



The Syrian Regime, Through Its Security Services and State Institutions, Controls the Incidents of Registering the Deaths of Victims Killed/'Disappeared' in the Armed Conflict Since March 2011

The Syrian Regime Has Killed at Least 200,391 Civilians, Including 14,464 Due to Torture, and Forcibly Disappeared 95,696 Others Since March 2011

Friday 19 August 2022

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.



Content:

I. The Syrian Regime Has Failed to Register Hundreds of Thousands of Citizens It Killed Since March 2011 in the Death Records of the Civil Registry2

II. Three Methods Followed by the Syrian Regime in Registering Limited Numbers of Victims Who Were Killed, or Forcibly Disappeared and Subsequently Killed..... 4

III. The Circular Issued by the Regime Government’s Minister of Justice Imposes Security Clearance on Judicial Authorities to Register Death Cases, Increasing the Security Services’ Intrusion..... 8

IV. Conclusions and Recommendations11

I. The Syrian Regime Has Failed to Register Hundreds of Thousands of Citizens It Killed Since March 2011 in the Death Records of the Civil Registry

Although hundreds of thousands of Syrian citizens have been killed, 'disappeared' or gone missing since the early days of the popular rising in March 2011, they have not been officially registered as dead within the competent official state departments, namely the Civil Registry Department, because the Syrian regime controls all state bodies. In Syria, the term 'government', as it's generally understood, has no real meaning; as under all such authoritarian, dictatorial regimes, the ruling elite absolutely controls the state and whatever governing authorities it establishes, which lack any independent legislative or judicial powers except of the most superficial type, created for the sake of appearance, with this grim reality reflected in all aspects of the Syrian people's lives including such matters as obtaining an official certificate proving the death of a family member, or providing evidence of the real cause behind that death.

The Syrian regime, as the main cause of extrajudicial killings and enforced disappearances in Syria, has refrained from issuing death certificates to its victims' families with the exception of a very few cases, regardless of the additional trauma and suffering this causes to the families of those killed. This means that the regime not only kills its victims, but even denies their families the small dignity of issuing a death certificate for them, amplifying the suffering of their family members and extending it, often for many years, given the repercussions of a person's 'disappearance' on their spouse, children, parents, siblings and other family members. Part of this additional suffering results from the need to obtain a 'devolution of inheritance' document for any deceased person in order to dispose of this or her property, and to ensure that the deceased's spouse and children are legally eligible to claim any retirement pension due to him or her. This document is also essential in enabling a deceased man's widow, to request that she be appointed by a Sharia judge as a guardian of their minor children and to allow her to obtain passports for them and obtain any travel visas. Failure to register the death incident also deprives a widow of the opportunity for remarriage, and of other social and legal benefits and rights.

The Syrian regime brutally controls the issuance of death certificates, which are not made available to any of the families of its victims, whether they were killed at the hands of the Syrian regime or by other parties, or to the families of the missing and forcibly disappeared. The Syrian regime only allows death certificates to be issued for those who meet the narrow criteria set by the regime and its security services. In many previous reports, we have discussed the phenomenon of the Syrian regime's forcing victims' families to make false statements s blackmailing them into signing reports prepared by the security services stating that 'armed terrorist gangs', rather than the Syrian regime, killed their loved ones by withholding death certificates until they sign these false statements. The Syrian regime has not only failed to launch any judicial investigations into the causes of death for hundreds of thousands of Syrians but has also failed to hold to account even one member of its security or military forces for their involvement in these killings.

In order to obtain a death certificate, the Syrian regime relies on three things:

- The regime prepares a medical report in which it gives a false cause of death, such as a heart attack for those forcibly disappeared in its detention centers, or claims falsely that the victim died as a result of injuries from war munitions.
- Statements from the local neighborhood headman or 'Mukhtar' and from any witnesses, who are asked to confirm the death.
- Acknowledgement of the victims' families, who often urgently need to obtain a death certificate, as explained above; for this reason, family members understandably feel they have no choice but to remain silent about the true cause of death and those responsible for it.

