is administratively a part of Manbej city in the northeastern suburbs of Aleppo governorate, was arrested by members of the Syrian regime's Air Security forces in October 2013 while he was passing through a checkpoint known as al Dmair Checkpoint in al Dmair city east of Damascus Suburbs governorate. His fate remains unknown to the SNHR, as well as to his family.



Mohammad Khalaf al Sharif

The SNHR spoke with Mr. Khattab⁷, Mohammad's brother, who told us the details of Mohammad's arrest after his return to Syria. He said "Mohammad was a resident of Jordan and was arrested after entering Syria when he passed through the Air Force Security branch's al Dmair checkpoint. News about him was completely cut off from us until April 2014, when a former detainee told us that he had seen Mohammad at the Air Force security branch in Harasta. This was the last news we heard about Mohammad." Khattab said his family was unable to take any action or hire a lawyer to help his brother because of their well-justified fear of further persecution by regime security forces, especially since they were in an area controlled by Armed Opposition factions when the arrest took place.





⁶ By phone on June 9, 2019

⁷ By phone on May 29, 2019

B. Extremist Islamist groups:

- ISIS (the self-proclaimed 'Islamic State'):

The ISIS terrorist organization has replicated the Syrian regime's approach to arresting and disappearing a large number of detainees, and not disclosing their fate even when it has executed them. In a further carbon copy of the Syrian regime's most brutal practices, ISIS has particularly targeted media activists, humanitarian workers and foreigners in order to terrorize society and deter anyone from violating the organization's extremist doctrine. We estimate that ISIS had at least 54 main detention centers and a minimal number of secret detention centers. The largest number of the group's detention centers was located in Ragga governorate which had 26 such centers in total, followed by Deir Ez-zour governorate with 20, then Aleppo governorate with eight detention centers. In a previous report, entitled The Black Bottom, we talked about the 19 most notable ISIS detention centers. After the group lost control of most of the areas that were under its control in northeastern Syria, it evacuated its detention centers and took its detainees to unknown areas, making the process of tracking the detainees' fate complicated, especially in the cases of those who had disappeared or been held hostage after being kidnapped years before, whose families have not received any information about them since the moment of their arrest and fear that the organization may have carried out mass executions and extermination against them. The families feel that this may be made more likely by the failure of Syrian Democratic Forces, who took control of the previously ISIS-controlled areas, to cooperate with the families of the disappeared and to answer their questions or to release any information on the findings of their investigations concerning ISIS' prisoners.

Since the announcement of the establishment of ISIS up until August 2019, the SNHR team documented at least 8,715 arbitrary arrests by ISIS of individuals, including 326 children and 402 women (adult female). At least 8,648 of these individuals, including 319 children and 386 women, have been forcibly disappeared. ISIS is responsible for 8.8% of the total number of the forcibly disappeared in Syria.

Testimonies of families of victims and cases of forcibly disappeared persons by ISIS organization:

Mohammad Wais Mosalam, a media activist, as well as one of the founders of the fraternity coordination (Hevrêza Biratî), and editor of the 'Kobani Kurd' media network, was born in 1994. Mohammad, from Ein al Arab city in the eastern suburbs of Aleppo governorate, was arrested by gunmen affiliated with ISIS on Tuesday, August 27, 2013, in Khirbet Hadla village in the suburbs of Raqqa governorate. His fate remains unknown.



Mohammad Wais Mosalam





We spoke with Ismail Muslim⁸, a cousin of Mohammad who was working with him in the media field in Ein al Arab city, known as Kobani. He said **"Mohammad traveled from Kobani to Iraqi Kurdistan to attend a media session. When he arrived in the suburbs of Raqqa, members of ISIS stopped him and took him to an undisclosed location. Mohammad has disappeared since then, and we did not get any further information about him."** Ismail said that they had contacted many of those released by ISIS in previous years but had not received any information about him. Ismail believes it's probable that ISIS members initially arrested Mohammad because of his identity and his being from Ein al Arab city, then learned about his media activism and forcibly disappeared him due to that.

