



The Prolonged Pain The Crime of Enforced-Disappearance is most Rampant in Syria, nearly 75,000 Individuals are Forcibly Disappeared

Report Contents
I. Introduction
II. The Prolonged Pain
III. The Toll of Enforced-Disappearance by the Influential Parties
IV. Cases of Enforced-Disappearance
V. Conclusions and Recommendations
Solidarity

I. Introduction and Methodology

Since the eruption of the popular uprising in March 2011, the Syrian regime has been the worst regime in terms of perpetrating the crime of enforced-disappearance in the modern age which piles on the regime's horrendous history in this regard considering what happened in the eighties during Hafez Al Assad's rule as the practice of enforced disappearance has been deeply rooted since then where nearly 17,000 persons, mostly from Hama, have suffered from the crime of enforced-disappearance at that time while the toll of the crime of enforced-disappearance in the last five years have exceeded 75,000 forcibly-disappeared persons across all of Syria. We anticipate that the fallout of this crime for long years to come even after the oppressive regime is gone.

According to the human rights definition of the term "Enforced-disappearance", the crimes occurs when a person is abducted by: "a state or political organization or by a third party with the authorization, support, or acquiescence of a state or political organization". Also, arbitrary arrest is defined according to Article 7-2-I of Rome Statute: "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 that 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." In the Syrian case, there are many groups that have established itself in reality as ruling authorities such as ISIS, Fateh Al Sham Front (formerly





known as Al Nusra Front), Self-management forces, which is primarily affiliated to the Democratic Union Party, and also areas under the control of armed opposition forces. All of these groups have carried out arrests to varying degrees as some of these arrest qualifies as enforced-disappearance. The Syrian regime, however, still leads in this respect for it has been responsible for 96% of the forcibly-disappeared persons in Syria.

*Fadel Abdul Ghani, chairman of the Syrian Network for Human Rights, says:
“It is incredibly easy in Syria for a detainee to become a forcibly-disappeared person because all of the arrests lack a judicial warrant for it is more of abductions or sometimes arrests that are made at checkpoints without knowing who was the party that carried out the arrest or even the cause of the arrest. Furthermore, the authorities absolutely refuse to acknowledge and deny that it made these arrests or that it has been torturing detainees or to inform anyone of the whereabouts of the detainees. The families of the detainees are afraid of asking about their beloved ones and the victims are still sinking in a black hole that is only getting bigger and bigger with time”*

We have no doubt that forcibly-disappeared persons are being subjected to what all of the detainees are being subjected to including systematic acts of torture which is a part of the brutal torture machine of the ruling Syrian regime. Many of these detainees die under torture or get shot.

The Syrian regime hinders and conceal any information or means that might reveal the fate of those who are forcibly-disappeared except through bribe channels where families pay substantial amounts of cash to officers in charge that are essentially a part of mafia networks. Nonetheless, tens of families told us that they received falsified information after they paid great amounts of money that 100,000\$ reached in some cases.

SNHR publishes an annual report on the International Day of the Disappeared, 30 August, in which it highlights the increasing rise in the numbers of forcibly-disappeared persons in Syria and sheds light on the most notable cases of enforced-disappearance. To this day, most of the detainees become forcibly-disappeared persons with not progress being made in the issue of releasing detainees or at least reveal the fate of those who are forcibly-disappeared.





Additionally, SNHR regularly contacts the Chair-Rapporteur of the Working Group of the Working Group on Enforced or Involuntary Disappearances at the United Nations on a weekly basis as part of the Network's activism where the team that works on documenting detainees contact the families of the forcibly-disappeared person to acquire the needed information and data before sending the form to Chair-Rapporteur.

SNHR also periodically publishes a monthly report on arrest and release cases that are recorded every month. No less than 65% of the arrest cases become gradually forcibly-disappeared. For more information on how the data is being collected and achieved, please read our methodology.

This report only includes the bare minimum of the actual magnitude and severity of the violations and documented cases considering the difficulty to document all cases of arbitrary arrest and, accordingly, enforced-disappearance. Also, the report doesn't cover the psychological and moral ramification of this multi-layer crime.

II. Prolonged Pain

The impact of the crime of enforced-disappearance doesn't only affect the victim but also extends to the society, and it stays on and expands with time rather than vanishing. As we pointed out in a previous report named "No Sign", families of the victims experience ongoing and daily agony because they can never, even for one day, lose hope or forget their beloved ones which traps those who didn't fall victims to the crime of enforced-disappearance under a state of fragmentation, horror, and endless misery as what the Syrian regime snipers do by targeting members of the society to cause permanent disabilities, rather than killing, which what we highlighted in the report "Hunting Humans".