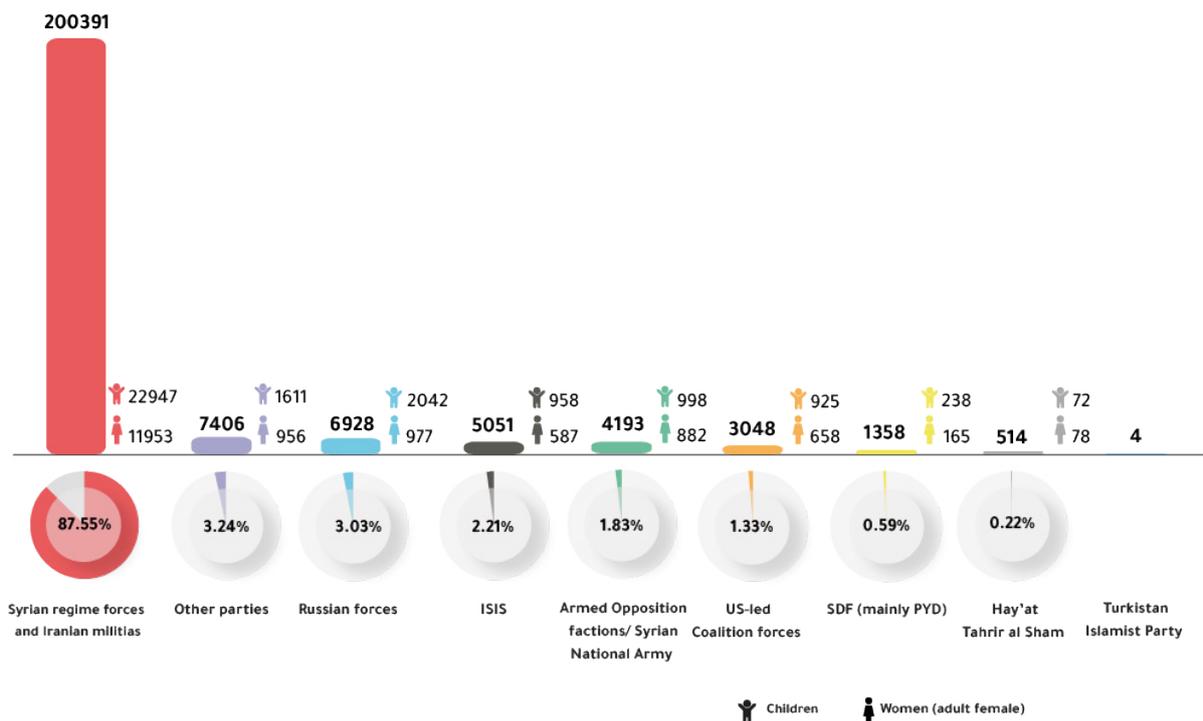
We note that the vast majority of victims' families are unable to obtain death certificates from the Syrian regime, for fear of linking their name to that of a person who was detained by the regime and killed under torture, meaning that he or she was a dissident who opposed the Syrian regime, or of their loved one being registered as a 'terrorist' if s/he is wanted by the security services; additionally, many victims' families have been forcibly displaced outside the areas controlled by the Syrian regime.

II. Three Methods Followed by the Syrian Regime in Registering Limited Numbers of Victims Who Were Killed, or Forcibly Disappeared and Subsequently Killed

Based on the aforementioned facts, and through our exhaustive monitoring, investigation, and communication with witnesses and victims' families which we have been conducting since 2011, we've found that the Syrian regime uses three methods to register and confirm the deaths of some of the citizens who were subjected to extra-judicial killing due to the internal armed conflict:

First: The victims of killing:

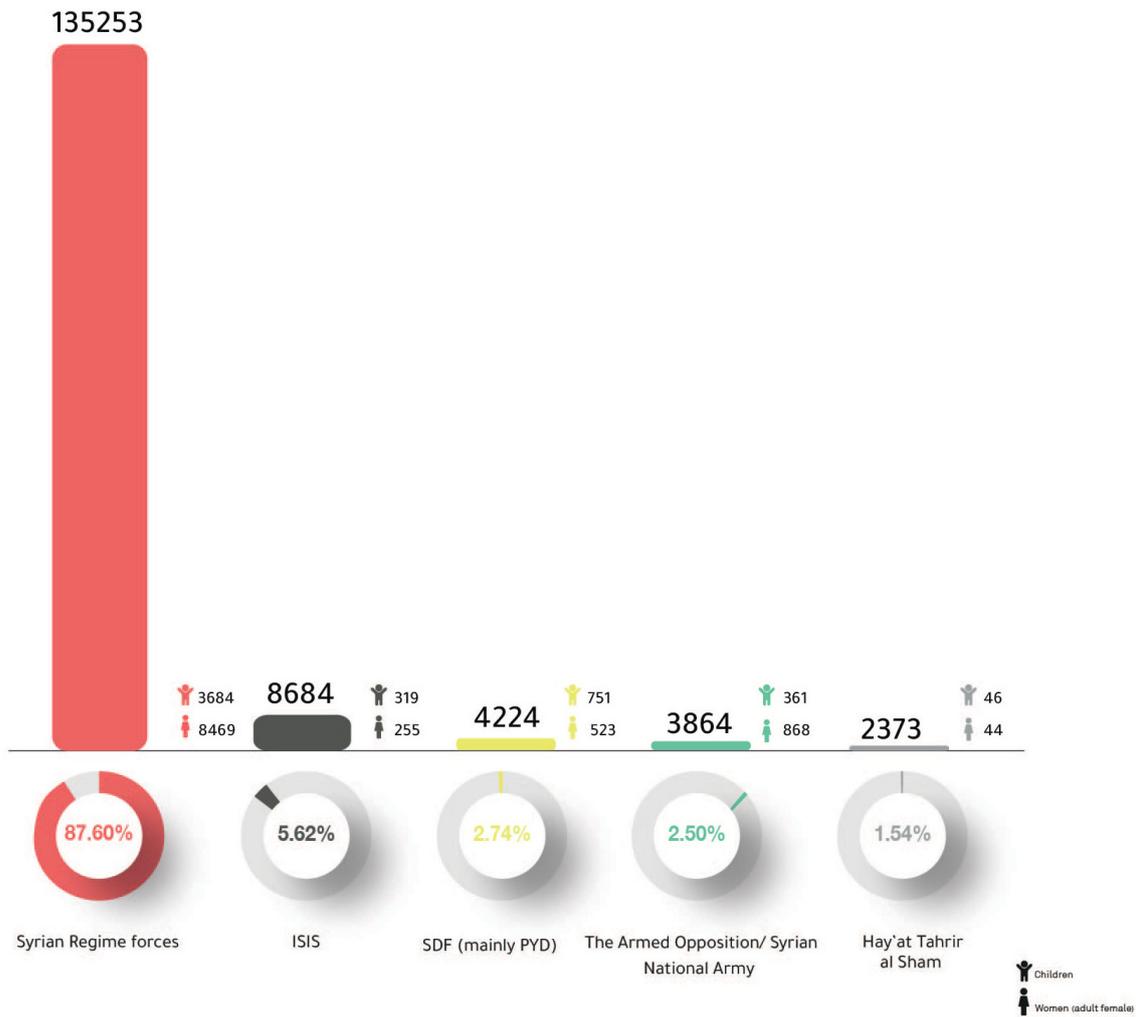
The Syrian regime and the other parties to the conflict have killed hundreds of thousands of Syrian citizens through bombing operations with various types of weapons. The Syrian Network for Human Rights (SNHR) has documented since March 2011 to date the deaths of 228,893 civilians at the hands of the conflict parties and the controlling forces in Syria between March 2011 and June 2022.