Hassan al Hamdo, a member of Manbej city's media office, from Manbej city in the eastern suburbs of Aleppo governorate, was arrested on Monday, March 24, 2014, by gunmen affiliated with ISIS. His fate remains unknown.

Ramadan Khashman al Ahmad, from Ein al Arab city in the eastern suburbs of Aleppo governorate, was born in 1964. On Monday, August 25, 2014, he was arrested by gunmen affiliated with ISIS in Manbej city in the suburbs of Aleppo governorate. His fate remains unknown.



Hassan al Hamdo

⁸ By phone on February 13, 2019







Fahd Tarboush, a 45-year-old human rights activist, from Manbej city in the eastern suburbs of Aleppo governorate, was arrested in Manbej city by gunmen affiliated with ISIS on Sunday, September 14, 2014. His fate remains unknown.

We spoke with Suhaib Tarboush⁹, a cousin of the victim Fahd, who told us: "Fahd was working on documenting human rights violations in Manbej city. He was known to everyone and had relations with the local council, activists and the media outlets. At the start of ISIS's entry into Manbej, he refused to leave and was harassed and persecuted for his work. Then he was kidnapped from the city, and from the first moment he was kidnapped by ISIS members, his family heard no news about him except that ISIS took him out of the city to an undisclosed location." We learned from Suhaib that the family tried to communicate with ISIS headquarters that were in Manbej to find out his fate, but they did not get any response and were threatened with death if the question was repeated because ISIS considers human rights activists a great danger to it, especially since Fahd was known for his activism in Manbej City.



Fahd Tarboush

Radi Mohammad al Ayyashi, a 50-year-old former government employee at the Public Electricity Company in Raqqa city, from Raqqa city, was arrested, along with his son Waddah, by masked men affiliated with ISIS from his home in Raqqa city in January 2017 and taken to an undisclosed location. His fate remains unknown since then.

The SNHR met with Mr. Samir¹⁰, a relative of the victim Radi, in Idlib city where he's currently living as a result of displacement. He told us **"A group belonging to a sheikh called Abu Aisha Mayadeen raided Radi's house and smashed all its contents and took him with his son Waddah**, who lived with him in the same house. They explained that they had heard that Radi and his son were expressing their intention to leave Raqqa and travel to regime areas after ISIS clamped down on residents. Then we tried to mediate for them with people working with the group, but to no avail. Our last attempt was when they told us that they had put them on the front lines, and whoever mediates for them would join them."



⁹ By phone on April 4, 2019

¹⁰ On August 3, 2019

We also learned from the victim's relative that a number of those released from the group's prisons told them that Radi and his son Waddah had been executed after digging tunnels in the eastern suburbs of Deir Ez-zour governorate, but the family could not verify this information.

Hasan Omar al Ahmad, a lawyer, from al Tabaqa city in the western suburbs of Raqqa governorate, was arrested by gunmen affiliated with ISIS on Tuesday, January 24, 2017, in al Tabaqa city. His fate remains unknown to the SNHR.

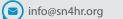


- Hay'at Tahrir al Sham (an alliance composed of Fateh al Sham Front and a number of factions of the Armed Opposition):

Hay'at Tahrir al Sham followed in the footsteps of ISIS and the Syrian regime in using the tactic of enforced disappearance, and not disclosing the fate of its detainees or subjecting them to any legal trial except for the formalistic and secret trials conducted by its Sharia and security officials (clerics who perform the functions of issuing Fatwas and Judgments, who hold leadership positions in the HTS). The HTS often releases foreign detainees after negotiations with parties they work for in return for large sums of money, while holding the rest of them in its secret prisons where they are prevented from receiving visits, having any communication with their families, or hiring a lawyer. HTS does not allow them access to the judiciary established in the areas under its control, and disappears them in its secret prisons, which were established through its security apparatus, the most important of which is al Uqab Prison in the southern suburbs of Idlib governorate.

