

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



منظمة العدالة من أجل الحياة
Justice for life Organization



August 2017



“Years without a Trace”

A Special Report Highlights Suffering of the Forcibly Disappeared Families in Syria

#DisappearedStory

#حكاية_مختفي



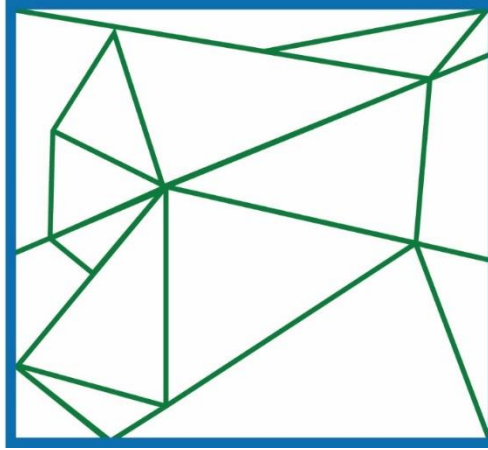
About Syrians for Truth and Justice/STJ

[Syrians for Truth and Justice /STJ](#) is a nonprofit, nongovernmental, independent Syrian organization. STJ includes many defenders and human rights defenders from Syria and from different backgrounds and affiliations, including academics of other nationalities.

The organization works for Syria, where all Syrians, without discrimination, should be accorded dignity, justice and equal human rights.

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About Justice For Life/JFL

Justice for Life Observatory in Deir Ezzor is a Syrian independent non-governmental non-profit organization that includes human rights Syrian activists regardless of their affiliations and ideologies. It works on documenting the violations of human rights in order to be used in the phase after war; where the collected and checked proofs will be used in the process of reconciliation and transitional justice. The observatory works constantly on the campaigns of advocacy of human rights in order to reach the desired peace.

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Background:

International Day of the Victims of Enforced Disappearances on August 30. On December, 21, 2010 the General Assembly in its resolution [No. 65/209](#) decided to adopt [International Convention for the Protection of All Persons from Enforced Disappearance](#), after many States signed and ratified it, it also decided to declare 30 August an International Day of the Victims of Enforced Disappearances, to be observed since the beginning 2011.

The Convention states number of procedural guarantees to stop disappearance of persons, including the necessity to keep every person deprived of liberty in an official place, restrict and register all his movements. More importantly, the necessity to enable every person deprived of his or her liberty to be connected to the outside world, and with his or her family and with a legal counsel, as the family has the right to obtain information on the detention and detained whereabouts.

The International Convention for the Protection of All persons from Enforced Disappearance is the first convention to recognize that the concept of victims of enforced disappearance is not only for the disappeared but also for their families. The Convention also recognizes the right of families to know the fate of victims of enforced disappearance and the right to compensate the damage they already suffered¹.

Enforced disappearance has become a universal matter and it is no longer limited to a particular region of the world. This phenomenon was essentially product of military dictatorships and enforced disappearance, but today it is conduct of any internal conflict in complex circumstances, or particularly it is used as means of political pressure on adversaries².

¹ Enforced disappearance: The United Nations Convention "a major achievement" gives new hope to the International Committee of the Red Cross:

² United Nations code: International Day for Victims of enforced disappearance:



Recommendations

- **To Released and Survivors of Enforced Disappearance:**

1. Participate names of disappeared and detainees, either in the place of custody or the places they were transferred to, with the detainees family and the date and place of the last sighting.
2. Cooperate with highly credible local and international organizations in order to document their views during the period of detention, either for immediate publication purposes/advocacy or documentation for future prosecutions.
3. Former disappeared and survivors must not underestimate the effects of disappearances, arrests and torture, especially with prolonged disappearance. Moreover, survivor must undergo assessment sessions by specialists to determine the level of damage they have, and to initiate appropriate remedial actions and medical interventions.

- **Victims of enforced disappeared families:**

1. Ensure fully documentation of the disappearance state, and the possibility of sharing the information about the disappeared with high credibility local and international authorities taking into consideration their safety and the disappeared as well.
2. Keep all official identity papers of the disappeared (ID card, driving certificate, passport, family book, university degrees, military service book, proxy, if there is ...etc.).



3. Preserve information related to the medical state of disappeared, such as information on the status of the teeth, if any, X-ray, medical report, analysis... etc. As well as information on the luggage of the disappeared when he disappeared, the clothes he was wearing, and any other distinctive information.

4. Attempt to transfer disappeared's movable and immovable properties to other members of the family, especially in the case of having power of attorney such as transfer property, withdraw money from the bank account... However, detainees' movable and immovable properties are usually seized and confiscated following accusing them with terrorism-related charges by regime.

5. Cooperate with other disappeared families to establish support advocacy associations among them, in order to conduct activities help to uncover the disappeared fate. However, through these associations, they can, to name but a few, exchange genuine information about self-disclosure processes, and mutual psychological support sessions.

6. Conduct proper legal inquiry through honest lawyers, who do not blackmail the disappeared families, therefore, they can do correct processes with regard to the subject matter of disappeared research. In addition to, share stories of success in knowing the fate of their children with other disappeared families, and warn them of blackmail by people or entities.

- **To the Office of the United Nations Special Envoy (Steffan de Mistura)**

1. Press on negotiating delegations, particularly the Syrian government delegation to disclosure the fate of tens of thousands of forcibly disappeared, especially those who brought before the military field courts.



