

FORCED DISAPPEARANCE IN SYRIA

GONE WITHOUT A TRACE

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الشبكة السورية لحقوق الإنسان

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Introduction

Since the beginning of the popular uprising in March 2011, detention and forced “disappearances” have occurred on a daily, and increasing, basis. Exacerbating the situation is the fact that a variety of parties rule different areas of Syria. The regime of Bashar al-Assad holds the greatest number of arbitrarily detained people, accounting for 96 percent of forced disappearances. The remainder are the responsibility of ISIS, the Kurd Self-Management Forces and other armed opposition groups.

Forced disappearance is a tragedy for both those captured and held alive for days, weeks or years, and their families. The victims are kidnapped from either their homes or the streets. Sometimes the crime is carried out by people in military uniform, and no matter what they wear, they universally refuse to divulge who they are or the basis for their actions. The various parties involved in the civil strife often deny possession of the victims.

In the second article of the International Convention for the Protection of All Persons from forced Disappearance, the crime is defined to be “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, placing the person outside the protection of the law.”

Even though this definition ties forced disappearance to agents of the state or groups authorized by the state, this report documents forced disappearance by all parties, since some armed forces on the ground virtually play the role of government. Such armed forces include ISIS, Al-Nusra and the PYD-affiliated Kurd Self-Management Forces, as well as other opposition forces that

have seized power over Syrian territories. All of these forces have detained a number of individuals, some of whom have disappeared.

In the Syrian context of overwhelming chaos, it is rare for an individual to be detained with an official order for legitimate reason. Quite the contrary, most people are detained from their bedrooms after their houses are damaged, from checkpoints or from streets. The latter has become the most common, to assure there is no proof of the involvement of government forces and thus avoid responsibility for whatever torture or sexual abuse is inflicted.

Our records include cases of forced disappearances that took place as long as four years ago, since the beginning of the uprising in March. What is more striking is wide geographical space now governed by violent groups. Independent of central authorities, these groups have managed to set up and operate secret detention centers. Sectarian groups are responsible for the most violence and bloodshed.

The goal of this report is to expose even these “gray” violations, those perpetrated against Syrian civilians by non-state actors, so that they can be prosecuted by the International Criminal Court. We hope this report, along with similar ones, attracts the attention of the international community, specifically the UN Security Council, so resolutions to end these continuing atrocities can be adopted and put into action.

Relentless Torture

Forced disappearance is recognized as a crime against humanity whenever it is executed in a planned, institutionalized and/or systematic fashion. Unfortunately, the crime is not unfamiliar to the Syrian people; they have experienced it since the 1980s in Aleppo, Homs and Idlib.

All forced disappearances are atrocities; however, those in which the breadwinner of a family is the one abducted have the most far-reaching consequences. The impact on children is parallel to the results when Syrian government snipers shot husbands and fathers intentionally to disable rather than kill them. The Syrian Network for Human Rights published a report titled “Hunting People,” in which it concluded that the goal of these crimes was to send a permanent message (of terror) that would spread among all Syrian people.

With their husbands’ status uncertain, wives of men who have disappeared cannot remarry. Inherited assets cannot be distributed due to the lack of a death certificate. Likewise, the family is unable to receive the breadwinner’s pension. Families are terrified by the mere thought of calling regime authorities to inquire about their relatives’ fates. In fact, there have been many cases of individuals who disappeared themselves after inquiring about a relative’s fate.

The families and friends of the disappeared endure great and constant pain, since they know nothing about their sons, fathers or mothers, including where they are or whether they are still alive. Their only choice is to wait – sometimes for years- to receive news from some source about their relatives. Too often, that news never comes.

Meanwhile, the abducted person also has no hope of receiving any news about or from his or her family. They are deprived of all of their rights except for excep-

tions granted at the whim of their jailers. Even if eventually released, the suffering does not end. Recovery from the physical and psychological effects requires a long, tough time.

According to testimony from survivors of arbitrary detention and forced disappearance, torture is an established, common practice by the perpetrators. It is practiced on a daily basis in different ways, one of which is sexual abuse. A previous report by the Syrian Network for Human Rights outlined about 46 different torture techniques, resulting in the death of 11,358 individuals; 157 of them were children, while 62 were women. Generally speaking, every woman who is “disappeared” suffers sexual abuse. It becomes a dual crime.

Working Groups’ Record

of Cases of Forced Disappearance

Available statistics document that Syrian government forces have committed the highest number of forced disappearances. Interviews with the families of detainees illustrate that forced disappearance is a practice systematically used in all Syrian governorates, and most commonly executed by regime forces.