Enforced disappearance by HTS often lasts for years, and the group does not disclose the fates of those it has disappeared, routinely summarily executing them in order to avoid public outrage against it, to keep victims' families in a traumatic state of uncertainty, pain and fearfulness of retaliation, and to spread fear and warn of the consequences of criticizing or rejecting its policies and teachings in areas under its control.

The enforced disappearances carried out by HTS have resulted in many activists and their families being displaced, fleeing to other areas outside the group's control for fear of arrest and unknown fate.





Since the announcement of the establishment of Jabhat al Nusra (al Nusra Front) in early 2012 up until August 2019, the SNHR team has documented the arrest of at least 2,006 individuals, including 23 children and 59 women (adult female), all of whom are still being arbitrarily arrested by HTS. At least 1,946 of these individuals, including seven children and 22 women, have been forcibly disappeared.

<u>Testimonies of families of victims and cases of forcibly disappeared persons by Hay'at</u> <u>Tahrir al Sham:</u>

Saed al Sayyed al Ahmad, from Khattamlo town in the eastern suburbs of Homs, born in 1985, is a farmer who lives in Idlib city. On Tuesday, February 12, 2019, gunmen affiliated with the security apparatus of Hay'at Tahrir al Sham raided his place of residence in al Dabbeit neighborhood, west of Idlib city, and took him to an undisclosed location, while his fate remains unknown since then.

The SNHR met with Mr. Mohammad al Sayyed al Ahmad¹¹, the victim's brother, at his place of residence in Idlib city, who told us the details of his brother's arrest, which he witnessed:

"We were sitting in Saed's house, where a masked gunman knocked on the door, and he said he was from the security force of the HTS and had a mission and called Saed by name. When Saed came, the man arrested him and took him to a car belonging to them, and then other members entered the house and searched it, then they drove Saed to an undisclosed location. After we searched for them and made contact, we learned that he had the border security." Mohammad told us that Hay'at Tahrir al Sham prevented family members from visiting his brother, and provided no explanation of why he was detained, and those who the family met with refused to give them any information or details about Saed's fate, saying only that Saed had been detained for security reasons.

Mohammad Sallal, a university student at the University of Idlib's English department, from al Ghadfa village in the suburbs of Idlib governorate, was arrested by members affiliated with Hay'at Tahrir al Sham on Saturday, April 20, 2019, while he was passing through one of the group's checkpoints at the eastern entrance of Idlib city, on charges of heresy, and arrested along with two other students. Their fate remains unknown to the SNHR.







¹¹ On August 3, 2019

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¹² On phone on August 15, 2019

Mohammad Khaled Mahmoud, from Hama city, born in 1979, was living as a displaced person with his family in Kafranbel city in the southern suburbs of Idlib governorate when he was arrested in May 2019. Gunmen affiliated with Hay'at Tahrir al Sham arrested him on Sunday, May 5, 2019, while he was passing through one of the group's checkpoints on the Damascus - Aleppo International Road near Ma'aret al Numan city and, took him to an undisclosed location. His fate remains unknown.

We spoke with Mrs. Asmaa Dabbagh¹², the victim's wife, who witnessed his arrest. She told us, **"When we arrived at the Ma'aret al Numan Checkpoint on the highway, the checkpoint personnel stopped us and asked for my husband's personal identity. Soon after I heard my husband and the head of the checkpoint screaming at each other, then a car came and they put my husband in it and went away, followed by another car which they put me in and brought me to my house."** Asmaa said that her husband's family has asked about him in the HTS court in Ma'aret al Numan city and at the HTS headquarters without any result. She added that she subsequently received unofficial information saying that he's being held in either al Uqab Prison or in the central prison in Idlib city, although she and her husband's family have not yet been able to verify this information.