2. Take a clear stand on arbitrary detentions operations followed by enforced disappearance for exchanges between the conflicting parties, therefore the civilian is the fuel for such operations.
3. Make disappeared case the basic anchor during Astana and Geneva talks.
4. Request the negotiating delegations, and specifically the Syrian government delegation, to grant recognized international monitors access to all official and unofficial detention facilities without prior notice.

- **To the Syrian Government and Armed Groups:**

- **A. To the Syrian government:**

1. Stop all executions of detainees, especially those brought before the military field courts.
2. Stop transferring detainees to the military field Court and other illegal courts such as the Counter-terrorism Court, and consider the issued sentences ineffective.
3. Not destroy documents and reports of forcibly disappeared and detainees.
4. Transfer all detainees to known/recognized detention centers and allow families, the International Committee of the Red Cross and the specialized committees visit the disappeared in the prisons.
5. Allow Independent International Commission of Inquiry on Syria to conduct impartial investigations on violations occurring in Syria.
6. Account those responsible for unfair, nondependent extrajudicial executions.
7. Ensure register the data of all detainees and informed them with the reasons of detention. In addition to periodically and impartially revision of those reasons, and guarantee access to health care for detainees.
8. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to include the crime of enforced disappearance in the



local law, defining all criminal actions established in the Convention, and accepting the competence of the Committee on Enforced Disappearances.

9. Establish a relevant government body to manage the records of detainees and reply to their families' enquiries.

10. Take action to ensure that all participants in the search for victims of enforced disappearance, particularly detainees' families and relatives, are protected from ill-treatment, smuggling, retaliation, arrests and enforced disappearance.

11. Ensure that victims' families, survivors and released of enforced disappearance obtain compensation including material compensation, rehabilitation and restitution of property and ensure of non-recurrence, and account all those who committed such crimes.

B-To Armed Groups

1. End all enforced disappearances actions and enclosure fate of the disappeared.
2. Hand out lists of abductees and disappeared names to their families and to highly credibility international organizations.
3. Register names and data of all detainees and transfer them to known/recognized places of detention.
4. Inform detainees about their detention reasons as soon as possible, and enable them to contact the outside world, and ensure that they get the right to self-defense, appeal against the lawfulness of their detention.
5. End executions against detainees.
6. End abductions and arbitrary arrests in order to swap other detainees later.
7. To Syrian Organizations Working on Human Rights and Documentation:



1. Create a system of participation to make it possible to complete the information of all the disappeared in Syria, regardless of who was responsible for the act, affiliation, identity, region, sect or nationality of the victim. This could be through establishing national database of the disappeared, which include background information that helps to locate the disappeared, such as the DNA of the disappeared family, and evidence of involvement of State actors or armed groups in enforced disappearance, in addition to the investigations in the case. The criteria for collecting such data should be unified among the relevant institutions to ensure the effectiveness of the database.
2. Networking the survivors of enforced disappearance with the competent psychological support organizations in order to assist and provide them with psychological support.
3. Inform survivors of enforced disappearance of their rights under international or national laws, document their views during the detention period, and sensitize them to follow proper legal procedures to provide them better opportunities for future prosecutions.
4. Sensitize disappeared families to the proper legal procedures during searching for the disappeared, either through United Nations mechanisms or the, international and national, available mechanisms.
5. Provide legal assistance to families of the missing and victims of enforced disappearance and facilitate easier access to aid.

- **To International Legal Organizations:**

1. Create further reports and research on the enforced disappearances in Syria.
2. Advocate against the perpetrators of this crime in order to guarantee the forcibly disappeared rights and to press on their governments to protect the forcibly disappeared in Syria.



3. Cooperate with local Syrian organizations in all of the above, through funding and building their capacity to deal with the crime of enforced disappearance.

- **To Donor Governments and Organizations:**

1. Sponsor support programs for the disappeared physically and morally.
2. Create ad hoc projects to support families of the enforced disappeared physically, morally and professionally due to absence of the breadwinner.
3. Investigate and prosecute members of the Syrian military and civilian command suspected of committing international crimes relating to enforced disappearance and abduction under the principle of universal jurisdiction and in accordance with their national laws.
4. Call the United Nations Security Council to refer the Syrian case to the International Criminal Court to investigate war crimes and crimes against humanity, which may include enforced disappearances and abductions.
5. Shed light on this crime in their speeches in international/local forums and not to drop them.
6. Fund organizations that work on cases of enforced disappearance.
7. Practice diplomatic pressure on the Syrian government to release and guarantee the rights of the forcibly disappeared.

Methodology and challenges



The present report was based on 25 testimonies and interviews, in which Syrians for truth and Justice/STJ completed 22 testimonies and accounts while Justice for Life Organization, the partner, prepared three testimonies in this report. Families of the disappeared were interviewed to talk about effects of their children's disappearance. The report-based team also reviewed many other sources, they talk about both, the circumstances of the disappearance, or its impact, so that this report serves as complementary efforts for local Syrian organizations or International organizations that worked on cases of forcibly disappeared in Syria.

One of the main challenges faced working team was that many disappeared families who had been contacted, except those who agreed, refused to testify primarily out of fear for themselves and secondly for the disappeared lives, whereas the above-mentioned number accepted. Anyway, those challenges included the difficulty of gaining access to testimonies about disappeared women, for many reasons, including the families' refusal to declare the disappearance of women out of fear of shame.

