

Brief Reports

SNHR Receives Notification from the UN Working Group on Enforced or Involuntary Disappearances That It Submitted Eight Cases, Provided by SNHR This Year, to the Syrian Regime

At Least 84,000 Persons Forcibly Disappeared by the Syrian Regime, We Seek to Register as Many of Them as Possible with the United Nations Group

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Monday, June 29, 2020

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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I. Eight New Cases of Forcible Disappearance Were Referred by the United Nations Working Group on Enforced or Involuntary Disappearances to the Syrian Regime

On June 26, the Syrian Network for Human Rights (SNHR) received a letter from the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) notifying us that it had referred eight more of the cases of enforced disappearance submitted to it by the SNHR this year to the Syrian regime. In its communication with the regime, the WGEID demanded that the Syrian government conduct appropriate inspections to clarify the fate and location of the aforementioned Syrian citizens and protect their rights. In the event that the Syrian regime replies to the United Nations' WGEID, the working group will inform us of this response so that we can notify the families of those forcibly disappeared people of the regime's reply, whether this reveals the fate of their loved ones, or denies their detention and any knowledge of them, with the latter being the most common response from the Syrian regime.

In addition to notifying and corresponding with the Syrian regime concerning these cases, the United Nations WGEID lists them in a special annex in the reports prepared by the UN Group on enforced disappearance in in Syria

This cooperation between the SNHR and the United Nations Working Group on Enforced or Involuntary Disappearances extends over many years, with the SNHR and WGEID having bi-weekly correspondence on the cases of enforced disappearance that we have documented; after being notified of the latest cases, the United Nations WGEID then verifies these cases again, and selects some of them to raise in its correspondence with the Syrian



regime. Whilst the WGEID usually focuses on more recent cases in this context rather than those that occurred in previous years, this does not mean that earlier cases are ignored; however, the priority in this context is for more recent ones. We are currently working on more than 286 additional enforced disappearance cases, all by Syrian Regime forces, and will supply the data on these to the United Nations Group within the next few weeks. We focus particularly on the cases involving the Syrian regime because the United Nations WGEID's work is concerned with cases of enforced disappearance carried out by state governments, rather than those perpetrated by non-state actors.

II. SNHR Works to Supply the United Nations Working Group on Enforced or Involuntary Disappearances with as Much Data as Possible in Order to Confront the Syrian Regime with This

The documentation process involving cases of arrest and enforced disappearance is very complicated, with the ongoing daily work on this issue since 2011 also involving many other additional challenges for SNHR. One of the most notable challenges amongst these is the reluctance of victims' families to cooperate and reveal or provide details of any information on their family members' arrest, even confidentially, more especially if the arrested individual is female, due to a well-founded fear still prevalent in Syrian society that being discovered to be doing so by the regime would result in more torture and increased danger for their loved ones and themselves. This has been reinforced by the failure of the international community and of all the organs of the United Nations to apply pressure on the Syrian regime authorities to release even one individual (including those whose sentences are completed), even prisoners of conscience.

Since 2011, the SNHR has created complex electronic programs to archive and categorize the detainees' and forcibly disappeared persons' data, which the team collects and verifies; this enables us to catalogue the cases of arrest according to gender, the location where each detainee was arrested, the governorate from which each detainee originally came, and the party responsible for their arrest. These programs also enable us to make comparisons between these parties, as well as identifying the governorates from which the largest proportion of residents have been arrested and disappeared.

The database contains variable information on each case of arrest or enforced disappearance, and in order for us to submit a case to the United Nations WGEID, it is necessary to obtain a substantial amount of data, part of which is shown in the following image:





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FORM TO SUBMIT A COMMUNICATION ON AN ALLEGED
ENFORCED OR INVOLUNTARY DISAPPEARANCE

IMPORTANT PRELIMINARY NOTICE

INSTRUCTIONS RELEVANT TO ALL COMMUNICATIONS

- There are 6 required elements, indicated with * without which the communication cannot be processed.

These are:

- 1) **Identity** of the disappeared person (full name);
- 2) **Date** on which the disappearance occurred (at least month and year);
- 3) **Place** of arrest or abduction, or where the disappeared person was last seen;
- 4) **Forces** (State or State-supported) believed to be responsible for the disappearance ;
- 5) **Action** taken by the relatives or others to locate the person. If action was not possible, explain why;
- 6) **Identity of the person or organization submitting the report.**

Please, make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

- If submitting a handwritten communication, please use capital letters.