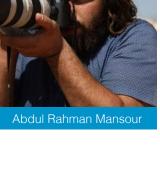
Ma'an Bakkour, a media activist and member of the Hama media office, from al Mkharram town in eastern suburbs of Homs governorate, was born in 1988. Maan, a resident of Ariha city in the southern suburbs of Idlib governorate, was arrested by gunmen affiliated with Hay'at Tahrir al Sham on Friday, June 14, 2019, in a raid on his place of residence, with his mobile phone and motorcycle reportedly confiscated after his arrest. His fate remains unknown to the SNHR.

 Walan Bakkour

Abdul Rahman Mansour, a media activist, from al Atareb city in the western suburbs of Aleppo governorate, was arrested by by gunmen affiliated with Hay'at Tahrir al Sham on Wednesday, July 17, 2019, while he was passing through one of the group's checkpoints known as al Sawma'a in Urm al Kubra village, southwest of Aleppo governorate. His fate remains unknown to the SNHR.

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C. Kurdish-led Syrian Democratic Forces (the Democratic Union Party):

Since the establishment of the Syrian Democratic Forces following its establishment of Self-management forces of the Kurdish Democratic Union Party, in January 2014, the SDF has practiced enforced disappearances against any activists or politicians critical of its practices in areas under its control. At the beginning of 2016, the SDF began targeting the civilian population on the basis of national and ethnic background and on the pretext of links between them and ISIS., especially in newly controlled areas, either through campaigns of raids and arrests, or through temporary checkpoints that they establish from time to time. They take those detained to detention centers without putting them on trial and prevent their family from visiting or communicating with them or appointing a lawyer. Despite this, no clear charges have been brought against them, and we have noticed the release of a number of them by the SDF after agreements with the dignitaries and Sheikhs of the tribes of the areas targeted by arrests.

From January 2014 to August 2019, the SNHR team documented at least 2,907 individuals, including 631 children and 172 women who are still being arbitrarily arrested by Syrian Democratic Forces. At least 1,877 individuals, including 52 children and 78 women, have been forcibly disappeared.

<u>Testimonies of families of victims and cases of forcibly disappeared persons by Syr-</u> <u>ian Democratic Forces:</u>

Mun'em Khalil Shalash, from Manbej city in the northern suburbs of Aleppo governorate, works as a minibus driver. On Sunday, February 24, 2019, he was arrested by members affiliated with Syrian Democratic Forces as he was passing through one of their checkpoints while traveling from Manbej city to Aleppo city, and taken to an undisclosed location. His fate remains unknown.

The SNHR contacted Mohammad Ali¹³, Mun'em's son, who told us about the circumstances of his father's disappearance, the confiscation of the bus he was working on and the fact that they were not allowed to visit him. **"One of our acquaintances who was in the minibus with my father told us that my father was stopped at a SDF checkpoint who arrested him a short distance outside Manbej**. We went to the police station in Manbej. We asked about my father and they told us they did not know about it. Then we went to the checkpoint that made the arrest. They said they sent him to the central security for interrogation without telling us where he was being held, even though we repeatedly asked about him several times, until the last time when they told us that the case was in the hands of their central security."



¹³ On phone on June 30, 2019

Khaled al Hlaisi, headmaster of al Zainab School for Basic Education, from Saeda village, which is administratively a part of Tal Abyad area in the northern suburbs of Raqqa governorate. Syrian Democratic Forces arrested him on Saturday, March 16, 2019, in Saida village. His fate remains unknown to the SNHR.



Miqdad al Laji, a lawyer from al Qameshli city in the northern suburbs of al Hasaka governorate, was arrested by Syrian Democratic Forces on Sunday, June 30, 2019, in a raid on his house in al Khaleej Street in al Qameshli city. His fate remains unknown to the SNHR.