Besides, one of the challenges faced the working team was that disappeared families lack knowledge of any details about the disappearance/abduction of their sons and the lack of proper follow-up of the case.

Introduction

The numbers of forced disappeared in Syria constitute one of the largest figures in the Middle East, although the Syrian security apparatus had consistently concealed forcibly tens of thousands of Syrians following the 2011 uprising. However, the history of enforced disappearance in Syria goes back to previous decades, during the 1980s or prior decades.

Parties to the Syrian conflict still use the weapon of enforced disappearance as a tool of intimidation and crush opponents or violators in a systematic and calculated manner.



Cases of enforced disappearance are accompanied with violation of other human rights, whether they precede the disappearance itself, such as violating person's rights in security and dignity, and the violation of the right not to be arbitrarily detained. The violations accompany enforced disappearances are not limited to the period prior to the disappearance, but also to lot of violations during the process of disappearance, which particularly emphasize the right of detainees not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. As well as the right to live in humane conditions during detention, legal personality and a fair trial.

The reported violations after disappearance are related to the right of family life and in life itself, especially in cases like killing the victim, under torture or because of conditions of detention, starvation and other violations.

Although there are no precise figures on those who died in Syria after they disappeared. The documentation centers and local organizations talk about tens of thousands cases among disappeared and dead under torture.

This report, in addition to documenting cases of forcibly disappeared persons, attempts to focus on the effects of enforced disappearance both on the victim itself, and on his family as well (mother, father, siblings, wife, children, relatives, friends, and others), this report will shed more light on the psychological, physical, legal, and social effects on disappeared families.

Effects of the Enforced Disappearance:



A. Effects on the Disappeared

A number of physical, psychological and social violations against the victim or the disappeared accompanies the process of enforced disappearance, and the detention process is usually conducted arbitrarily, accompanied by too many verbal insults, beatings and torture, all this occurs before the interrogation, which usually testifies terrible tortures cause death many times. The story of a detainee is almost entirely devoid of torture and ill-treatment, which sometimes leads to permanent disability.

STJ documented scores of testimonies and accounts of detainees inside the vaults of Syrian security apparatuses or other conflict parties. Therefore, in a [report published](#) in June 2017 on Hamida al-Taher detention facility in Daraa, all the interviewed eyewitnesses confirmed that they were subjected to heinous torture, apart from the sightings of torture, rape and insults against other detainees during detention.

In a further report published by STJ in June 2017, survivors spoke in a special report on the [International Day in Support of Victims of Torture](#) about the horrors of detention facilities and ill-treatment of detainees.

Safwan Ahmed al-Katini, a forcibly disappeared by the Syrian security apparatuses, from Khan Sheikhoun in Idlib province, was arrested by the Air Force Intelligence from his home and in front of his wife.³ She described to STJ the moments of detention and how the officer in charge of the patrol took off the door of Safwan's bedroom, arrested him and beat him in front of his family, as well as threatened to kill the wife.

According Safwan's cousin, who was arrested and released later, all those arrested were transferred later to the Military Security Branch in Idlib, he added that Safwan was subjected to brutal torture. He was first tortured psychologically, and then they started beating him up, and at the beginning of the interrogation, the military security elements pulled off Safwan's right eyes, broke his back and pulled out his toenails. He suffered a lot of

³ The interview was online with the wife of the disappeared Safwan on July 19, 2017.



psychological effects from the brutal torture inflicted on him, he was sometimes babbling, and sometimes beating himself, he also suffered from chronic skin scabies as well as infection.



Image of the disappeared Safwan Ahmad al-Katini

B. Effects on the families of enforced disappearance victims:

Paragraph (1) of Article 24 in [the International Convention for the Protection of All Persons from Enforced disappearance](#) says that:



"for the purpose of this Convention, "victim" means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance."

The family of the disappeared is usually the directly affected of this disappearance, whether they are parents, siblings, husbands or children, their lives turn upside down, especially if the disappeared were the main breadwinner of the family.

The dimensions of the suffering of disappeared's family can be divided into different elements:

1. Psychological Dimension:

Most of the families who were interviewed for the purpose of this report said that the psychological effects of disappearance are the worst suffering ever, and cannot be compared to other effects like financial or social effects. These effects vary according to kinship. In the case of the disappeared "Wael Shroff"⁴, who was arrested in September 2013 and who is still disappeared till the moment, his wife was subjected to a nervous breakdown when she heard the news of his arrest, she could not comprehend what happened afterwards. Her husband's disappearance caused an emotional and social deficiency as most of her social relations were cut by the disappearance of Wael, and she began to suffer from prolonged isolation, as for Wael's children, they were overwhelmed by the feeling of deprivation and sense of shortage due to their father's absence.

In the case of the disappeared "Muhammad Deeb Muhammad Khaled Bakhora"⁵ who was arrested in June 2012, and is still disappeared until now. The most affected by Muhammad Deeb's disappearance was his mother who went into a coma and was just babbling his name all the time. The doctors warned Mohamed Deeb's brothers not to mention his name in front of her or even talk about his fate as if he never existed. Muhammad Deeb's disappearance caused considerable

⁴ The interview was conducted on 16 July 2017 personally with the disappeared Wael Shroff's sister.