Over the past six years, the Syrian regime used the weapon of enforced-disappearance to spread a state of terror and panic throughout the Syrian society. Arrest and enforced-disappearance didn't only involve political activists or opposition figures but there have been many arbitrary campaigns that involved elders and children as part of a process only aiming to undermine and shatter the pillars of the Syrian society. The suffering deepens for the wives, mothers, and children who bear the greatest burden from an economic and social standpoint as the Syrian government forcibly discharges the forcibly-disappeared person from his job and suspend its salary and all of his dues and also prohibits his family from liquidizing his properties such as his inheritance and house in addition to freezing his assets.





III. The Toll of Enforced-Disappearance by the Influential Parties

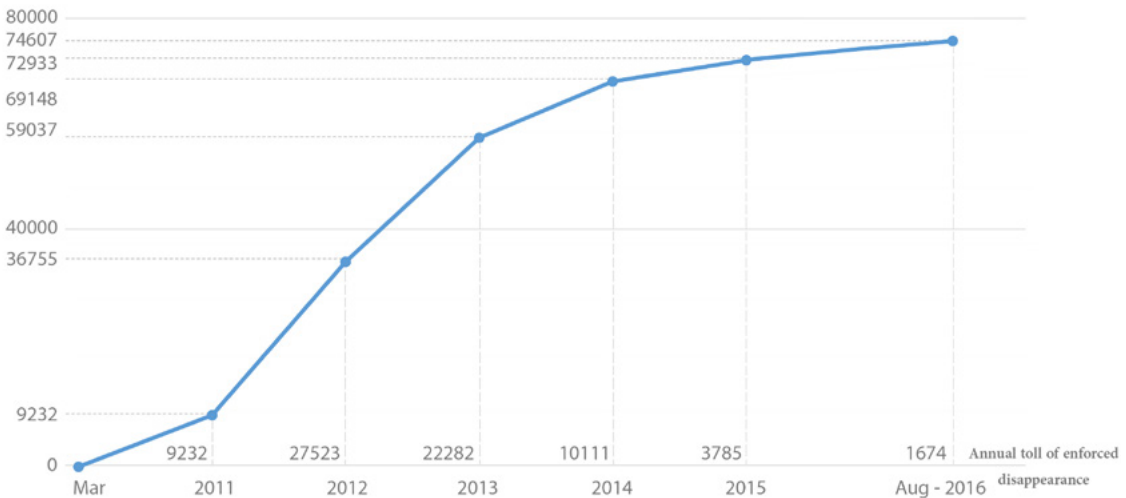


Syrian Network For Human Rights
الشبكة السورية لحقوق الإنسان



A chart indicates the cases of enforced-disappearance between March 2011 and August 2016 for all influential parties

Accumulative toll of enforced disappearance in Syria





A. Government forces

Government forces are the main party responsible for the vast majority of the enforced-disappearance cases and it is also the first party that started the practices of enforced-disappearance against political opposition figure and activists of the popular uprising. These practices have taken a systematic form that constitutes crimes against humanity.

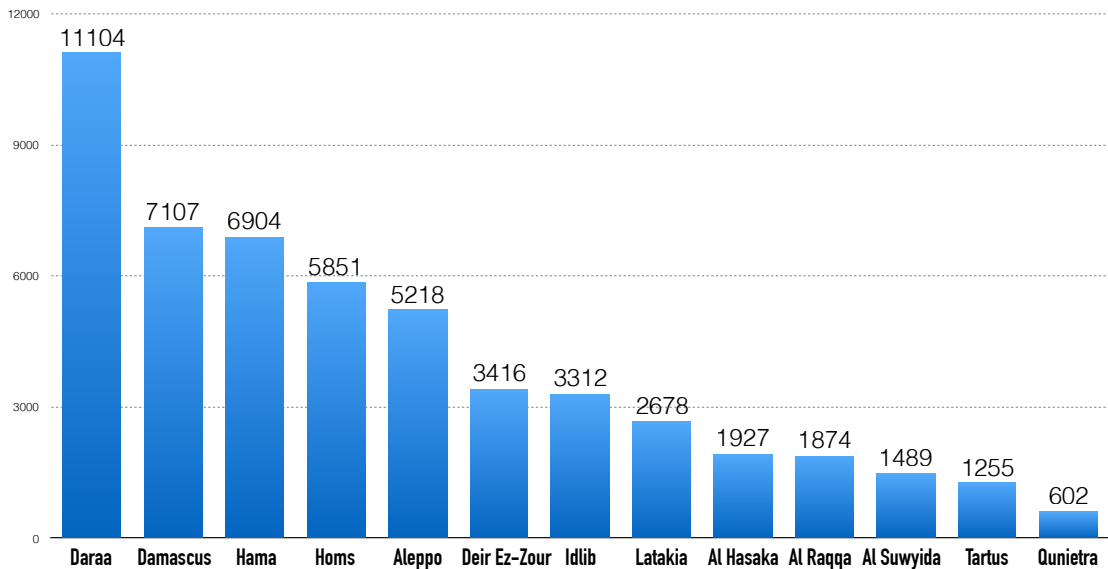
Through the daily and cumulative documentation since 2011, SNHR possesses lists of nearly 94,000 detainees who are still being detained by government forces including 71,000 forcibly-disappeared persons as follows:

Toll of the forcibly-disappeared persons who are being detained by government forces:

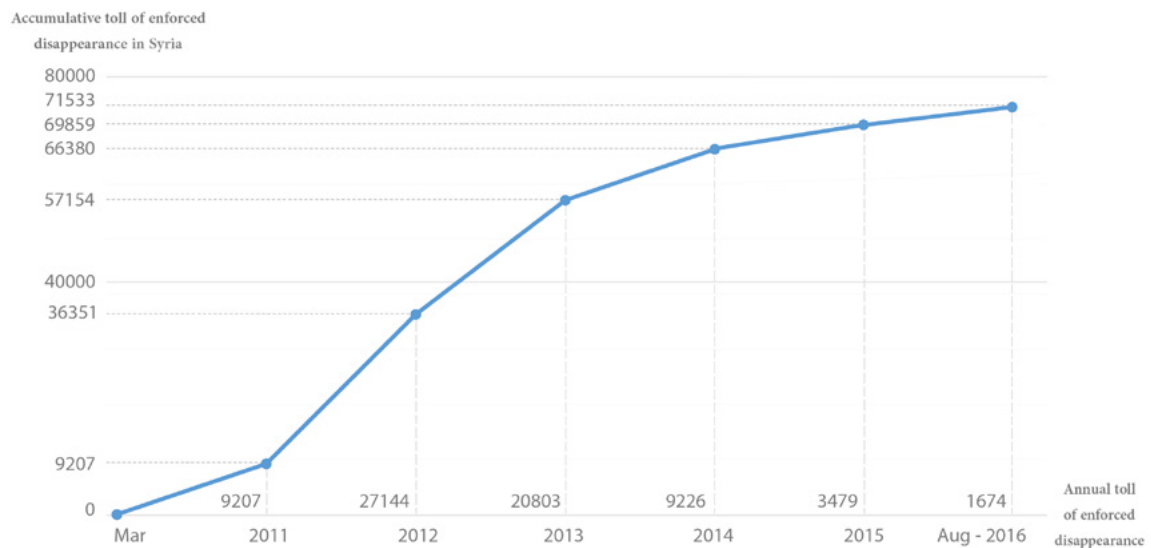
Civilians: 64,214 forcibly-disappeared persons including no less than 4,109 children and 2,377 women.

Armed from various opposition groups to government forces: 7,319 forcibly-disappeared persons.

Distribution across governorates:



Distribution by year:





B. Extremist Islamic Groups

1- ISIS (Self-proclaimed the Islamic State)

As any other authoritarian entity, ISIS resorted to the enforced-disappearance to silence those who oppose him in addition to people who work for humanitarian organization and activists who defy the group and its extremist regulations in areas that are controlled by ISIS which caused a rampant state of terror and panic in the society.

The crimes of enforced-disappearance committed by ISIS took various forms including abductions from the streets, places of work, or homes before keeping them in undisclosed places. ISIS has denied its responsibility for any abductions. However, we have many recorded cases for people who have been missing for years. Considering the policy of execution adopted by ISIS against its opposition, it is likely that these people have been killed in cold blood.

The number of enforced-disappearance cases that ISIS is responsible for is estimated at 1479 enforced-disappearance cases at least including 118 children and 87 women.