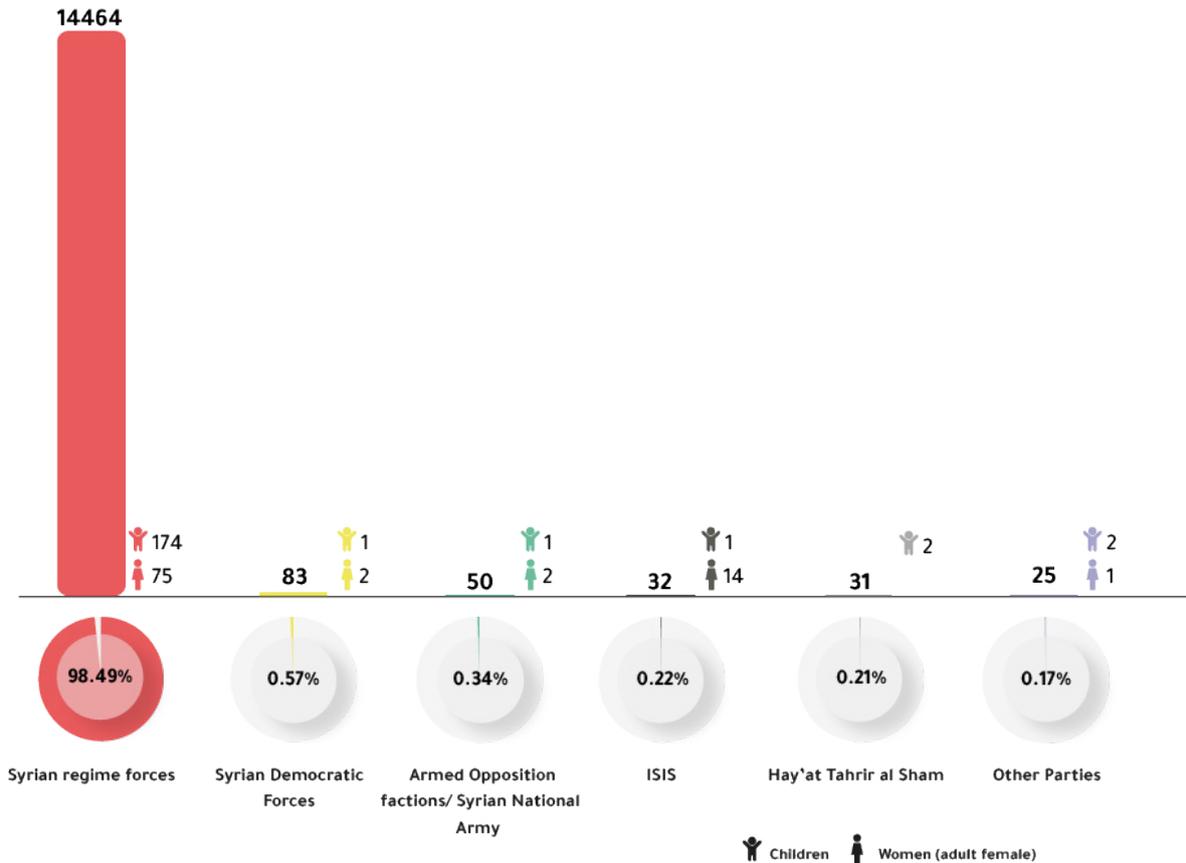
The families of the vast majority of these victims, many of whom were killed many years ago, accounting for approximately 88% of the civilian death toll, have not yet been able to obtain a death certificate to confirm their loved ones' demise, even if the death certificate does not mention the cause of death or name the responsible party, or even gives another reason for the death, for fear of the security repercussions on the family members, who desperately need these death certificates.

Second: Victims of arbitrary arrest and enforced disappearance:

The Syrian regime and the other parties to the conflict have arrested at least 154,398 individuals, 111,907 of whom have been forcibly disappeared. Throughout the years of detention, the detainees are subjected to the most horrific methods of torture, which have caused the deaths of 14,464 due to torture. All these statistics are confirmed by the data on the SNHR database.