⁵ The interview was conducted on 18 July 2017 via the Internet with a member of the family of the disappeared Mohammed Deeb Bakhora



psychological and financial difficulties to his family, as he was the eldest son and the only breadwinner.



Image of the disappeared Muhammad Deeb Muhammad Khaled Bakhoraa

Photo Credit: Muhammad Deeb's family



بدينا المعتقلين

June 14, 2016 · 🌐

بعض الأسماء التي تم التأكد من وجودهم في سجن المزة العسكري
 محمد ديب محمد خالد بخورة دمشق
 عبدالسلام دهام الحسن حماه
 خالد ممدوح الأحديب حماه
 زياد عبدالحميد باطوس دمشق
 محمد عبد الكريم العموري تلييسة
 محمد فاروق الكود دمشق
 هيثم ماهر الأبرش حمص
 حمود خلف الحمود دير الزور
 محمد يحيى عتيقي دمشق
 فراس محمد وليد عجان دمشق
 محمد يوسف زر زور دمشق
 ممدوح محمود الشللة حمص
 علاء عبدالله الزعبي درعا
 عثمان موسى الخطيب درعا
 فتيه اسماعيل مخير حمص
 مهدي عزت البواب حمص
 نرجو من الله أن يفرج عنهم
 آخر مشاهدة منذ أسبوعين تقريبا
 ماري توما للتوثيق والنشر #

Image taken from the Facebook Page ([We Want the Detainees](#)) stating that Mohammed Deeb Muhammad Khaled Bakhoraa was in Mezzeh Military Prison in the summer of 2016, but STJ could not verify the information.

The disappeared “Najem al-Din al-Hussein”⁶, who was arrested by members of al-Nusra Front “Hayat Tahrir al-sham/HTS” on 10 December 2012, is still disappeared until now.

Najem al-Din’s wife spoke to STJ about the effects of his disappearance on his family, saying:

“Najem al-Din disappearance caused a great psychological shock to us, as I remained shocked for four years unable to perform my daily tasks and live a

⁶ The interview was conducted 19 July 2017 via the Internet with the wife of the disappeared Najem al-Din al-Hussein.



normal life, but in the last year I began to get used to it a little, my daughters, especially the little girl, always asks me where my dad is. We want my dad. The family suffers from trauma, loneliness, parting, and missing father's love."



Image of the disappeared Najem al-Din al-Hussein

Photo Credit: Najem al-Din's family



Uncle of the journalist Barzan Liani, who was detained by Pro-Autonomous Administration Asayish Forces on 13 May 2017, and who is still under arrest to this day, described⁷ that the psychological situation of Barzan's family was very poor after his detention, where he said:

"Before being a journalist or an activist, Barzan is a husband and a father of little children. All of us know how much Barzan is attached to his children and their attachment to him, and it did not happen before to miss his home more than two or three days. His little daughters are facing a very difficult psychological situation especially after the end of the holy month of Ramadan and spending the Eid holiday while their father is detained."



Image of the disappeared Barzan Liani

Photo Credit: Barzan's family

⁷ The interview was conducted on 18 July 2017 via the Internet with Mahmoud Liani, the uncle of the disappeared Barzan Liani.



As for Burhan's family from al-Zabadani in the countryside of Damascus, which faced a catastrophe following the arrest and killing of the father Salahdin Burhan under torture by the Syrian regular army immediately after his arrest on 4 October 2012. The family faced another catastrophe following the arrest of Salahdin's brother identified as Deeb Muhammad Burhan and Salahdin's son identified as Muhammad Salahdin Burhan only four days after the incident of the father by the same party. They are still disappeared until now.

STJ interviewed⁸ "Mayson Burhan", Salahdin's daughter, who testified about the impact of their absence, saying:

"Our family is composed of five girls and one boy identified as Muhammad. We lost our father, our brother and our uncle in just four days. My mother suffered more; she is psychologically broken because of losing both her husband and her son. She always remembers them at every small detail in our daily life and activities, and sometimes she wakes up at mid-night crying and screaming. She had already suffered from a nervous breakdown. We always feel that we badly need to know about their fate, we need to know any news about them, are they alive, or dead. In which place are they detained? ... Eyewitnesses talked about the moment of the arrest of my brother and uncle and said that elements of the Syrian army hit my brother Muhammad's head with the back of the gun. So we always wonder about the effects of this strike on his head, did he survive after all? Did he lose his memory and so disappeared? Does it make sense that none of the former detainees who were released had seen them in the prison?"

⁸ This interview was conducted on 28 July 2017 via the Internet with the sister of the disappeared Muhammad Salahdin Burhan.



Image of the disappeared of Burhan's family
Photo Credit: family of the disappeared

2. Financial Dimension:

The financial effects following the disappearance of members of families who were interviewed for the purpose of this report were not less severe than other effects, especially in cases that the disappeared was the main and only breadwinners of his family. Apart from the suffering of other families, especially those who have been subjected to financial blackmail during their searching for the fate of their disappeared members.



Muhammad, a pseudonym of a missing person by the group that called itself the Islamic State, also known as ISIS, his family members who spoke to Justice for Life Organization/JFL⁹ refused to disclose their names for fear for their safety and the safety of the disappeared.

Muhammad was abducted by elements of Islamic State in June 2015, after which his traces disappeared leaving behind great hardship to his family, in addition to the loss of Muhammad's car and the confiscation of their home by ISIS subsequently, which forced the family to flee and live in a tent with extreme hunger and poverty. They still depend on people's relief although they were living a good well off life before Muhammad's abduction.