Brothers Zaher and Ali Ayyad al Ahmad, from al Jarthi village in the eastern suburbs of Deir Ez-Zour governorate, were arrested by Syrian Democratic Forces on Monday, July 22, 2019, in al Jarthi village. Their fate remains unknown to the SNHR.

D.Factions of the Armed Opposition:

Areas that were under the control of factions of the Armed Opposition receded by the end of 2018 and concentrated in the northern suburbs of Aleppo governorate and some areas of Idlib governorate. During 2018, we recorded few releases of disappeared people in areas that were controlled by some factions before Syrian Regime forces took control of these areas, while the fate of hundreds of detainees held by these factions remains unknown and have been forcibly disappeared. Factions of the Opposition have carried out arrests and enforced disappearances, with some of these being of an ethnic and sectarian nature, especially in the Afrin area in the northern suburbs of Aleppo governorate. During 2019, we recorded a marked increase in kidnappings and arrests, most of which led to enforced disappearances, in areas controlled by factions of the Armed Opposition.

From March 2011 to August 2019, the SNHR team documented at least 2,844 individuals, including 329 children and 846 women, who are still being arbitrarily arrested by factions of the Armed Opposition. At least 2,234 individuals, including 222 children and 416 women, have been forcibly disappeared.





<u>Testimonies of families of victims and cases of forcibly disappeared persons by fac-</u> tions of the Armed Opposition:

Ryad Manla Mohammad, a graduate of the Faculty of Economics and business management specialist, from Jwaiq village, which is administratively a part of Afrin city in the northern suburbs of Aleppo governorate, was born in 1964. He was arrested by members of Ahrar al Sharqiya faction, one of the factions of the Armed Opposition, on Sunday, September 23, 2018, in his place of residence in Afrin city. His fate remains unknown to the SNHR.



We spoke with Ibrahim¹⁴, a relative of Ryad, who told us that Ryad's family asked about him at the Ahrar al Sharqiya faction's headquarters and with the military police in Afrin city, as well as asking a number of officers, but to no avail. He adds: **"We did not leave a party we did not sting on trying find out the fate of Ryad. We even filed a complaint to the Turkish Governor who visited Afrin, but we've received nothing but the sound of uselessness. We did not get any information about him. Ryad was interested in his business and educational work only."** We learned from Ryad's relatives that his property was looted and robbed after his arrest and his properties and goods, including a private school, a restaurant and house were all seized.

Hannan Ahmad Sheikho, a 47-year-old man from al Sheikh Hadid village in the northern suburbs of Aleppo governorate, working in a juice shop, was arrested on April 22, 2019, by members of Ahrar al Sharqiya faction, a faction of the Armed Opposition, in his work place and took him to an undisclosed location. His fate remains unknown.

The SNHR met with Abdul Ghafour¹⁵, Hannan's nephew, in Afrin city, who told us that his uncle had disappeared since the first day of his arrest, as they were reported that he has been transferred to Turkey on charges of being a member of Syrian Democratic Forces. Abdul Ghafour said, **"From the first day my uncle was arrested, we went to Ahrar al Sharqiya headquarters to ask about him. They only expelled us and threatened to arrest us if we came back to ask about him. Ten days later, we learned through someone close to this faction that they handed over my uncle to a Turkish patrol, which in turn transferred him to Turkey for interrogation and since then we no longer receive any news or information about him."**



¹⁴ On phone on April 11, 2019

¹⁵ On August 18, 2019

Cigerxwîn Ahmad Ismail, a 33-year-old member of the local council of the Jendeires district of Afrin city in the northern suburbs of Aleppo governorate, from Hak Hassieno village of Afrin City, was arrested by members of the military police of one of the Armed Opposition factions in early May 2019 in the Jendeires district. His fate remains unknown to SNHR.

Ahmad al Mohammad, a lawyer, from Jarablus city in the eastern suburbs of Aleppo governorate, was arrested by members of the military police of one of the Armed Opposition factions on Thursday, July 20, 2019, in Izaz city, northwest of Aleppo governorate, and took him to one of its detention centers in the city.