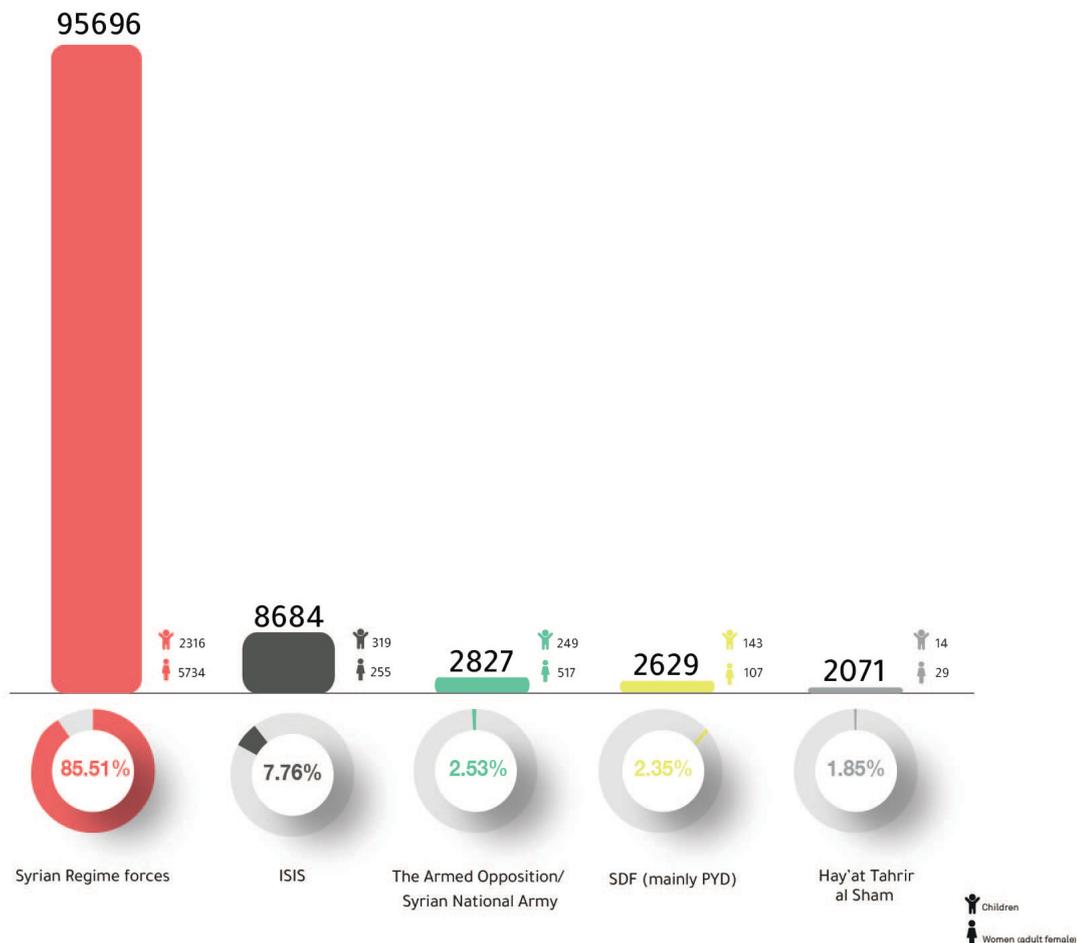
As in the case of those killed in the bombing operations, thousands of people who were killed under torture have not been registered as deceased within the official state agencies, with the fate of 95,696 forcibly disappeared persons remaining unknown to the present day, while some of them may have died without anyone yet being notified of their deaths.



A very limited number of families have obtained death certificates issued by military hospitals. All of these certificates give the cause of death for the disappeared person/detainee as 'cardiac arrest' or 'cessation of breathing', based on which implausible claims the families subsequently register the death at the civil registry departments.