According to Muhammad's family, effects of Muhammad's abduction were evident on his children as well; they often walked in the streets and asked the passers-by if they had seen their father.

As for the disappeared Zakaria Abdel Majid Ahmed, who was arrested by elements of District Branch (227) of Military Secret Service on 10 October 2012, his family¹⁰ suffered many material losses which began with the seizure of the private car by security elements, followed by their seizure of the family's house. Apart from the family's paying of a lot of money to brokers to know the fate of Zakaria, they had to sell their motorcycle in order to secure part of that amount.

Their main dependence is, so far, on the aid provided by the United Nations that does not meet the needs of the whole family, especially after the Syrian military aircraft bombed the house of the father of the disappeared Zakaria in 2015 with an explosive barrel bombs causing serious injuries to one of Zakaria's breadwinner sons, who became unable to support his family financially.

⁹ The interview was conducted on 7 July 2017 by the reporter of Justice for Life Organization/JFL.

¹⁰ تم إجراء المقابلة في تاريخ 19 تموز/يوليو 2017 عن طريق الإنترنت مع ابن المختفي زكريا عبد المجيد أحمد.

¹⁰ The interview was conducted on 19 July 2017 via the Internet with the son of the disappeared Zakaria Abdel Majid Ahmed.



Image of the disappeared Zakaria Abdel Majid Ahmed
Photo Credit: Zakaria's family

The family¹¹ of the Disappeared Abdallah Mazen as-Saud, who was arrested by the Military Security elements on 21 February 2012, who is still disappeared until now, has been subjected to a lot of financial blackmail. In every time they tried to make the "tafeish" process, the process of searching for the names of the wanted people in the Syrian Security Services database in order to determine his status and his whereabouts, they paid 100, 000 Syrian Pounds, equivalent to \$500 USD at the time, and this process was done by some lawyers. In addition to the family's paying a lot of bribes to some elements of the Military Police to know the fate of Abdallah.

¹¹ The interview was conducted on July 7 via the Internet with the mother of the disappeared Abdallah and his brother.



It is noteworthy that the biggest extortion the family was exposed to was carried out by a Presidential Palace Officer identified as Ammar Younis, who claimed his ability to release Abdallah, and he was falsified some documents which indicate that Abdallah was being transferred among the security branches. He also claimed his ability to put the name of "Abdallah" in the pardon lists which usually issued by the President of the Republic, and when the family assigned a lawyer to follow the documents of the Officer Ammar, the lawyer discovered the forgery of these documents by the officer and, as a result, the officer arrested that lawyer.

The family of Abdallah paid Two million Syrian Pounds equivalent to \$10,000 US dollars at the time to that officer who returned later and asked the family for 10 million Syrian Pounds, equivalent to \$50,000 US dollars at the time, but the family refrained from paying the money after the lawyer was arrested.



Image of the disappeared Abdallah Mazen as-Saud
Photo Credit: Abdallah's family

Al-Hussein family consisted of the father, Farouk Mustafa al-Hussein, the mother, Hasna Mohamed al-Merhej, the son, Ziyad Farouk al-Hussein, and seven females and one child, all of whose members were inflicted by a calamity that caused their lives to be turned upside down. The family lived happily and in good financial



conditions until security forces affiliated to the Syrian government arrested the mother Hasna, followed by arresting the father Farouk, then the eldest son Ziyad without any traces until now.

Several houses, a lot of property and furniture belonged to the family were seized, and five girls were detained in alternating periods, in addition to harassment and insults.

After the mother, the father and the son disappeared, four houses belonged to the family were seized, and the children were not allowed to restore the furniture and the money inside their houses. Therefore, the children suffered both homelessness and poverty and suddenly they found themselves without a house or money, so they were forced to leave school and work to make a living.



Images of the disappeared the father Farouk al-Hussein and the brother Ziyad al-Hussein

Photo Credit: family of the disappeared.



The young man, Farhan Ahmad al-Hariri, who was arrested on 21 December 2012, by the Military Security Service, and is still disappeared until now, his sister spoke¹² to STJ about the details of his disappearance and the suffering of his family in his absence, saying:

“In 2013, we tried to communicate with a mediator from Latakia whose wife worked as an officer at a Police Service Centre in Damascus to determine the fate of Farhan. We paid 5 million Syrian pounds; equivalent to \$ 50000 US dollars at the time after that person convinced us that he had previously got out detainees from branch (215) of the Military Security Service where Farhan was detained, as we thought. So we borrowed the amount from several people but unfortunately the broker robbed it in a fraud, which greatly increased our financial hardship, and we have not been able to repay this debt to its owners until now.”



Image of the disappeared Farhan Ahmad al-Hariri

Photo Credit: Farhan’s family

¹² The interview was conducted on 21 July 2017 via the Internet.



3. Social Dimension:

Many families of the enforced disappearance victims suffered from several social effects after losing their sons. The effects varied between divorces, extortion, harassment, the social ostracism of the family being described as "terrorists or traitors", and the fear of the disappeared family on the rest members of siblings and children, apart from being forced sometimes to flee and resort to other countries.

The wife of the disappeared "Safwan Ahmed al-Katini", a forcibly disappeared person, arrested by the Air Force Intelligence on 30 August 2011, and still disappeared until now, said¹³ that she had suffered many social problems that had arisen between her and the family of Safwan following his disappearance.