On May 25, 2012, the Syrian regime agreed to implement the Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States. The fourth point demands that the Syrian regime intensify the pace and scale of release of arbitrarily detained persons, particularly those who are especially vulnerable or had been involved in peaceful political activities. In addition, it mandates that the government provide without delay through appropriate channels a list of all places in which these individuals are being detained, immediately organize access to the locations and respond promptly to all written requests for informa-

tion, access or release. The same demands were made in Resolution 2042, which was adopted by the UN Security Council on April 14, 2012, and incorporated into Resolution 2139 by the same body on February 22, 2014. This latter resolution requires Syrian regime forces to halt all forced disappearances, yet it has been ignored. The Syrian regime's apparent belief that it has impunity will continue until there is real pressure imposed.

Of course, the Syrian regime denies it has committed any forced disappearances, and it accuses Al-Qaeda and other terrorists being the perpetrators. No government officials have been held to account. Further, all attempts to collect information on these crimes have been ignored and, like all other human rights organizations, including the International Independent Investigation Commission, we have been banned from working in Syrian territories.

It is noteworthy that the Syrian regime is very centralized; only a few officials make the decisions and have exclusive access to detailed information on what is happening on the ground. These officials are well aware of forced disappearances; in fact, they may well be directing these crimes, which are executed through complex coordination among the different state security agencies.

In their desperation for information, families have been forced to bribe officials, sometimes paying tens of thousands of dollars, to get information about their detained relatives. Extorting these huge amounts of money could be the motivation behind the forced disappearances.

Forced Disappearance in Numbers

We have worked for years to collect information and document cases of forced disappearance. According to the information we have collected, there currently are about 117,000 detainees in regime prisons. Approximately 65,000 are considered to have been forcibly abducted.

According to our data, the 65,000 victims of forced disappearance can be categorized as follows:

- Civilians: 58,148, including 3,879 children and 2,145 women.
- Members of armed groups: 6,968.

Forced Disappearance by Area

Area	Number
Damascus suburbs	16,744
Damascus	6,822
Aleppo	4,728
Dair Al-Zoor	3,092
Homs	5,581
Hama	6,209
Al-Riqqa	1,643
Idlib	3,050
Al-Hasaka	1,708
'Diraa	10,543
'Al-Sowaidaa	1,317
Latakia	2,014
Tartos	1,113
Al-Qanteera	552
Total	65,116

Forced Disappearance by Year

Year	Number
2011	8,455
2012	25,276
2013	19,570
2014	9,500
2015	2315
Total	65,116

Forced Disappearance by Non-State Forces

(Self-managed) Kurdish Forces

The Kurdish forces primarily support the Democratic Kurdish Union Party, and use forced disappearance to retaliate against their enemies from other political factions. When individuals reject DKU policies such as compulsory enlistment, forced disappearance is employed as retaliation.

An estimated 352 cases of forced disappearance, involving 43 children and nine women, have been attributed to the Kurdish factions such as the DKU party, People's Protection Units and Ayash forces.

ISIS, Islamic State in Iraq and Syria

ISIS has used forced disappearance to spread horror and terrorize those who oppose its ideology, including prominent activists and other well-known figures – thus creating the largest amount of fear and panic.

As with victims of the Syrian regime, families of individuals abducted by ISIS do not dare to ask about their relatives. ISIS arrests those who inquire or ask about their loved ones. An estimated 1,122 individuals have been abducted by ISIS in Syria, including 109 children and 65 women.

Al-Nusra Front

The Al-Nusra Front has targeted media activists and foreign journalists with forced disappearance. Other victims include people who did not ask the Front for a license to practice their trades, foreign relief workers and political opponents suspected of assassinating Al-Nusra members. Prisoners are typically hidden for two to eight months, then released. An estimated 876 people have been abducted by the Al-Nusra Front, including 35 children and two women.

Other Opposition Militant Groups

A number of militant Syrian opposition groups have employed forced disappearance. Most of these operations were executed immediately after the groups seized areas that had been under the control of the Syrian government. The groups arrested some people who supported the Syrian regime, as well as using some as hostages for prisoner exchanges. Many media activists and lawyers have been forcibly abducted.

An estimated 211 people have been forcibly disappeared by various other opposition groups, including 22 children and 11 women.

Significant Cases of Forced Disappearance

By the Syrian Government

Mohammed Bashir Arab

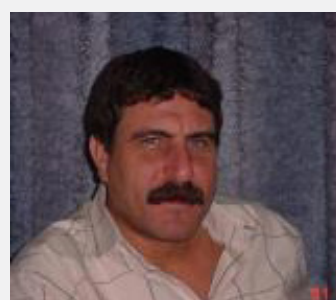
a pathologist from Halab. He is 35 years old and a well-known political opponent. Previously, he was arrested in 2004 and released in 2005.