Since the start of 2018, hundreds of families of detainees forcibly disappeared by the Syrian regime have received notifications via the state civil registry departments informing them that their loved ones had died in custody, often some years before. This humiliating practice has caused immense shock and additional trauma to the forcibly disappeared persons' families, some of whom continue to visit the civil registry departments frequently in the hopes of discovering the fate of their loved ones. In many of our previous extensive reports, we have discussed this practice and the callous strategy adopted by the regime in registering the forcibly disappeared as dead via the civil registry departments, which continues to the present day, as we are still receiving numerous reports from victims' families stating that they have obtained death statements for their disappeared loved ones. We have been able to document instances of at least 1,072 people among the forcibly disappeared persons, including nine children, two women, and nine medical personnel, as having been registered as dead in the civil registry departments' records, between the beginning of 2018 and August 2022, with the cause of death not given - we believe that all these deaths were due to torture, with the victims' bodies not handed over to their families by the regime, and the deaths not being announced at the time of their occurrence.

SNHR documented that at least 111,907 individuals, including 3,041 children and 6,642 women (adult female), are still forcibly disappeared at the hands of the parties to the conflict and the controlling forces in Syria, having been arrested between March 2011 and August 2022



Third: It is related to registering the death of missing persons, through cases of deaths being registered after the passage of four years or more since the person was first documented as missing.

III. The Circular Issued by the Regime Government's Minister of Justice Imposes Security Clearance on Judicial Authorities to Register Death Cases, Increasing the Security Services' Intrusion

On August 10, 2022, the Minister of Justice in the Syrian regime government issued Circular No. 22 specifying the procedures for the conduct of proceedings related to registering deaths within Sharia courts. The circular included new conditions stipulating that five items of evidence must be submitted to and approved by the relevant judges in proceedings related to registering the death. It also requires that all relevant courts involved in death registration cases comply with the circular's content.

We at the SNHR stress that understanding the implementation of any decree/law/circular/decision issued by the Syrian regime cannot be treated as being independent of the unlimited powers and authority of the security services, who are the main controller of all other institutions and authorities. According to our analysis of the content of this circular's text, **it contains five constitutional and legal violations, in addition to having grave consequences, which are:**

1- The Syrian regime has sought for decades to compel citizens to obtain security clearance when carrying out the vast majority of routine procedures/transactions that citizens need to perform (selling/purchasing, obtaining passports, marriage licenses, power of attorney, employment contracts, and work permits, etc.), through the issuance of executive circulars by various government institutions, in a policy that aims to tighten the security services' control over the various aspects of citizens' lives, violating the fundamental human rights principles and even violating Syrian laws regulating the conduct of such transactions without requiring that security clearance be obtained to carry these out. This new circular violates the provisions of Civil Status Law No. 13 of 2021, Articles 35-43 of which stipulated the conditions for the procedures to be followed in registering deaths, with these articles containing no requirements, restrictions, or clearance to register the death. This once again proves that legal conditions laid down by national law can be arbitrarily canceled by hastily issued written or even oral instructions, further strengthening the already vast powers of the security services, and opening the door even wider to operations of harassment, control, and extortion.

2- This circular is considered a blatant intrusion in the work of the judicial authority, whose independence is, at least nominally, enshrined in the current Syrian constitution, which stipulates that the judge is the sole decision-maker in requesting any document, statement, or clearance and that conditions and restrictions may not be imposed on him.

This circular also includes a violation of the principles of the separation of powers and the independence of the judiciary, which are protected by Article 132 of the current constitution established by the Syrian regime. As a member of the executive authority, the Minister of Justice is not legally permitted to issue a circular containing directives and instructions to the Sharia judges specialized in issuing these provisions. We have detailed in many previous reports how the executive authority/security services almost completely dominated the judicial authority, just as they dominate the legislative authority through the Ba'ath Party. Based on all of these points, the Syrian regime can introduce whatever laws/decrees/circulars it wishes whenever it wishes to do so, and amend them according to its whims, without any deterrent.