Later, the wife was subjected to attempts of harassment and exploitation associated with threat by an Air Force Intelligence element who stole her phone on the day of the arrest of Safwan, where that element manipulated and asked to meet her and to come to a security branch where he served. The reason that forced the wife to resort to Turkey under the pressure of blackmail and threats.

The disappeared "Shehada Haj Hussein", was arrested from his house in Latakia in a raid by the Military Security elements on 9 October 2011, and he is still disappeared until now. Shehada's arrest was a severe blow to his family, especially his mother, who was subjected to a nervous breakdown and chronic depression, according to his father who testified¹⁴ to STJ.

As for Shehada's wife, she moved to live with her parents and three years later, she lost hope for her husband's return, so she asked for divorce in the court, the

¹³ This interview was conducted on 19/7/2017 online, with the wife of the disappeared "Safwan al-Katini".

¹⁴ This interview was conducted on 13 July 2017, in a personal interview with the family of the disappeared "Shehada Haj Hussein" in their home.



judge considered Shehada to be an absentee whom there is no hope for his return, and later she got married to another man.



Image of the disappeared Shehada Haj Hussein

Photo Credit: Shehada's family



After the arrest of the mother, father and the eldest son of “al-Hussein” family, whose story was already listed, the girls remained without a breadwinner. According to the testimony¹⁵ of a family member to STJ, the girls of the family were subjected to a lot of harassment and specifically on the security checkpoints scattered in the neighborhood. They were describing them as "terrorists", and tried to exploit them bodily, harassing them and luring them with false promises such as their promise of giving information about the fate of their parents if one of the girls visited them. However, the girls always avoided such situations, and some of them were forced to flee or resort to neighboring countries because of these pressures.

According to the testimony¹⁶ of a member of the family of the disappeared "Muhammad Deeb Muhammad Khaled Bakhora", who was arrested in June 2012 and is still disappeared until now; the wife of Muhammad Deeb, who married him four months before his arrest, asked for a divorce one week after his disappearance. She told his parents that she was not obliged to wait for him, as she heard that nobody is able to know the fate of the enforced disappeared.

"Basil Bekdash ", arrested by the Air Force Intelligence Service in March 2011, is still unaccounted until now, and after three years of his disappearance, in 2014, his wife filed for divorce from her disappeared husband because of his absence for more than three years, at The Sharia Court Judge in Latakia who divorced her. She left her two daughters with Basil's family, and went to live at her parents' house , and got married later, and after her marriage, she demanded to raise her children, but Basil's parents resorted to the court to prevent that and this was agreed upon. Now Basil's parents are taking care of his two daughters trying to compensate

¹⁵ The interview was conducted on 20/7/2017 via the Internet with a member of al-Hussein family.

¹⁶ The interview was conducted on July 18, 2017 via the Internet with a member of the family of the disappeared "Mohammed Deeb Muhammad Khaled Bakhora".



them for the care of the father and mother's tenderness, according to Basil's father who testified¹⁷ to STJ.



Image of the disappeared Basil Bekdash

Photo Credit: Basil's family

4. Legal Dimension:

Families of the forcibly disappeared sometimes experienced some legal problems resulting from the loss of their sons, for example, some parents faced the problem of selling a property belonging to the disappeared, in order to repay the debts or to compensate the breadwinner's absence. In other cases, the parents suffered from the loss of some of the identity documents that disappeared with the

¹⁷ The interview was conducted on 16 July 2017 at the house of the father of the disappeared "Basil Bekdash" in the refugee camp in the countryside of Latakia



missing person, the difficulty is that some documents cannot get identical copies or extract similar copies of them in the absence of the disappeared, which negatively affect the lives of his parents and family.

In the case of the disappearance Omar Muhammad ad-Dush who was arrested by the Military Security Service on 14 April 2013, his family faced considerable legal difficulties when he was arrested along with his private car and his suitcase that contained all the documentations of the his properties like houses and real estate. Moreover, and because he used to work in real states business, according to Omar's family¹⁸, the difficulties were when they tried to sell any property registered in the name of the disappeared "Omar" to pay for their tuition and their daily lives expenses. In every sell process, they were being asked about those documentations, and when they stated that they disappeared with their owner, they were asked to prove the death of the disappeared and other papers following the death process (e.g., certification of succession, etc.).



Image of the disappeared Omar ad-Dush
Photo Credit: Omar's family

¹⁸ The reporter for Justice for Life/JFL conducted this interview on 7 July 2017.



In the case of the disappeared Fadi Abdel Fattah Mousa, a Palestinian/Jordanian, who was abducted on his way on Homs international Road by an anonymous destination on 15 February 2013. After his disappearance, his family faced a legal problem as Fadi had his children's documents and birth certificates with him when he was abducted, and according to the testimony of a relative of Fadi¹⁹; after his abduction the children became without any official identity documents because their registration was on their father's passport. The wife tried to extract identity documents for her children from Jordan over and over, and she had difficulty in her children's traveling due to the absence of their identity documents, but two months ago she managed to take them with her to Jordan by a compelling travel document, where she extracted the missing identity documents and passports. They returned to Syria later.

5. Education:

In some cases of enforced disappearances, the children of the victims or their siblings had some difficulties affected their school life that might enforced them to leave their studies to work; sometimes because of the absence of the breadwinner, or because their families could not enroll them in schools given the financial difficulties caused by the victim's disappearance, or because of their movement and displacement.