Since March 2011, Arab was active in what is known as the Peaceful Revolutionary Movement. Syrian government forces arrested him on November 1, 2011. Remarkably, no one has heard anything about him for four years.



Moheeb Salman El-Nwati

a Palestinian journalist. He travelled on December 28, 2010, from Norway to the Middle East. He was on a work trip to complete the translation of his book. El-Nwati was supposed to return to Norway on January 9, 2012, yet he disappeared in Damascus just four days before his travel date. A witness said he saw El-Nwati in one of the military security departments in Damascus. However, Syrian government officials denied this completely.



El-Nwati's family delivered a complaint letter to the Norwegian authorities. The embassy inquired many times in hospitals and police stations to no avail.

Mohammed Al-Masri

The 27-year-old is from Doma city in the countryside of Damascus. Al-Masri is an activist with the Red Crescent Organization in Doma. Syrian government forces arrested him on September 15, 2012. He has not been found until now.



Khalil Ma'toq

Ma'toq is a 54-year-old lawyer from Al Mashrafya village in Homs. He is the executive manager of the Syrian Center for Legal Research and Studies, as well as the head of defense for detainees who were arrested for acting according to their conscience.

Syrian government forces arrested Ma'toq on October 2, 2012, while passing through a checkpoint in the Sahnaya area of Damascus. From that moment on, he has not been seen.



Rania Al Abassy

Rania is a well-known, 45-year-old dentist who also has been the Syrian chess champion for many years.



Syrian government forces arrested her and her children from Damr Project, where she lives, on March 9, 2013. Her fate is unknown until now.

Faa'q Meer Asa'ad

The 60-year-old from Tartous studied English literature at Damascus University. Syrian government forces arrested him for the first time in 1986, detaining him for 12 years for his opposition activities. He was set free in 1998, since he was a member of the political office for the Syrian Communist Party.

In 2006, the Syrian government arrested him once again, keeping him for two years because he had participated in Damascus Declaration for Democratic Change Powers. The declaration included an article calling for democratic change in Syria and ending the Syrian security regime.

On October 7, 2013, the Syrian government arrested As'ad for the third time in Damascus due to his membership in the People's Democratic Party. Since then the destiny of As'ad is unknown.



Feras Abd El Aal

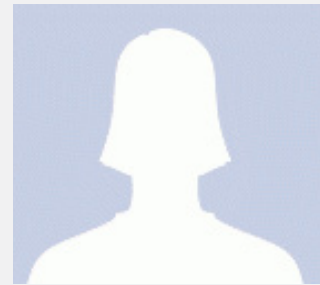
The 35-year-old from Jebbla city is an Islamic preacher. He is well known in his city and serves as imam of



Iman Mosque in the Al-Azi neighborhood. On September 26, 2014, government security forces arrested El Aal at his residence. No information is known about El Aal since the date of his arrest.

Marwa Ali Ghanm

Ghanm, 31, is from Al Zabdani city in the countryside of Damascus. Syrian government forces arrested her on May 8, 2015, at a checkpoint in the Yafoor neighborhood of Damascus. Nothing has been heard about Ghanm since the date of her arrest.



By Other Militant Groups

Self-Managed Kurdish Forces

Ameer Hamed

Amer Hamed from Al-Darabsya in Al-Haska is 30 years old. Hamed is an activist in the Revolution Youth Party in Al-Darbsya. On January 11, 2014, a group of militants arrested him.



Ibrahim Shaen Al Hamad

The 49-year-old is from Al-Azya in the countryside of northern Al-Reqa. On June 6, 2015, militants for the



self-managed Kurdish forces raided his house and arrested him for undefined reasons. He is still missing until now.

ISIS (aka Islamic State Party)

Ismail Al Hamd

Hamd, 38, is from Al-Reqa. He is a doctor and relief volunteer. On November 2, 2011, 1 group of ISIS militants arrested him from Al-Reqa city.



Hossam Netham Al-Deen

The journalist and sound technician from Halab works for Orient satellite TV. ISIS militants arrested him and two of his companions on July 25, 2013, when they raided the channel office in Tal Refaat. His destiny is unknown.



Muhammad Al-Amer

A correspondent for the Orient TV channel and Al-Deen's colleague, Al-Amer is a journalist from Hama province. An armed group affiliated with ISIS abducted him from his home near the market in Alatareb city on August 15, 2013. His fate remains unknown.