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- Please provide names in full of institutions (security forces, governmental bodies or others).
Please, do not use abbreviated forms.

- Describe facts in a clear and concise fashion, providing as much details as possible.

- Submit one form per disappeared person.

INSTRUCTIONS RELEVANT TO COMMUNICATIONS SUBMITTED BY NGOs

- It is necessary for your organization:

- a) To have the consent of the family of the disappeared
- b) To be able to carry out follow up, by conveying government information to the family sent from the Working Team, and from the family to the Working Team until the fate or whereabouts of the person are determined.

Therefore, please answer to the following mandatory questions:

* Does your organization have direct consent from the family of the disappeared to submit this communication form to the Working Group on Enforced or Involuntary Disappearances on their behalf? Yes ____ No ____

* Will your organization be able to provide follow up by conveying information between the family and the Working Group:
Yes ____ No ____

WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

1. INFORMATION CONCERNING THE DISAPPEARED PERSON

- (a) * Family name(s):
- (b) * Given names(s):
- (c) Pseudonyms or other forms besides given name, by which he or she may be known:

The most important point in this context is to obtain the families' consent to submit the case to the United Nations WGEID after we have documented all the related data. If the families do not agree to do so, we do not submit the case even if all the data is complete. Obtaining and verifying all of this data is an arduous and complex process, and although we have submitted hundreds of cases to the United Nations WGEID over the past years, we aspire to submit far more. As mentioned above, we are currently preparing to submit approximately 286 cases of enforced disappearance to the United Nations WGEID in the next few weeks, having obtained the families' consent to do so in all these cases. We have devoted this form on our official website that families can fill out to document their loved ones' disappearance, with the completed forms submitted automatically to the SNHR's Detainees and Forcibly Disappeared Persons department's team, which is responsible for following up on each case; team members then communicate with the families to complete the documentation and registration process, and to obtain their approval for submitting it to the WGEID. The role of the missing person's family is crucial in each of these stages, with this correspondence carried out via e-mail and social media accounts, WhatsApp, Skype and other secure means of communication.



III. Conclusions and Recommendations

- Enforced disappearance is among the most serious and grave human rights violations due to the horrendous abuses to which victims are subjected, including torture and other cruel, degrading and abusive treatment, as well as unjust deprivation of freedom, against all of which these individuals are wholly defenseless, denied any legal protection and stripped of any human rights, with their torturers and abusers having the literal power of life and death. Detainees are also denied their fundamental political and civil rights, which are interdependent and interrelated rights, such as the right of the individual to recognition before the law, freedom, fair trial and judicial guarantees. Enforced disappearance also generally violates the economic, social and cultural rights of victims and their families alike, such as the right to provision of protection and assistance to the family and the right to an adequate standard of living given that enforced disappearance causes families most often to lose the primary or sole breadwinner.
- The Syrian regime has perpetrated enforced disappearances in the context of a widespread attack against all civilian population groups. 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 [the Rome Statute](#) 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, being practiced against opponents calling for political change.

Recommendations:

United Nations Working Group on Enforced or Involuntary Disappearances:

- Increase the number of personnel working on the Syrian issue, given that Syria is suffering an immense national catastrophe in the context of enforced disappearances due to the massive numbers of persons forcibly disappeared since March 2011, which makes it the worst affected country worldwide concerning this violation.
- Correspond with the Syrian regime concerning the largest possible number of cases submitted, which we believe will contribute to efforts to disclose the fate of these forcibly disappeared, and will constitute a kind of deterrent, however simple, impeding the murder of these detainees under torture by the Syrian regime.



The forcibly disappeared persons' families:

- Cooperate with reliable human rights organizations and provide them with data on the forcibly disappeared persons among their family members, and approve their correspondence with the United Nations Working Group on Enforced or Involuntary Disappearances, because this notification constitutes a kind of warning to the Syrian regime and may contribute to preventing its killing of forcibly disappeared persons.
- The registration of forcibly disappeared persons' cases with the United Nations Working Group on Enforced or Involuntary Disappearances and their inclusion within the annex to the periodic report issued by it is considered an important document in the hands of their families, proving the case of enforced disappearance and demanding, through the WGEID, accountability and reparations in the course of transitional justice later, as well as proving the continuation of the Syrian regime's strategy in this context.