2- Fateh Al Sham Front (Formerly Al Nusra Front)

Fateh Al Sham Front has committed crimes of enforced-disappearance against media activist and particularly foreign journalists and workers in local and international organization under different pretexts such as working without a permit issued by the Front in its areas. Those journalists usually go missing for 2-8 months and then are released. Also, Fateh Al Sham Front targeted elements from armed opposition factions in attacks against their military centers where most of those are still forcibly-disappeared.

The number of enforced-disappearance cases that Fateh Al Sham is responsible for is estimated at 892 enforced-disappearance cases at least including 41 children and three women.

C. Self-management forces (Primarily consisting of the Democratic Union Party forces – a branch for the Kurdistan Workers' Party)

Self-management forces practiced the policy of enforced-disappearance against its rivals mainly and those who oppose its policies in its area of control. Also, it resorted to abduction and hiding to scare the residents of these areas from opposing and violating the rules and laws it adopted especially with regard to conscription. Additionally, it was responsible for forcibly-disappearing a number of armed opposition captives that were arrested during clashes between Self-management forces and armed opposition factions.





The number of enforced-disappearance cases that Self-management forces is responsible for is estimated at 397 enforced-disappearance cases at least including 61 children and 11 women.

D. Armed opposition factions

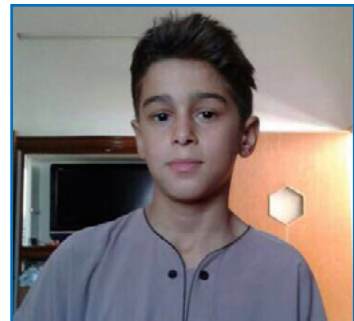
According to the report, Armed opposition factions have arrested and was responsible for the enforced-disappearance of number of detainees where armed opposition tried repeatedly to use those detainees in exchange deals with the Syrian regime and ISIS. Enforced-disappearances practices constitute a war crime for it violate the international humanitarian law.

The number of enforced-disappearance cases that armed opposition factions are responsible for is estimated at 306 enforced-disappearance cases at least including 29 children and 14 women.

III. Most Notable Cases of Enforced-Disappearance

A. Government forces

Child Momen AbdulHakim Al Hasan Al Jasim, from Al Jbiela neighborhood in Deir Ez-Zour city, born in 2004. on 9 September 2014 he was arrested by Military Security forces that raided his family home in Al Jbiela neighborhood in Deir Ez-Zour city. He was then taken to an undisclosed place. His fate is still unknown to his family as well as SNHR.



Mrs. Rabah Al Zein, from Jourat Al Shayyah neighborhood in Homs city, aged 48-year-old at the time of her disappearance, married and a mother of five, an employee at the labor office at the water department in Homs city. On 21 June 2015, she was arrested by government forces in Tareaq Al Sham area in Homs city at a checkpoint (Al Sala Al Riyadiya checkpoint) which is affiliated to government forces. She was arbitrarily arrested and taken to an undisclosed place by government forces. Her family couldn't know a thing about her whereabouts or where she was taken. Her fate is still unknown to her family as well as SNHR.





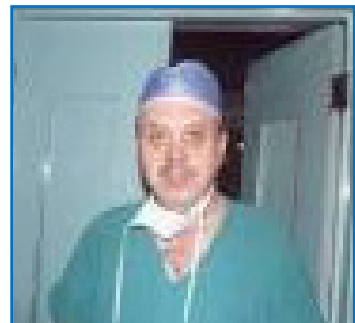
Mrs. Huda Al Adai, from Al Jbiela neighborhood in Deir Ez-Zour city, aged 51-year-old at the time of her arrest, married and a mother of three. On 9 September 2014, she was arrested by elements affiliated with the Military Security forces from her place of residence in Al Jbiela neighborhood in Deir Ez-Zour city. She was then taken to an undisclosed place. Her fate is still unknown to her family as well as SNHR.



Child Adnan Al Imam, from Al Mujtahed neighborhood in Damascus city, born in 1999. On 1 August 2013, he was arrested by State Security forces, affiliated to government forces, from his family home in Al Mujtahed in Damascus city. He was then taken to branch 251, also known as Al Khatib branch and located in Al Khatib area in Damascus city. He was last seen on 5 January 2014 and was then transferred to an undisclosed place. His fate is still unknown to his family as well as SNHR.