Samar Saleh

Also from Alatareb city in Aleppo rural province, Saleh is a journalist and an archaeological researcher. On August 15, 2013, an armed group affiliated with ISIS arrested Saleh from her home near the market area and has not been seen since.



Abdul Wahab Mullah

A 24-year-old journalist from Hanano district in Aleppo, Mullah is an active member of the Union of Media Professionals. On October 8, 2013, armed elements affiliated with ISIS arrested him at his home. His fate remains unknown.



Al-Nusra Front

Gombe Yasuda

The 41-year-old Japanese freelance journalist was abducted in the countryside of Idlib near the Turkish-Syrian border, while attempting to enter Syria on June 23, 2015. His fate remains unknown.



Ziad Ghadeer Depp

The one-year-old from Al-Balatah village in Latakia rural province was abducted along with his family from their home on August 4, 2013. The abduction took place in what is known as the “Battle of the Mother of Believers of Aisha.” Their fate remains unknown.



Hassna Abudul Karim Issa

The 45-year-old resident of Alhmbushah village in Latakia rural province was seized from her home during the same battle. No information on her whereabouts has been received since then.



Thuriya Dergham Saleem

Saleem was just 17 when she was taken her home in Al-Balatah village in Latakia rural province on August 4, 2013, in the same battle. Nothing else is known.



Legal Background

Forced disappearance is criminalized by the 2006 International Convention for the Protection of All Persons from Forced Disappearance. However, although Syria has not ratified the convention, forced disappearances also is considered criminal under customary international law and is contrary to the 1949 Geneva Conventions and the 1977 Second Protocol—both of which the Syrian government signed.

Likewise, Article VII (item 1-i) of the charter of the Rome Statute, which became effective on July 1, 2002, states, “the forced disappearance of persons (when committed as part of a widespread or systematic attack directed against civilians) represents a crime against humanity.” Item 2-i of the same article defines forced disappearance as the “arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organization, followed by a refusal to acknowledge the deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.”

Therefore, as a crime against humanity, forced disappearance is not subject to the statute of limitations. In addition, victims’ families have the right to seek compensation and the truth about the fate of their family members.

In addition, the crime of forced disappearance involves a range of offenses that violate human rights enshrined in the International Covenant on Civil and Political Rights (1966) and the Arab Charter on Human Rights, of which Syria is a party. Both prohibit violation of the rights of all persons to be free from arbitrary arrest and deprivation of liberty, as well as their right to be recognized as a legal person, heard at a fair trial, held under humane conditions during detention, and assured of security, dignity, and freedom from torture and other cruel, inhumane or degrading punishment. Of course, these also include the right to life.

Finally, the crime of forced disappearance violates, or threatens to violate, a range of economic, social and cultural rights enshrined in the Covenant on Economic, Social and Cultural Rights (1966), including the right to protection of the family, health care and education.

When children are exposed forcibly disappeared, it constitutes a clear violation of a number of the provisions of the Convention on the Rights of the Child, including the right not to be arbitrarily deprived of freedom, possess personal identity, and have a private and family life.

Conclusions and Recommendations

The Syrian regime has committed the crime of forced disappearance in a systematic and widespread fashion, affecting tens of thousands of civilians since 2011. In 2012, the number of victims totals more than 25,000, an average of more than 68 a day. It has used forced disappearances as a weapon of war against the armed opposition, and abducting fighters and sometimes their entire families in violation of its obligations under international law and the Charter of the Rome Statute. Other armed factions are equally guilty, particularly the forces of the Kurd Self-Management Forces, ISIS and the Al-Nusra Front.

The victims of forced disappearance include men and women; some were politically active and some were entirely innocent.

Forced disappearance is used systematically as a weapon, to spite another party, instill fear and suppress dissenting voices, force an exchange of prisoners or obtain bribe money.

Recommendations

As we approach the International Day for the Victims of Forced Disappearance on August 30, we call on the UN Security Council to use its authority more effectively by compelling the parties to its resolutions and conventions, notably resolutions 2024 and 2139, to fulfill their obligations.

We appeal to the General Assembly of the United Nations, in particular those states engaged directly or indirectly in Syria, to pressure the various parties and particularly the Syrian regime to allow access to the independent international commission of inquiry to all detention centers, thus allowing an investigation of allegations of human rights violations. All parties must be held accountable.

All detainees must immediately be allowed to communicate with their relatives, lawyers and doctors. Measures must be put in place to prevent the recurrence of these violations and the fate of 65,000 people who have been forcibly disappeared to date must be revealed.

Finally, we call on the Security Council to once again refer the Syrian file, particularly the crime of forced disappearance, to the International Criminal Court under Article 13 of the Charter of the Rome Statute.



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