In the case of the disappeared Dirar Mohammed Hamdo, who was arrested in the countryside of Latakia by the Military Security Service on 3 March 2012, his wife spoke in her testimony²⁰ to STJ, describing the suffering of her and her family following her husband's disappearance, she said:

"The arrest of my husband in front of my eyes and my children's left a heartburn and pain in myself that never left me since his arrest. I suffered from emotional deprivation, loneliness and alienation; I was always trying to hide my sorrows and worries from my children and try to compensate for the shortage caused by their father's absence. I had difficulty in raising them and securing their needs, and I was able to enroll them in school only about a year ago, in 2016, because

¹⁹ The interview was conducted on 20 July 2017 via the Internet with a relative of the disappeared Fadi Abdel Fattah Musa.

²⁰ This interview was conducted on 18 July 2017 in the house of the wife of the disappeared Dirar Mohammed Hamdo.



of our moving and instability, until we finally settled in a refugee camp on the Syrian-Turkish border in Kherbet Eljuz, Idlib countryside. I sent my children to school to receive education after a break of more than three years, but we still suffered a lot in the camp. My little daughter had a blood disease and I could not handle it because of the lack of hospitals and medical services there. As a result of our poor financial situation, we had to sell everything in order to meet our basic needs; all we have left are some photos, memories and two orphaned children.”



Image of the disappeared Dirar Mohammed Hamdo

Photo Credit: Dirar’s family

In another testimony²¹ of the wife of the disappeared Safwan Ahmed al-Katini to STJ, she suffered with her son a lot of financial pressures due to the absence of their sole breadwinner “Safwan”, and the lack of any financial resource. The wife

²¹ The interview was conducted on 19 July 2017 online with the wife of the disappeared Safwan Ahmed al-Katini.



was forced to work in Turkey after she emigrated, she was subjected to great exploitation and she was not even able to secure the proper clothing for the son and was forced to dress him clothes of a girl relative because of poverty, and has not been able to send him to school yet.

Legal framework

I - Definition

Enforced disappearance is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance as follows:

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, which place such a person outside the protection of the law.

Article 7(2)(i) of the Rome Statute replicates almost verbatim the definition of the Convention on Enforced Disappearance.

II - Legal Framework

International Humanitarian Law (IHL)

IHL is the body of law that applies during armed conflicts. The main international instruments regulating IHL, namely the Geneva Conventions and the Additional Protocols do not expressly refer to the term enforced disappearance. However, in a non-international armed conflict such conduct is prohibited under customary international humanitarian law as it violates or threaten to violate a number of rules



of customary international humanitarian law.²² The relevant rules are the prohibition of arbitrary deprivation of liberty,²³ the prohibition of torture and other cruel or inhuman treatment,²⁴ and the prohibition of murder.²⁵

The prohibition of enforced disappearance is binding on *all parties* to the armed conflict therefore including both state armed forces and on non-state armed groups. In addition, all parties to the conflict must take certain steps to prevent enforced disappearance including through the obligation to register all persons deprived of their liberty²⁶ and the obligation to take all feasible measures to account for persons reported missing as a result of armed conflict and to provide their family members with information they have on their fate.²⁷

International Human Rights Law (IHRL)

IHRL applies in times of peace and, with certain limitations, also during armed conflicts. The Convention on Enforced Disappearance establishes in Article 1 the right of every person not to be subjected to enforced disappearance. In addition, it imposes on each state party a number of obligations including the obligation to “take appropriate measures to investigate” acts of enforced disappearance committed by any person and to “bring those responsible to justice”,²⁸ the obligation to criminalise the act of enforced disappearance²⁹ and to make the offence punishable by appropriate penalties³⁰, and the obligation to prosecute or

²² ICRC, Customary International Humanitarian Law, Rule 98.

²³ Ibid, Rule 99.

²⁴ Ibid, Rule 90.

²⁵ Ibid, Rule 89.

²⁶ Ibid, Rule 123.

²⁷ Ibid, Rule 117.

²⁸ Convention on Enforced Disappearance, Article 2.

²⁹ Ibid, Article 4.

³⁰ Ibid, Article 7.



extradite those responsible.³¹ The Convention also imposes an obligation on each state to exercise universal jurisdiction over the offence of enforced disappearance.³²

Syria is not a party to the Convention, nevertheless the prohibition of enforced disappearance is applicable also in the territory within its jurisdiction as it arguably constitutes a norm of customary international law.³³ In addition, as acknowledged by the Inter-American Court of Human Rights (IACtHR) in its landmark decision *Velasquez Rodriguez*, the offence of enforced disappearance constitutes a “multiple and continuous violation” of several human rights. It follows that acts of enforced disappearance engage the responsibility of Syria (on the responsibility of non-state actors see below) as they constitute violations of a number of treaty obligations to which Syria is bound.

International courts and tribunals considered acts of enforced disappearance to be in violation of the following rights:

- Right to liberty and security of person³⁴ (Article 2 of the International Covenant on Civil and Political Rights (ICCPR));
- Right not to be subjected to torture or other cruel inhuman or degrading treatment or punishment (Article 7 ICCPR);

Enforced disappearance was found in breach of the aforementioned right even in absence of evidence that the disappeared person was ill treated in light of a presumption that a victim of enforced disappearance is subject to inhuman or degrading treatment,³⁵ or in light of the fact that prolonged isolation and deprivation of communication are in themselves cruel and inhuman treatment.³⁶ In addition, enforced disappearance was found to cause such severe mental distress as to breach the family members’ right not to be

³¹ Ibid, Article 11.