Dr. Hayel Hamid, from Al Yarmouk camp in Damascus city, Palestinian-Syrian, aged 49-year-old at the time of his arrest, a surgeon and a professor at the medicine faculty in University of Damascus. On 13 August 2012, he was arrested by government forces when he was at his clinic in Al Yarmouk camp in Damascus city. His fate is still unknown to his family as well as SNHR.



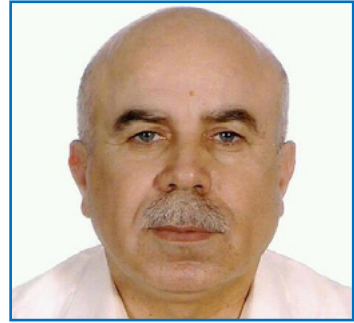
Dr. Atef Malak, from Al Suwyida city, 51-year-old. On 1 October 2015, he was arrested by Military Security forces, affiliated to government forces, from his place of residence in Al Suwyida city. He was taken to the Military Security branch in the city. His fate is still unknown to her family as





well as SNHR.

Mohammad Saleh, from Al Mab'ouja village in Homs suburbs, 54-year-old, independent political activist and a former member of the Syrian Communist Union, an active in the humanitarian field and known for revealing the fates of detainees and abductees. In 23 October 2015, he was arrested by elements from the Air Force branch, affiliated to government forces, from his place of residence in Homs after they raided his home and confiscated all his communication devices. His fate is still unknown to his family as well as SNHR.



Journalist photographer Neraz Saeed, Palestinian-Syrian, from Al Yarmouk camp in Damascus city, won the UNRWA picture of the year award in 2013. On 2 October 2015, he was arrested by the General Administration of the Military Intelligence in Damascus, affiliated to government forces, after they raided his place of residence and arrested him. He was then taken to branch 215. His fate is still unknown to his family as well as SNHR.



B. Extremist Islamic Groups

ISIS

Mohammad Nour Amouri, from Izaz city in northern Aleppo suburbs, 33-year-old, media activist and head of Izaz media center. On 18 September 2013, ISIS elements arrested him from his place of residence in Izaz. His fate is still unknown to his family as well as SNHR.



Media activist Othman Al Sultan, from Al Qouriya city, in Deir Ez-Zour suburbs, media activist at Al Qouriya media center. On 15 October 2015, he was arrested by ISIS from his place of residence in Al Qouriya city. His fate is still un-





known to his family as well as SNHR.

Abdullah Al Khalil, from Al Raqqa city, 52-year-old, a lawyer and chairman of the local council of Al Raqqa governorate. On 18 May 2013, he was arrested by ISIS from his place of residence in Al Raqqa. His fate is still unknown to his family as well as SNHR.



2- Fateh Al Sham Front

We'ab Al Izzou, from Saraqeb city in Idlib suburbs, 27-year-old, a former member of the Syrian Communist Party, and participated in the uprising as a humanitarian activist. On 7 January 2015, he was arrested by Fateh Al Sham as he was heading back from the Turkish borders at a checkpoint affiliated to the Front near Taftnaz military airbase. His fate is still unknown to his family as well as SNHR.



Abu Abdullah Al Khouli, from Homs governorate, a religious figure and a leader at Hazm movement, an armed opposition faction, he was arrested by Fateh Al Sham at a checkpoint affiliated to the Front on 9 January 2015. He then appeared in a video inside a detention center for the Front. SNHR hasn't been able to determine his fate or his whereabouts.



Mohammad Maher Karman, from Aleppo city, aged 51-year-old at the time of his arrest, a political advisor for Aleppo Revolutionists' Council. On 8 November 2015, he was arrested by Fateh Al Sham from his place of residence in Al Kallasa neighborhood in Aleppo city. His fate is still unknown to his family as well as SNHR.





C. Self-management forces (Primarily consisting of the Democratic Union Party forces – a branch for the Kurdistan Workers' Party)

Salah Younes, from Amouda city in the suburbs of Al Hasaka governorate, member of the political office of the Kurdistan Democratic Party – Syrian branch. On Tuesday 14 June 2016, he was arrested by the Self-management forces from his place of residents in Amouda city. His fate is still unknown to his family as well as SNHR.



Abdulmalek Hattou, from Amouda city in the suburbs of Al Hasaka governorate, 49-year-old, member of the local committee which is affiliated to the Kurdistan Democratic Party – Syrian branch. On 9 June 2016, he was arrested by the Self-management forces from his place of residents in Amouda city. His fate is still unknown to his family as well as SNHR.