3- The circular stipulates that the judges should **request the relevant criminal security branch to communicate with other security branches to acquire any available information about the person whose death is to be registered or to obtain security clearance for doing so.** This condition is a restriction by the security authorities on the jurisdiction of the judiciary and is also characterized by ambiguity and a lack of realism because all security departments and branches habitually procrastinate in responding, often failing to provide any response at all, while no ministry or entity has the ability to compel the security services to respond. Also, requesting the security clearance to register the death is a vague appeal that raises questions about the justification for such clearance, and about whether or not the security branch is authorized to issue it. It also gives no consideration to how any judge can issue a verdict on the proceedings if he has not received any responses from the security branches.

4- Most proceedings involving the registration of a death are undertaken by the families of the victims who were killed, went missing, or were forcibly disappeared in the Syrian regime's detention centers. Through this recent circular, the Syrian regime has made it clear that it wants the families themselves to register their loved ones as having died, and to abandon any hope of ever knowing how they died, who killed them, when they were killed, and where their bodies are. The Syrian regime is supposed to open an investigation into every death of a Syrian citizen and to issue a document based on that showing the cause of the death, its date, and other details.

5- The circular stipulates a requirement to **"regulate a police report of the death incident and an 'entry/exit' movement statement for the person whose death is required to be registered by the Immigration and Passports Department, and a statement from the Mukhtar of the district, in which he certifies the authenticity and confirmation of the death."**

Although these procedures, appear to be intended to prevent the falsification of reported deaths, it's clear that since the deceased individuals who are the subject of this circular are those who died of unnatural causes, these are citizens who were subjected to extra-judicial killing; it is quite obvious, therefore, that the purpose of this circular is to ensure that the real causes of death recorded in these proceedings are not provided and to obscure, obscuring the truth by exploiting families' need to register the death of their loved ones, and thereby forcing them to alter the facts. This false reporting may also cause many of the victims' and their families' rights to be lost in the future (such as the right to hold the perpetrators accountable and to reparation).

6- The issuing of security clearances is considered a source of material exploitation and extortion for citizens, given their urgent need to complete such transactions which cannot be left undone for an indefinite period, forcing them to pay large sums of money to mediators or networks involved in the conduct of such proceedings, including figures such as "lawyers, officers, judges, brokers, and others" to obtain these clearances in order to be able to complete the remaining procedures, with these figures linked to a network of relations with the security services.

In this context, we at the SNHR note that the Syrian regime, in an additional move to restrict the families of the missing, imposed a security clearance requirement on them requiring that they obtain a judicial power of attorney for the absent and the missing,¹ with Decision /30/ issued by the Ministry of Justice on September 16, 2021, requiring that anyone who has to obtain legal power of attorney for the absent or missing should first obtain 'security clearance'. The procedures required to obtain this clearance are accompanied by bargaining and material extortion; women are among the first victims of the circular's ruling, since wives and mothers are invariably the family members involved in the legal procedures to prove the absence or loss of their husbands, sons or other family members, and thus need to obtain the judicial power of attorney. In cases where wives or mothers are present in government-controlled areas and want to obtain the power of attorney, the 'new security clearance' increases their risk of being subjected to violence, extortion, or material, verbal and psychological abuse. If the judicial power of attorney for the absent person is not obtained because of the difficulty of obtaining the security clearance, their interests will be severely restricted and they will not be able to carry out the transfer of inheritance, obtain identification documents or bank cards, or receive salaries and pensions on behalf of the missing and the absent, especially since some of the absentees are wanted by the security branches. This circular means that it is impossible to give absentees' family members and relatives the right to obtain the power of attorney to manage the money of their absent loved ones. This circular is also considered a major legal violation due to its violation of the Syrian Personal Status Law, which does not require any clearance of any kind.