Group of Friends of the Syrian People at Brussels Conference:

- Establish an effective mechanism that contributes to revealing the fate of the forcibly disappeared persons in Syria, and supports the families of the victims.
- Support the work of the United Nations Working Group on Enforced or Involuntary Disappearances and the national organizations working in this field.
- Request that the UN Special Envoy to Syria raises the issue of enforced disappearance in all negotiation sessions, ensuring that the disclosure of these individuals' fate is a priority and parallel to the Geneva peace talks.

UN Security Council and the United Nations, According to Chapter VII of the Charter of the United Nations:

- Resort to Chapter VII of the Charter of the United Nations to protect detainees from death in detention centers, and put an end to the pandemic of enforced disappearance that is widespread across Syria, as it threatens the security and stability of society.
- The Security Council should follow up on the implementation of and compel all parties to abide by the resolutions it has issued, most notably Resolution No. 2042 and Resolution No. 2139, and ensure that these theoretical resolutions be realized by action.
- Devote more attention to the issue of enforced disappearance in Syria given the severity of this phenomenon and the fact that it is a crime against humanity. This issue must be addressed urgently.



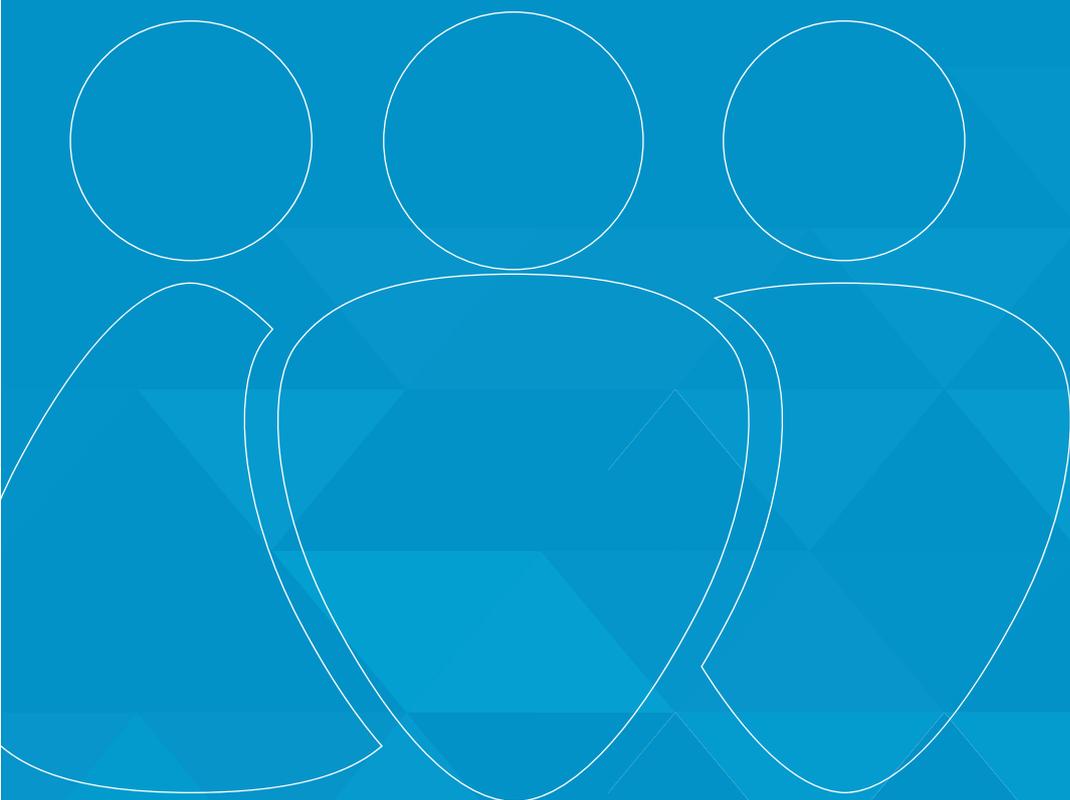
The Syrian regime:

- Stop terrorizing the Syrian population through enforced disappearances, torture, and death due to torture.
- Accept responsibility for all legal and material consequences and compensate the victims and their families from the resources of the Syrian state.

Thank

We would like to offer our sincere thanks to the families of the victims who had the courage to communicate with the Syrian Network for Human Rights team, and who agreed to involve the United Nations Working Group on Enforced or Involuntary Disappearances in taking responsibility, and to emphasize our solidarity with all the forcibly disappeared persons and their families.





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