D. Armed opposition factions

Child Ziad Ghadir Deb, from Ballouta village in Latakia suburbs, one-year-old. He was arrested along with his family in Ballouta village on 4 August 2013 during an offensive by armed opposition factions that targeted the villages of Latakia suburbs which was part of “Um Al Mu'menien Aisha” battle. SNHR hasn't been able to determine his fate or his whereabouts.



Hasna Abdulkarim Eissa, from Al Hamboushia village in Latakia suburbs, female, 45-year-old. She was arrested from her place of residence in Al Hamboushiya village on 4 August 2013 by armed opposition factions during the battle”





Um Al Mu'menien Aisha". SNHR hasn't been able to determine her fate or her whereabouts.

Thurayya Dergham Salim, from Balouta village in Latakia suburbs, 17-year-old, she was arrested from her place of residence on 4 August 2013 during an offensive by armed opposition factions that targeted the villages of Latakia suburbs which was part of "Um Al Mu'menien Aisha" battle. SNHR hasn't been able to determine her fate or her whereabouts.

IV. Conclusions and Recommendations

Enforced-disappearance is considered as a crime According to the "International Convention for the Protection of All Persons from Enforced Disappearance" which was established in 2006. Even though Syria didn't sign the agreement, the criminalization of the enforced-disappearance itself was part of the customary international law and also violates Geneva Convention of 1949 -Syria is part of the Convention- and its second additional protocol of 1977.

Article 7 of Rome Statue, which came into force on 1 July 2002, provision 1-i states that enforced-disappearance, "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack" constitutes a crime against humanity. Article 7-2-i defines enforced-disappearances 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 that 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."

The crime of enforced-disappearance, given that it constitutes a crime against humanity, is not subject to the statute of limitations meaning that holding those who are responsible remains open until it is done. It also guarantees the right to seek redress for the families of the victims and knowing the truth about their missing beloved ones.

Furthermore, Syria is a part of the International Covenant on Civil and Political Rights (1966), and the Arab Charter on Human Rights; enforced-disappearance involves crimes that violate the human rights that were established in both of these agreements including the right to not being subjected to arbitrary arrest, the right to freedom, the right to having his legal individuality acknowledged, the right to a fair trial, the right to guaranteeing humanitarian condition during his arrest, the right to freedom and dignity, and right to not being subjected to torture and other forms of ill or inhumane treatment, and of course the right to life (in case he was killed after going forcibly-disappeared).

Moreover, the crime of enforced-disappearance collaterally violates a number of econom-





ic, social, and cultural rights for both the victims and their families which are the rights that were established in the International Covenant on Economic, Social, And Cultural Rights (1966) including the right to protection for the family, right to health care, and the right to an education.

When the children fall victims to the crime of enforced-disappearance, it represents an explicit violation of the Convention on the Rights of the Child including the right to not having his freedom denied arbitrarily, and the right to an individual identity, and the right to live with his family and parents.

Also, Self-management force adopted the same policy against its rival which constitute war crimes according to Article 8 of Rome Statue. The same policy has also been adopted by extremist Islamic groups and some of the armed opposition factions.

Recommendations

United Nations and the Security Council

The Security Council must follow-up with the implementation of its resolutions and bind all parties to respect these resolution including, and most notably, Resolution 2024 and 2139. Also, it should uphold its responsibilities with regard to forcibly-disappeared persons in Syria.

There must be an immediate pressure on the Syrian regime to give the Independent International Commission of Inquiry on the Syrian Arab Republic an access to all detention centers in order to investigate the horrendous allegation on human rights violations in these centers and hold those who are responsible accountable.

All detainees must be allowed immedately to contact their families and contact doctors and lawyers. Also, guarantees must be established that would insure that these violations don't reoccur inside the detention centers. Additionally, the fates of no less than 71,000 forcibly-disappeared persons must be revealed.

The state allies of the other parties must press in order to reveal the fates of the forcibly-disappeared persons in their prisons.

Human Rights Council

To follow-up with the issue of missing and forcibly-disappeared person in Syria and shed light on this issue during the periodic annual meetings.

Chair-Rapporteur of the Working Group of the Working Group on Enforced or Involuntary Disappearances

To assign more people to the issue of forcibly-disappeared persons in Syria given the density, magnitude, and number of these cases

Solidarity

Our hearts and souls stand in solidarity with the victims and their families. The legal and social fight for the missing and forcibly-disappeared persons must continue until they are released and their fates are revealed.