¹ According to Articles 202 and 203 of the Syrian Personal Status Law, an 'absent' individual is defined as a person known to be alive, but with no known place of residence or domicile, or a citizen with a known place of residence or domicile abroad for whom it is impossible to manage his own affairs. The missing person is defined as an individual of whom no news has been heard, whose whereabouts are unknown, and who is not confirmed as being either alive or dead, according to Article No. 202 of the law.

IV. Conclusions and Recommendations

Conclusions

- This new circular proves that the Syrian regime continues to issue legislation, laws, and decrees that violate the fundamental rights of Syrian citizens.
- This circular opens the door for the victims' families to register the death of their loved ones, but ensures that this is done under the supervision and absolute control of the regime's security services, and by giving a false cause of death, since it is impossible to obtain any official death certificate stating the true cause, i.e., that the Syrian regime arrested the victim, who subsequently died due to torture in a regime detention center, or that he or she was killed by the Syrian regime's bombing with barrel bombs or chemical weapons.
- The Syrian regime has not conducted any investigation into the causes of the killing of any of the hundreds of thousands of Syrian citizens whose deaths it is responsible for, nor has it issued death certificates proving their death, or handed over their bodies to their loved ones, causing further immense suffering to their traumatized families on various social and economic levels.
- The Syrian regime has looted vast sums of money that are difficult to enumerate from the families of its victims who were killed or forcibly disappeared. This circular opens the door wide for further such extortion.
- SNHR believes that the Syrian regime has also demonstrated a complete lack of commitment to the international agreements and treaties it has 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 being issued or any charges brought against them. The Syrian regime has also denied those detainees the right to an attorney and barred their families from visiting them. Nearly seventy percent of all detainees have gone on to be documented as forcibly disappeared, with the Syrian regime never informing their families of their whereabouts. Any attempt by detainees' family members to inquire about their loved ones' whereabouts or wellbeing may put the families themselves at risk of being arrested.

Recommendations

UN Security Council and United Nations

- Hold a meeting to discuss the fate of tens of thousands of Syrians who were killed and forcibly disappeared, and whose fate the Syrian regime has not revealed, who are treated as though they had vanished from existence into nothingness.
- Take all necessary actions to prevent the Syrian regime from persecuting and tampering with the living and the dead, with such crimes posing a major threat to the security and stability of the Syrian state.
- Work seriously to achieve a political transition towards a state of democracy and respect for human rights, which will contribute to revealing the fate of hundreds of thousands of Syrians, and constitute a starting point for preserving the rights of the victims.
- Issue a decision demanding that the Syrian regime publicly reveal the fate of the persons it has forcibly disappeared and that it publish lists of detainees held in its network of prisons and the locations of their detention, and demand the suspension of this circular and all decisions and decrees that violate the rights of the victims and their families.

The International Community

- Condemn the circular issued by the Syrian regime, and demand that the fate of all forcibly disappeared persons be revealed, the locations of the bodies of the deceased be revealed, and all survivors be released, as well as ordering the issuance of death certificates that include the real causes of death from bombing or killing under torture.
- Provide support to individual activists and local organizations that document violations without imposing tutelage or political directives.
- Expand the lists of sanctions for individuals to include the hundreds involved in crimes of torture and enforced disappearance.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

- Issue a statement to condemn and address this circular, which violates the most basic standards of human dignity.

Independent International Commission of Inquiry (COI)

- Launch investigations into the repercussions of this circular and its impact on the forcibly disappeared and the victims who were killed.

The Syrian regime

- Stop treating the Syrian state as private family property
- Stop tampering with the constitution, laws, regulations, and civil records.
- Assume responsibility for all legal and material consequences of its actions and compensate the victims and their families from the resources of the Syrian state.
- Ensure the immediate and unconditional release of all arbitrarily detained individuals, particularly children and women, and reveal the fate of tens of thousands of forcibly disappeared persons.

Human Rights Council

- Condemn this circular and include it in the next Human Rights Council resolution.



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