³² Ibid, Article 9(2).

³³ UN Human Rights Committee, General Comment no 29, para 13.

³⁴ ECtHR, *Kurt v Turkey*; IACtHR, *Velasquez Rodriguez v Honduras*.

³⁵ UN HRC, *Mojica v. Dominican Republic*.

³⁶ IACtHR, *Velasquez Rodriguez v Honduras*; UN HRC, *Aouabdia v Algeria*.



subjected to torture or other cruel, inhuman or degrading treatment or punishment.³⁷

- Right to life (Article 6 ICCPR).

Enforced disappearance was found in violation of the right to life in light of a presumption of death of victims of enforced disappearance.³⁸ The presumption of death is not automatic and such conclusion was only reached on examination of the circumstances of the case, in which the lapse of time since the person was seen alive or heard from is a relevant element.

- Right to an effective remedy (Article 2(3) ICCPR)

A violation of the right to an effective remedy was found when instances of enforced disappearance were not adequately investigated by the state.³⁹

Applicability of IHRL to non-state actors

When acts of enforced disappearance are attributable to non-state actors, the state is under an obligation to investigate the violations effectively, provide those who claim to be victims with equal and effective access to justice and provide effective remedies to victims.⁴⁰ However, in circumstances in which an armed group exerts stable control over a certain territory the state is usually unable to impose its will. A number of commentators support the notion that human rights obligations bind also *non-state actors* such as armed groups, especially when such groups exercise significant control over territory and population and have an identifiable political structure.⁴¹ It follows that under international law the prohibition of enforced disappearance applies also to non-state armed groups that satisfy the aforementioned conditions.

International Criminal Law

³⁷ ECtHR, *Varnava v Turkey*; ECtHR, *Aslakhanova and others v Russia*.

³⁸ IACtHR, *Bamaca Velasquez v Guatemala*; ECtHR *Aslakhanova and others v Russia*.

³⁹ UN HRC, *Aouabdia v Algeria*.

⁴⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, principle II.

⁴¹ See A. Clapham, P. Alston, D. Murray. Murray lists the two following conditions: “the armed group must exist independently and must be sufficiently organised that it can impose its will on its members”.



Pursuant to Article 7(1)(i) of the Rome Statute “enforced disappearance of persons” constitutes a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.

Enforced disappearance is a crime against humanity and as such is a crime under customary international law. Under international law each state is permitted to exercise universal jurisdiction in relation to those responsible for enforced disappearance.

UN Security Council Resolutions

The UN Security Council with Resolution 2139/2014 “strongly condemn[ed] the arbitrary detention [...] of civilians in Syria, as well as the kidnappings, abductions and forced disappearances, and demand[ed] the immediate end of these practices and the release of all arbitrarily detained persons [...]”.



Annex: Meeting with Suleiman al-Issa, executive director of Human Rights Guardians Organization:

STJ held a meeting⁴² with Suleiman al-Issa, executive director of the Human Rights Guardians, operating in the field of enforced disappearance, stated that the reason for establishing the organization was that the dossier of enforced disappearance in Syria has received inadequate attention from the international community and even from all the parties to the Syrian conflict in the negotiations.

Suleiman adds that the organization's methodology in documentation is not based on statistics, but on the development of the cases through testimonies and accounts. Besides, the organization subsequently shares these issues with the United Nations, so they correspond with the rapporteur on enforced disappearances and the working group on enforced disappearances or involuntary of the United Nations who in turn communicate with the party accused of disappearing the disappeared person in order to determine his fate.

In terms of figures, Suleiman says that since establishing the organization, 650 cases of enforced disappearance have been documented in Syria. 150 have been submitted to the Group on Enforced disappearances but the Syrian government has "positively responded" to only 3 of the 150 cases, the Syrian government reports that the three victims were in its custody and had been referred to the "competent court ". On the other hand, Suleiman said that some other "negative responses" reported by the Syrian Government's lack of knowledge of the detention of number of other people.

With regard to the associated patterns of enforced disappearances, Suleiman says:

⁴² The interview was conducted on 5 July 2017 via the Internet



"We have noted several repetitive patterns in documenting enforced disappearances, including the fact that the greater number of cases of enforced disappearance was conducted by the Military Security Service/Military Intelligence Division, and the Air Force Intelligence came second. We also noted that 36% of the families preferred not to ask about their sons fearful of arrest, this led many of them to resort to brokers and intermediaries to search for them, and this is often punctuated by cases of fraud and financial blackmail. We have also noted that most of forcibly disappeared families did resorted to these brokers and paid enormous sums to know the fate of their sons."

With regard to the challenges surrounding the file of enforced disappearance, Suleiman says that negligence of local organizations is one of the most important challenges, in addition to the lack of coordination among Syrian Organizations on the subject of advocacy, documentation and support of the families of the forcibly disappeared. Suleiman concludes by saying that the lack of believe of victims' families in the importance and effectiveness of documentation constitute an obstacle to document more cases. For example, when not all the cases of disappearances are sent to the group of enforced disappearances, the statistics published by the group will indicate a large gap between the real number and the issues received by the team.