VI. Conclusions and Recommendations

Legal conclusions

SNHR believes that the Syrian regime has demonstrated a lack of commitment to the international agreements and treaties it ratified, in particular the International Covenant on Political and Civil Rights. In addition, the Syrian regime has violated a number of articles of the Syrian constitution itself as hundreds of thousands of detainees have been detained for many years with no arrest warrants or any charges. The Syrian regime also denied those detainees the right to an attorney and barred their families from visiting them. 65% of all detainees have become enforced-disappearance cases as the Syrian regime never informed their families of their whereabouts. In case a family tried to inquire about the whereabouts of their oved ones, a question that might put the families at risk of being arrested.

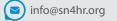
Enforced disappearance is prohibited by the customary international humanitarian law according to rule 98 which prohibits enforced-disappearance in international and non-international armed conflicts.











Rule 117 of the same law states, "Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate."

Further, the international criminal law prohibits enforced disappearance. According to the International Criminal Court's Rome Statute, practicing enforced-disappearance in a systematic manner constitutes a crime against humanity (Article 7, paragraph 1-i), which applies to the acts of the Syrian regime.

The rest of the parties also practiced the crime of enforced disappearance, although not on the same centrality, which the Syrian regime is characterized with, as it differs from the quantity and distribution of cases, and the ISIS organization and Hay'at Tahrir Ia Sham are similar to the Syrian regime in expanding the prevalence of cases and its methodology as indicated by our data.

Recommendations

Security Council and United Nations

- Hold an emergency meeting to discuss this critical matter that threatens the fates of nearly 98,000 individuals and terrorizes the whole Syrian society.
- Find methods and mechanisms to prevent the Syrian regime from tampering with the living and the dead, as this poses a major threat to the security and stability of the Syrian state.
- The Security Council should act to stop torture and deaths due to torture inside Syrian regime detention centers, and save whoever detainees left as quickly as possible.
- Take action under Chapter VII of the Charter of the United Nations to protect the detainees from a certain death inside detention centers, and to put an end to enforced-disappearance that has plagued Syria as it poses a threat to the security and stability of the society.
- The Security Council should continue implementing and bind parties to the resolutions it has adopted, most notably Resolution 2042 and Resolution 2139. The Security Council should follow its resolutions with action.
- Devote more attention to the issue of the forcibly-disappeared in Syria given its severity and the fact that it is a crime against humanity. This issue must be addressed urgently.
- All detainees should be immediately allowed to contact their families, as well as lawyers and doctors. Bindings guarantees should be established to prevent torture to death inside detention centers.

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Syrian regime

• Stop treating the Syrian state as a private family property.

• Stop terrorizing the Syrian people through enforced-disappearance, torture, and death due to torture.

• Stop tampering with and exploiting civil records and in service of the goals of the ruling family.

• Shoulder all legal and material fallouts and compensate the victims and their families from the resources of the Syrian state.

Human Rights Council

• Follow up on the issue of the detainees and forcibly-disappeared in Syria and shed light on it at all periodic annual meetings, and dedicate a special session to address this horrifying threat.

OHCHR

• Prepare a special and extensive report that sheds light on this catastrophe including all of its psychological, social, and economic ramifications, and support active human rights groups in Syria.

Special Rapporteur on Enforced-Disappearance

• Increase the manpower on enforced-disappearance at the office of the Special Rapporteur on Enforced-Disappearance in Syria in light of the notable and sizeable cases of enforced-disappearances in the country.

Solidarity

All solidarity with the victims and their families, and there must be a human rights and social struggle by Arab and international human rights organizations that stand by the Syrian people and condemn the crimes of the Syrian regime and demand continuously to disclose the fate of their relatives and release them, and all thanks and appreciation to the families and local activists, without the efforts of whom the report wouldn't have been prepared this way.

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